

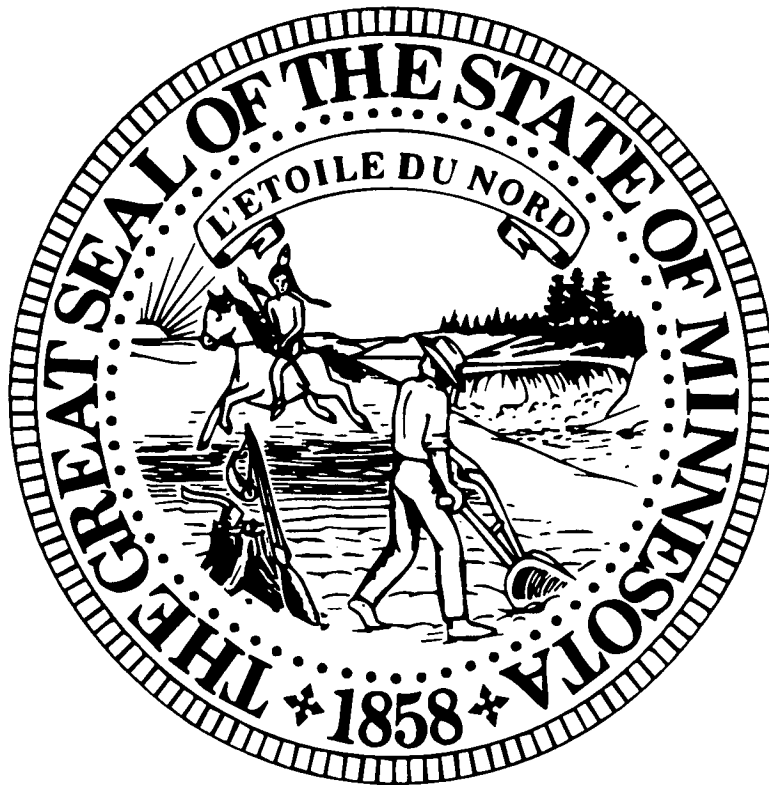
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The Minnesota
**State
Register**



Rules and Official Notices Edition

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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

Vol. 21 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
# 10	Tuesday 3 September	Monday 19 August	Monday 26 August
# 11	Monday 9 September	Monday 26 August	Friday 30 August
# 12	Monday 16 September	Friday 30 August	Monday 9 September
# 13	Monday 23 September	Monday 9 September	Monday 16 September
<hr/>			
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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:

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

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

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A *State Register Contracts Supplement* listing commodity and service contracts advertised by the state is published every Tuesday, Wednesday and Friday. Award results are currently only available from the Materials Management Helpline.

Individual copies and subscriptions for both publications are available through Minnesota's Bookstore, (612) 297-3000 or 1-800-657-3757.

Vendors interested in responding to the commodity and service contracts advertised in the *Contracts Supplement* should contact the Department of Administration **Materials Management Division 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.

Environmental Quality Board

Proposed Permanent Rules Relating to Environmental Review

Notice of Hearing

Proposed Amendment to Rules Governing the Environmental Review Program *Minnesota Rules*, parts 4410.0200 to 4410.7500

Public Hearing. The Environmental Quality Board (EQB) intends to adopt a rule after a public hearing following the procedures set forth in the Administrative Procedures Act, *Minnesota Statutes*, sections 14.131 to 14.20. The EQB will hold a public hearing on the above-entitled rule at room 301, Centennial Office Building, 658 Cedar Street, St. Paul, Minnesota, 55155, starting at 9:30 a.m., on Wednesday, October 9, 1996, and continuing until the hearing is completed. Additional days of hearing will be scheduled if necessary. All interested persons will have an opportunity to participate by submitting either oral or written data, statements, or arguments. Statements may be submitted without appearing at the hearing.

Administrative Law Judge. The hearing will be conducted by Administrative Law Judge Allan W. Klein, who can be reached at the Office of Administrative Hearings, 100 Washington Square, Suite 1700, Minneapolis, Minnesota 55401-2138, telephone 612/341-7609, and fax 612/349-2665. The rule hearing procedure is governed by *Minnesota Statutes*, sections 14.131 to 14.20 and by the rules of the Office of Administrative Hearings, *Minnesota Rules*, parts 1400.2000 to 1400.2240. Questions concerning the rule hearings procedure should be directed to the Administrative Law Judge.

Subject of Rule, Statutory Authority. The subject of the hearing will be the proposed amendments to rules governing the Environmental Review Program, under which Environmental Assessment Worksheets (EAWs) and Environmental Impact Statements (EISs) are prepared, *Minnesota Rules*, parts 4410.0200 to 4410.7500. These rules are authorized by *Minnesota Statutes*, section 116D.04 and 116D.045. A copy of the rule amendments is published in the *State Register* and attached to this notice as mailed.

The proposed rule amendments address: revision of the criteria for assigning petitions for EAWs to units of government; revisions to the contents and preparation procedures for EAWs; clarification of the criteria by which it is determined that an EIS is needed; clarification of which impacts and alternatives must be addressed in an EIS and in what level of detail, including treatment of unavailable information; modification of the procedures for terminating an EIS process; deletion of the existing procedures for review of certain state projects; clarification that infrastructure, warehousing, and light industrial projects may be reviewed through the Alternative Urban Areawide Review process; establishment of a process for preparation of tiered EISs; requiring that certain existing stages or components of a project be included when determining whether the project exceeds a mandatory EAW category threshold; modification of the mandatory EAW and EIS and Exemption categories for certain types of projects (including industrial, commercial and institutional facilities, air pollutant sources, solid waste facilities, wastewater systems, residential development, recreational projects, airport development, water appropriations and impoundments, marinas, stream diversions, agriculture and forestry, land use conversions, projects destroying historic places, and communications towers); establishment of a mandatory EIS category for certain PCB incineration activities; revision of the time period for filing legal appeals of decisions that EAWs and EISs are not needed; revision of the procedures for assessing EIS costs to the project proposer; and various housekeeping amendments correcting errors and updating citations to other rules and statutes.

Agency Contact Person. The EQB contact person is: Gregg Downing, Environmental Quality Board, 300 Centennial Building, 658 Cedar Street, St. Paul, MN 55155; telephone: 612/296-8253; FAX: 612/296-3698.

Statement of Need and Reasonableness. A Statement of Need and Reasonableness is now available for review at the EQB offices and at the Office of Administrative Hearings. The statement contains a summary of the justification for the proposed rule amendments, including a description of who will be affected by the proposed rule amendments and an estimate of the probable cost of the proposed rule amendments. The statement may be reviewed and copies obtained at the cost of reproduction from either the EQB or the Office of Administrative Hearings.

Public Comment. You and all interested or affected persons, including representatives of associations and 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 before the close of the hearing record. All evidence presented should relate to the proposed rule amendments. You may also submit 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. Following the comment period, there is a five-working-day response period during which the EQB and any interested person may respond in writing to any new information submitted. No additional evidence may be submitted during the five-day response period. All comments and responses submitted to the Administrative Law Judge must be received at the Office of Administrative Hearings no later than 4:30 p.m. on the due date. All comments or responses received will be available for review at the Office of Administrative Hearings.

The EQB requests that any person submitting written views or data to the Administrative Law Judge prior to the hearing or during the comment period also submit a copy of the written views or data to the EQB contact person at the address stated above.

Accommodation. If you need an accommodation to make this hearing accessible, please contact the agency contact person at the address or telephone number listed above.

Modifications. The proposed rule amendments may be modified as a result of the rule hearing process. Modifications must be supported by the data and views presented during the rule hearing process, and the adopted rule may not be substantially different from this proposed rule. If the proposed rule amendments affect you in any way, you are encouraged to participate.

Adoption Procedure After Hearing. After the close of the hearing record, the Administrative Law Judge will issue a report on the proposed rule amendments. You may ask to be notified of the date when the judge's report will become available, and can make this request at the hearing or in writing to the Administrative Law Judge. You may also ask to be notified of the date on which the EQB adopts the rule amendments and files them with the Secretary of State or ask to register with the EQB to receive notice of future rule proceedings, and can make this request at the hearing or in writing to the EQB contact person stated above.

Lobbyist Registration. *Minnesota Statutes*, chapter 10A, requires each lobbyist to register with the State Ethical Practices Board. Questions regarding this requirement may be directed to the Ethical Practices Board at: 100 Centennial Building, 658 Cedar Street, St. Paul, MN 55155; telephone: 612/296-5148.

Order. I order that the rulemaking hearing be held at the date, time, and location listed above.

Dated: 15 August 1996

John Hustad, Chair

Rules as Proposed

4410.0200 DEFINITIONS AND ABBREVIATIONS.

[For text of subs 1 to 18, see M.R.]

Subp. 19. [See repealer.]

Subp. 20. [See repealer.]

Subp. 21. [See repealer.]

[For text of subs 22 to 29, see M.R.]

Subp. 30. **Floodplain.** "Floodplain" has the meaning given in *Minnesota Statutes*, section ~~104.02~~ 103F.111.

Subp. 31. [See repealer.]

[For text of subs 32 and 33, see M.R.]

Subp. 34. **Governmental unit.** "Governmental unit" means any state agency and any general or special purpose unit of govern-

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ment in the state, including watershed districts organized under *Minnesota Statutes*, chapter ~~112~~ 103D, counties, towns, cities, port authorities, housing authorities, and the Metropolitan Council, but not including courts, school districts, and regional development commissions.

[For text of subps 35 to 42a, see M.R.]

Subp. 43. **Local governmental unit.** "Local governmental unit" means any unit of government other than the state or a state agency or the federal government or a federal agency. It includes watershed districts established pursuant to *Minnesota Statutes*, chapter ~~112~~ 103D, counties, towns, cities, port authorities, housing authorities, and the Metropolitan Council. It does not include courts, school districts, and regional development commissions.

[For text of subps 44 to 46, see M.R.]

Subp. 47. **Mineral deposit evaluation.** "Mineral deposit evaluation" has the meaning given in *Minnesota Statutes*, section ~~156A.071~~ 103I.605, subdivision 9, ~~clause (d)~~ 2.

Subp. 48. **Minnesota River Project Riverbend area.** "Minnesota River Project Riverbend area" means an area subject to the comprehensive land use plan of the Project Riverbend Board established pursuant to ~~Laws of Minnesota 1982, chapter 627 under~~ *Minnesota Statutes*, chapter 103F.

Subp. 49. **Mississippi headwaters area.** "Mississippi headwaters area" means an area subject to the comprehensive land use plan of the Mississippi River Headwaters Board established pursuant to ~~Laws of Minnesota 1981, chapter 246; codified as under~~ *Minnesota Statutes*, chapter ~~114B~~ 103F.

Subp. 50. **Mississippi headwaters plan.** "Mississippi headwaters plan" means the comprehensive land use plan of the Mississippi River Headwaters Board established pursuant to ~~Laws of Minnesota 1981, chapter 246; codified as under~~ *Minnesota Statutes*, chapter ~~114B~~ 103F.

Subp. 51. **Mitigation.** "Mitigation" means:

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

D. reducing or eliminating impacts over time by preservation and maintenance operations during the life of the project; or

E. compensating for impacts by replacing or providing substitute resources or environments; or

F. reducing or avoiding impacts by development and implementation of pollution prevention plans.

[For text of subp 52, see M.R.]

Subp. 53. **Natural watercourse.** "Natural watercourse" has the meaning given in *Minnesota Statutes*, section ~~105.37, subdivision 10~~ 103G.005, subdivision 13.

[For text of subps 54 to 56, see M.R.]

~~Subp. 56a. PCB.~~ "PCB" has the meaning given in *Minnesota Statutes*, section 116.36, subdivision 4.

[For text of subps 57 to 65, see M.R.]

Subp. 67. **Project Riverbend Plan.** "Project Riverbend Plan" means the comprehensive land use plan of the Project Riverbend Board established pursuant to ~~Laws of Minnesota 1982, chapter 627 under~~ *Minnesota Statutes*, chapter 103F.

[For text of subp 68, see M.R.]

Subp. 69. **Protected waters.** "Protected waters" has the meaning given public waters in *Minnesota Statutes*, section ~~105.37, subdivision 14~~ 103G.005.

Subp. 70. **Protected wetland.** "Protected wetland" has the meaning given public waters wetland in *Minnesota Statutes*, section ~~105.37, subdivision 15~~ 103G.005, subdivision 15a.

[For text of subps 70a to 77, see M.R.]

Subp. 78. **Scram mining operation.** "Scram mining operation" has the meaning given in part 6130.0100.

[For text of subps 79 to 81, see M.R.]

Subp. 82. **Shoreland.** "Shoreland" has the meaning given in ~~parts 6120.0100 to 6120.3900~~ part 6120.2500, subpart 15 of the Department of Natural Resources.

Subp. 83. [See repealer.]

[For text of subps 84 to 92, see M.R.]

Subp. 92a. **Water-related land use management district.** "Water-related land use management district" includes:

- A. shoreland areas;
- B. floodplains;
- C. wild and scenic rivers districts;

D. areas subject to the comprehensive land use plan of the Project Riverbend Board under ~~Laws of Minnesota 1982, chapter 627~~ Minnesota Statutes, chapter 103F; and

E. areas subject to the comprehensive land use plan of the Mississippi River Headwaters Board under *Minnesota Statutes*, chapter ~~114B~~ 103F.

Subp. 92b. **Water-related land use management district ordinance or plan, approved.** "Water-related land use management district ordinance or plan, approved" means:

- A. a state-approved shoreland ordinance;
- B. a state-approved floodplain ordinance;
- C. a state-approved wild and scenic rivers district ordinance;

D. the comprehensive land use plan of the Project Riverbend Board under ~~Laws of Minnesota 1982, chapter 627~~ Minnesota Statutes, chapter 103F; or

E. the comprehensive land use plan of the Mississippi River Headwaters Board under *Minnesota Statutes*, chapter ~~114B~~ 103F.

Subp. 92c. **Waters of the state.** "Waters of the state" has the meaning given in *Minnesota Statutes*, section ~~105.37, subdivision 7~~ 103G.005, subdivision 17.

[For text of subp 93, see M.R.]

Subp. 94. **Wild and scenic rivers district.** "Wild and scenic rivers district" means a river or a segment of the river and its adjacent lands that possess outstanding scenic, recreational, natural, historical, scientific, or similar values and has been designated by the commissioner of the DNR or by the legislature of the state of Minnesota for inclusion within the Minnesota wild and scenic rivers system pursuant to *Minnesota Statutes*, sections ~~104.31~~ 103F.301 to ~~104.40~~ 103F.345 or by congress for inclusion within the national wild and scenic rivers system pursuant to *United States Code* 1976, title 16, sections 1274 to 1286.

[For text of subps 95 and 96, see M.R.]

4410.0400 GENERAL RESPONSIBILITIES.

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

Subp. 4. **Appeal of final decisions.** Decisions by a RGU on the need for an EAW, the need for an EIS and the adequacy of an EIS are final decisions and may be reviewed by a declaratory judgment action initiated within 30 days ~~after publication~~ of the RGU's decision ~~in the EQB Monitor~~ in the district court of the county where the proposed project, or any part thereof, would be undertaken.

4410.0500 RGU SELECTION PROCEDURES.

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

Subp. 3. **RGU for petition EAW's.** If an EAW is ordered in response to a petition, the RGU that was designated by the EQB to act on the petition shall be responsible for the preparation of the EAW. The EQB chair or designee shall determine an RGU to act on the petition as follows:

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

C. for any project of a type for which there is no mandatory category listed in part 4410.4300 and which will not be carried out by a state agency, the RGU shall be selected in accordance with subpart 5.

In applying items A, B, and C, the EQB chair or designee shall not designate as the RGU any governmental unit which has already made its final decisions to grant all permits or approvals required from it to construct the project. If as a result, the RGU cannot be designated under item A, B, or C, the RGU shall be designated pursuant to subpart 5, except that no completed data portions of an EAW shall be required for the determination.

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[For text of subps 4 to 6, see M.R.]

4410.1200 EAW CONTENT.

The EAW shall address at least the following major categories in the form provided on the worksheet:

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

C. description of the project, the purpose of the project, methods of construction, quantification of physical characteristics and impacts, project site description, and land use and physical features of the surrounding area;

D. resource protection measures that have been incorporated into the project design;

E. major issues sections identifying potential environmental impacts and issues that may require further investigation before the project is commenced; ~~and~~

F. known governmental approvals, reviews, or financing required, applied for, or anticipated and the status of any applications made, including permit conditions that may have been ordered or are being considered; and

G. if the project will be carried out by a governmental unit, a brief explanation of the need for the project and an identification of those who will benefit from the project.

4410.1300 EAW FORM.

The EQB chair shall develop an EAW form to be used by the RGU. The EQB chair may approve the use of an alternative EAW form if an RGU demonstrates the alternative form will better accommodate the RGU's function or better address a particular type of project and the alternative form will provide more complete, more accurate, or more relevant information.

The EAW form shall be assessed by the EQB chair periodically and may be altered by the EQB chair to improve the effectiveness of the document.

If a federal Environmental Assessment has been prepared for a project, the Environmental Assessment document may be circulated in place of the EAW form, provided that the Environmental Assessment addresses each of the environmental effects identified in the EAW form.

4410.1400 PREPARATION OF AN EAW.

The EAW shall be prepared as early as practicable in the development of the proposed project. The EAW shall be prepared by the RGU or its agents.

~~If an RGU orders the preparation of an EAW pursuant to part 4410.1100, subpart 6, the EAW must be prepared within 25 working days of the date of that decision, unless an extension of time is agreed upon by the proposer and the RGU.~~

When an EAW is to be prepared, ~~except pursuant to part 4410.1100, subpart 6, the proposer shall submit the completed data portions of the EAW to the RGU for its consideration and approval for distribution.~~ The RGU shall determine whether the proposer's submittal is complete and, if complete, shall have 30 days to add supplementary material, if necessary, and to approve the EAW for distribution. The RGU shall be responsible for the completeness and accuracy of all information.

4410.1700 DECISION ON NEED FOR EIS.

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

Subp. 7. **Criteria.** In deciding whether a project has the potential for significant environmental effects, the following factors shall be considered:

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

D. the extent to which environmental effects can be anticipated and controlled as a result of other available environmental studies undertaken by public agencies or the project proposer, or of ~~EIS's~~ EISs previously prepared on similar projects or generic EISs previously prepared pursuant to part 4410.3800.

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

4410.2100 EIS SCOPING PROCESS.

Subpart 1. **Purpose.** The scoping process shall be used before the preparation of an EIS to reduce the scope and bulk of an EIS, identify only those significant issues relevant to the proposed project, define the form, level of detail, content, alternatives, time table for preparation, and preparers of the EIS, and to determine the permits for which information will be developed concurrently with the EIS.

[For text of subps 2 to 10, see M.R.]

Subp. 11. **Modification of project; termination of EIS process.** After initiation of scoping for an EIS, if the proposed project is modified so that an EIS is no longer mandatory, or the reasons for ordering an EIS no longer apply, the RGU may terminate the EIS process ~~through the procedures of this subpart as described in items A and B.~~

A. ~~If the modified project meets or exceeds any threshold for a mandatory EAW listed at part 4410.4300, an EAW must be prepared on the modified project in accordance with parts 4410.1400 to 4410.1700. The EAW shall be accompanied by a notice of termination of the former EIS explaining the changes made in the proposed project and the reasons for the termination of the EIS.~~

B. ~~If the modified project does not meet or exceed any thresholds for a mandatory EAW listed at part 4410.4300 and is not exempted pursuant to part 4410.4600,~~ the RGU shall send written notice of its intent to terminate the EIS to all persons who submitted comments on the EIS scope and to all persons on the EAW distribution list under part 4410.1500. The notice shall summarize the reasons for the intended termination of the EIS, identify a contact person to whom comments may be sent, and announce the end of the comment period. The EQB staff shall publish notice in the EQB Monitor, and a press release shall be supplied by the RGU to at least one newspaper of general circulation in the area of the project.

A period of not less than ~~30~~ ten days from the date of publication of the notice in the EQB Monitor shall be provided for interested persons to comment on the need for an EIS on the modified project ~~and to object to the termination of the EIS. If no written objections are received by the RGU within the comment period, the EIS process is automatically terminated upon the expiration of the comment period. If any written objections are received by the RGU within the comment period,~~ the RGU shall consider the comments received and determine the need ~~for an~~ to continue the EIS on the modified project in accordance with part 4410.1700.

Subp. 12. **Amendment of scope by order of EQB pursuant to resolution of a cost dispute.** ~~If in resolving an EIS cost disagreement pursuant to part 4410.6410, the EQB finds that the scope of the EIS is not in conformance with parts 4410.2100 to 4410.2500, the EQB may order the RGU to amend the scope of the EIS to the extent necessary to resolve the cost disagreement.~~

4410.2300 CONTENT OF EIS.

An EIS shall be written in plain and objective language. An RGU shall use a format for an EIS that will encourage good analysis and clear presentation of the proposed action including alternatives to the project. The standard format shall be:

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

G. Alternatives: the ~~alternatives section~~ EIS shall compare the environmental significant impacts of the proposal with those of other reasonable alternatives to the proposed project. Reasonable alternatives ~~may include locational considerations; design modifications including site layout; magnitude of the project; and consideration of alternative means by which the purpose of the project could be met.~~ The EIS must address one or more alternatives of each of the following types or provide a succinct but thorough explanation of why there is no potentially environmentally superior alternative of that type that would meet the underlying need for or purpose of the project: alternative sites, alternative technologies, modified designs or layouts, modified scale or magnitude, and alternatives incorporating reasonable mitigation measures identified through comments received during the comment periods for EIS scoping or for the draft EIS. Alternatives included in the scope of the EIS as established under part 4410.2100 that were considered but eliminated based on information developed through the EIS analysis shall be discussed briefly and the reasons for their elimination shall be stated. The alternative of no action shall be addressed.

H. Environmental, economic, employment, and sociological impacts: for the proposed project and each major alternative there shall be a thorough but succinct discussion of ~~any potentially significant~~ direct or indirect, adverse, or beneficial effect effects generated. ~~The discussion shall concentrate on those issues considered to be significant as identified by the scoping process. Data and analyses shall be commensurate with the importance of the impact; with and the relevance of the information to a reasoned choice among alternatives and to the consideration of the need for mitigation measures; the RGU shall consider the relationship between the cost of data and analyses and the relevance and importance of the information in determining the level of detail of information to be prepared for the EIS.~~ Less important material may be summarized, consolidated, or simply referenced. The EIS shall identify and briefly discuss any major differences of opinion concerning significant impacts of the proposed project ~~and the effects the project may have on the environment.~~

[For text of items I and J, see M.R.]

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4410.2400 INCORPORATION BY REFERENCE IN RGU EIS.

An RGU shall incorporate material into an EIS by reference when the effect will be to reduce bulk without impeding governmental and public review of the project. The incorporated material shall be cited in the EIS, and its content shall be briefly described. No material may be incorporated by reference unless it is reasonably available for inspection by interested persons within the time allowed for comment.

4410.2500 INCOMPLETE OR UNAVAILABLE INFORMATION.

When an RGU is evaluating significant effects on the environment in an EIS and there is scientific uncertainty or gaps in relevant information, the RGU shall make clear that the information is lacking. If the information relevant to the impacts is essential to a reasoned choice among alternatives and is not known and the cost of obtaining it is excessive or the information cannot be obtained within the time periods specified in part 4410.2800, subpart 3, or the information relevant to the impacts is important to the decision and the means to obtain it are beyond the state of the art, the RGU shall weigh the need for the project against the risk and severity of possible adverse impacts were the project to proceed in the face of uncertainty. The EIS shall, in these circumstances, include a worst case analysis and an indication of the probability or improbability of its occurrence.

If information about potentially significant environmental effects is essential to a reasoned choice among alternatives and is not known and the cost of obtaining it is excessive, the information cannot be obtained within the time periods specified in part 4410.2800, subpart 3, or the means to obtain the information are beyond the state of the art, the RGU shall include the following information in the EIS:

- A. a statement that the information is incomplete or unavailable and a brief explanation of why it is lacking;
- B. an explanation of the relevance of the lacking information to evaluation of potentially significant environmental impacts and their mitigation and to a reasoned choice among alternatives;
- C. a brief summary of existing credible scientific evidence that is relevant to evaluating the potential significant environmental impacts; and
- D. the RGU's evaluation of such impacts from the project and its alternatives based upon theoretical approaches or research methods generally accepted in the scientific community.

4410.2800 DETERMINATION OF ADEQUACY.

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

Subp. 4. **Conditions.** The final EIS shall be determined adequate if it:

- A. addresses the significant issues raised in scoping so that all significant issues for which information can be reasonably obtained have been analyzed at a level of detail commensurate with their significance and their relevance to a reasoned choice among alternatives;
- B. provides responses to the substantive comments received during the draft EIS review concerning issues raised in scoping; and
- C. was prepared in compliance with the procedures of the act and parts 4410.0200 to 4410.6500.

[For text of subps 5 and 6, see M.R.]

4410.3100 PROHIBITION ON FINAL GOVERNMENTAL DECISIONS.

Subpart 1. **Prohibitions.** If an EAW or EIS is required for a governmental action under parts 4410.0200 to ~~4410.7800~~ 4410.7500, or if a petition for an EAW is filed under part 4410.1100, a project may not be started and a final governmental decision may not be made to grant a permit, approve a project, or begin a project, until:

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

Subp. 2. **Public projects, prohibitions.** If a project subject to review under parts 4410.0200 to ~~4410.7800~~ 4410.7500 is proposed to be carried out or sponsored by a governmental unit, the governmental unit shall not take any action with respect to the project, including the acquisition of property, if the action will prejudice the ultimate decision on the project, until a petition has been dismissed, a negative declaration has been issued, or until the final EIS has been determined adequate by the RGU or the EQB, unless the project is an emergency under subpart 9 or a variance is granted under subparts 4 to 8. An action prejudices the ultimate decision on a project if it tends to determine subsequent development or to limit alternatives or mitigative measures.

Subp. 4. **Variance.** Construction may begin on a project if the proposer applies for and is granted a variance from ~~subpart 3 subparts 1 and 2~~. A variance for certain governmental approvals to be granted prior to completion of the environmental review process may also be requested. A variance may be requested at any time after the commencement of the 30-day review period following the filing of an EAW. The proposer shall submit an application for a variance to the EQB together with:

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

[For text of subps 5 to 8, see M.R.]

Subp. 9. **Emergency action.** In the rare situation when immediate action by a governmental unit or person is essential to avoid or eliminate an imminent threat to the public health or safety or a serious threat to natural resources, a proposed project may be undertaken without the environmental review which would otherwise be required by parts 4410.0200 to ~~4410.7800~~ 4410.7500. The governmental unit or person must demonstrate to the EQB chair, either orally or in writing, that immediate action is essential and must receive authorization from the EQB chair to proceed. Authorization to proceed shall be limited to those aspects of the project necessary to control the immediate impacts of the emergency. Other aspects of the project remain subject to review under parts 4410.0200 to 4410.6500.

4410.3610 ALTERNATIVE URBAN AREAWIDE REVIEW PROCESS.

Subpart 1. **Applicability.** A local unit of government may use the procedures of this part instead of the procedures of parts 4410.1100 to 4410.1700 and 4410.2100 to 4410.3000 to review anticipated residential ~~and~~, commercial, warehousing, and light industrial development and associated infrastructure in a particular geographic area within its jurisdiction, if the local unit has adopted a comprehensive plan that includes at least the elements in items A to C. The local unit of government is the RGU for any review conducted under this part.

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

Subp. 2. **Relationship to specific development projects.** Upon completion of review under this part, residential ~~and~~, commercial, warehousing, and light industrial development projects and associated infrastructure within the boundaries established under subpart 3 that are consistent with development assumptions established under subpart 3 are exempt from review under parts 4410.1100 to 4410.1700 and 4410.2100 to 4410.3000 as long as the approval and construction of the project complies with the conditions of the plan for mitigation developed under subpart 5.

If a specific residential ~~or~~, commercial, warehousing, light industrial, or associated infrastructure project, that is subject to an EAW or EIS, is proposed within the boundaries of an area for which an alternative review under this part is planned but has not yet been completed, the RGU may, at its discretion, review the specific project either through the alternative areawide review procedures or through the EAW or EIS procedures. If the project is reviewed through the alternative areawide review procedures, at least one set of development assumptions used in the process must be consistent with the proposed project, and the project must incorporate the applicable mitigation measures developed through the process.

The prohibitions of part 4410.3100, subparts 1 to 3, apply to all projects for which review under this part substitutes for review under parts 4410.1100 to 4410.1700 or 4410.2100 to 4410.3000. These prohibitions terminate upon the adoption by the RGU of the environmental analysis document and plan for mitigation under subpart 5.

Subp. 3. **Order for review; geographic area designation and specification of development.** The RGU shall adopt an order for each review under this part that specifies the boundaries of the geographic area within which the review will apply and specifies the anticipated nature, location, and intensity of residential ~~and~~, commercial, warehousing, and light industrial development and associated infrastructure within those boundaries. The RGU may specify more than one scenario of anticipated development provided that at least one scenario is consistent with the adopted comprehensive plan. At least one scenario must be consistent with any known development plans of property owners within the area. The RGU may delineate subareas within the area, as appropriate to facilitate planning and review of future development, and allocate the overall anticipated development among the subareas.

Subp. 4. **Environmental analysis document; form and content.** The content and format must be similar to that of the EAW, but must provide for a level of analysis comparable to that of an EIS for impacts typical of urban residential ~~and~~, commercial, warehousing, and light industrial development and associated infrastructure. The content and format must provide for a certification by the RGU that the comprehensive plan requirements of subpart 1 are met.

Subp. 5. **Procedures for review.** The procedures in items A to H must be used for review under this part.

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

E. Unless an objection is filed in accordance with item D, the RGU shall adopt the revised environmental analysis document and the plan for mitigation at its first regularly scheduled meeting held 15 or more days after the distribution of the revised document. The RGU shall submit evidence of the adoption of the document and plan for mitigation to the EQB staff and all agencies

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that have stated that they wish to be informed of any future projects within the area as part of their comments on the draft environmental analysis document. The EQB shall publish a notice of the adoption of the documents and the completion of the review process in the EQB Monitor.

Upon adoption of the environmental analysis document and the plan for mitigation, residential ~~and~~, commercial, warehousing, and light industrial projects and associated infrastructure within the area that are consistent with the assumptions of the document and that comply with the plan for mitigation are exempt from review under parts 4410.1100 to 4410.1700 and 4410.2100 to 4410.2800.

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

[For text of subps 6 to 8, see M.R.]

4410.4000 TIERED EIS.

An RGU may use a series of tiered EISs to fulfill environmental review requirements for an action where decisions on which alternative to select must be made in stages, progressing from the general to the specific. Prior to each decision which would eliminate from further consideration any alternatives under consideration, a tiered EIS must be completed which addresses the issues and alternatives relevant to the decisions to be made in that tier, at a level of detail appropriate to that tier. The level of detail in earlier tiers need not be as great as that in later tiers, provided that it is sufficient to reasonably inform decision makers of the environmental and other significant consequences of the choices made in that tier.

The procedures for preparing tiered EISs shall be the same as those for a regular EIS, as specified in parts 4410.2100 to 4410.3000.

A tiered EIS may incorporate by reference material developed in an earlier tier.

4410.4300 MANDATORY EAW CATEGORIES.

Subpart 1. **Threshold test.** An EAW must be prepared for projects that meet or exceed the threshold of any of subparts 2 to 34 37, unless the project meets or exceeds any thresholds of part 4410.4400, in which case an EIS must be prepared.

If the proposed project is an expansion or additional stage of an existing project, the cumulative total of the proposed project and any existing stages or components of the existing project must be included when determining if a threshold is met or exceeded if construction was begun within three years before the date of the determination but after the effective date of this amendment, except that any existing stage or component that was reviewed under a previously completed EAW or EIS need not be included.

Multiple projects and multiple stages of a single project that are connected actions or phased actions must be considered in total when comparing the project or projects to the thresholds of this part and part 4410.4400.

[For text of subps 2 to 8, see M.R.]

Subp. 9. **Underground storage.** Items A and B designate the RGU for the type of project listed:

A. For expansion of an underground storage facility for gases or liquids that requires a permit, pursuant to *Minnesota Statutes*, section 84.57 103L681, subdivision 1, paragraph (a), the DNR shall be the RGU.

B. For expansion of an underground storage facility for gases or liquids, using naturally occurring rock materials, that requires a permit pursuant to *Minnesota Statutes*, section 84.624 103L681, subdivision 1, paragraph (b), the DNR shall be the RGU.

[For text of subps 10 to 13, see M.R.]

Subp. 14. **Industrial, commercial, and institutional facilities.** Items A, and B, and C designate the RGU for the type of project listed, except as provided in items C and D and E:

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

~~C. For construction of a new or expansion of an existing industrial, commercial, or institutional facility of 20,000 or more square feet of ground area, if the local governmental unit has not adopted approved water-related land use management district ordinances or plans, as applicable; and either the project involves riparian frontage or 20,000 or more square feet of ground area to be developed is within a water-related land use management district, the local government unit shall be the RGU. However, this item only applies to shoreland areas, floodplains, and state wild and scenic rivers land use districts if the local unit of government has received official notice from the Department of Natural Resources that it must adopt applicable land use management district ordinances within a specific period of time.~~

~~D. This subpart applies to any industrial, commercial, or institutional project which includes multiple components, if there are mandatory categories specified in subparts 2 to 13, 16, 17, 20, 21, 23, 25, or 29, or part 4410.4400, subparts 2 to 10, 12, 13, 15, or 17, for two or more of the components, regardless of whether the project in question meets or exceeds any threshold specified in those subparts. In those cases, the entire project must be compared to the thresholds specified in items A and B to determine the need for an EAW. If the project meets or exceeds the thresholds specified in any other subpart as well as that of item A or B, the RGU must be determined as provided in part 4410.0500, subpart 1.~~

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~~E. D.~~ This subpart does not apply to projects for which there is a single mandatory category specified in subparts 2 to 13, 16, 17, 20, 23, 25, 29, or 34, or part 4410.4400, subparts 2 to 10, 12, 13, 17, or 22, regardless of whether the project in question meets or exceeds any threshold specified in those subparts. In those cases, the need for an EAW must be determined by comparison of the project to the threshold specified in the applicable subpart, and the RGU must be the governmental unit assigned by that subpart.

Subp. 15. **Air pollution.** Items A and B designate the RGU for the type of project listed:

A. For construction of a stationary source facility that generates 100 tons or more per year or modification of a stationary source facility that increases generation by 100 tons or more per year of any single air pollutant after installation of air pollution control equipment, the PCA shall be the RGU.

B. For construction of a new parking facility for 2,000 or more vehicles, the PCA shall be the RGU, except that this category does not apply to any parking facility which is part of a project reviewed pursuant to part 4410.4300, subpart 14, 19, 32, or 34, or part 4410.4400, subpart 11, 14, 21, or 22.

[For text of subp 16, see M.R.]

Subp. 17. **Solid waste.** ~~For the type of project listed in Items A to F, the PCA is G designate the RGU unless the project will be constructed within the seven-county Twin Cities metropolitan area; in which case the Metropolitan Council is the RGU.~~ for the type of project listed:

A. For construction of a mixed municipal solid waste disposal facility for up to 100,000 cubic yards of waste fill per year, the PCA is the RGU.

B. For expansion by 25 percent or more of previous capacity of a mixed municipal solid waste disposal facility for up to 100,000 cubic yards of waste fill per year, the PCA is the RGU.

C. For construction or expansion of a mixed municipal solid waste transfer station for 300,000 or more cubic yards per year, the PCA is the RGU.

D. For construction or expansion of a mixed municipal solid waste energy recovery facility or incinerator, or the utilization of an existing facility for the combustion of mixed municipal solid waste or refuse-derived fuel, with a capacity of 30 or more tons per day of input, the PCA is the RGU.

E. For construction or expansion of a mixed municipal solid waste compost facility or a refuse-derived fuel production facility with a capacity of 50 or more tons per day of input, the PCA is the RGU.

F. For expansion by at least ten percent but less than 25 percent of previous capacity of a mixed municipal solid waste disposal facility for 100,000 cubic yards or more of waste fill per year, the PCA is the RGU.

G. For construction or expansion of a mixed municipal solid waste energy recovery facility ash landfill receiving ash from an incinerator that burns refuse-derived fuel or mixed municipal solid waste, the PCA is the RGU.

Subp. 18. **Sewage Wastewater systems.** Items A and ~~B~~ to C designate the RGU for the type of project listed:

A. For expansion, modification, or replacement of a municipal ~~or domestic~~ sewage collection system resulting in an increase in design average daily flow of any part of that system by: 1,000,000 gallons per day or more, the PCA shall be the RGU.

~~(1) 500,000 gallons per day or more in a first or second class city and in any city served by the Metropolitan Waste Control Commission System or the Western Lake Superior Sanitary Sewer District System;~~

~~(2) 100,000 gallons per day or more in a third class city not served by the Metropolitan Waste Control Commission System or the Western Lake Superior Sanitary Sewer District System;~~

~~(3) 50,000 gallons per day or more in a fourth class city not served by the Metropolitan Waste Control Commission System or the Western Lake Superior Sanitary Sewer District System; or~~

~~(4) 50,000 gallons per day or more in an unincorporated sewer area; the PCA shall be the RGU.~~

B. For expansion or reconstruction of an existing municipal or domestic wastewater treatment facility which results in an increase ~~of by~~ 50 percent or more ~~of its average wet weather design flow capacity~~ and by at least 50,000 gallons per day, or construction of a new municipal or domestic wastewater treatment facility with an average wet weather design flow capacity of 50,000 gallons per day or more, the PCA shall be the RGU.

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C. For expansion or reconstruction of an existing industrial process wastewater treatment facility which increases its design flow capacity by 50 percent of more and by at least 200,000 gallons per day or more, or construction of a new industrial process wastewater treatment facility with a design flow capacity of 200,000 gallons per day or more, 5,000,000 gallons per month or more, or 20,000,000 gallons per year or more, the PCA shall be the RGU. This category does not apply to industrial process wastewater treatment facilities that discharge to a publicly owned treatment works or to a tailings basin reviewed pursuant to subpart 11, item B.

Subp. 19. **Residential development.** An EAW is required for residential development if the total number of units that may ultimately be developed on all contiguous land owned or under an option to purchase by the proposer, and that is zoned for residential development or is identified for residential development by an applicable comprehensive plan, equals or exceeds a threshold of this subpart. In counting the total number of ultimate units, the RGU shall include the number of units in any plans of the proposer; for land for which the proposer has not yet prepared plans, the RGU shall use as the number of units the product of the number of acres multiplied by the maximum number of units per acre allowable under the applicable zoning ordinance or, if the maximum number of units allowable per acre is not specified in an applicable zoning ordinance, by the overall average number of units per acre indicated in the plans of the proposer for those lands for which plans exist. If the total project requires review but future phases are uncertain, the RGU may review the ultimate project sequentially in accordance with part 4410.1000, subpart 4.

If a project consists of mixed unattached and attached units, an EAW must be prepared if the sum of the quotient obtained by dividing the number of unattached units by the applicable unattached unit threshold of ~~item A or B~~, plus the quotient obtained by dividing the number of attached units by the applicable attached unit threshold of ~~item A or B~~, equals or exceeds one. ~~Items A and B designate the RGU for the type of project listed.~~

~~A.~~ The local governmental unit is the RGU for construction of a permanent or potentially permanent residential development of:

~~(1) A.~~ 50 or more unattached or 75 or more attached units in an unsewered unincorporated area or 100 unattached units or 150 attached units in a sewerred unincorporated area;

~~(2) B.~~ 100 unattached units or 150 attached units in a city that does not meet the conditions of ~~subitem (4) item D~~;

~~(3) C.~~ 100 unattached units or 150 attached units in a city meeting the conditions of ~~subitem (4) item D~~ if the project is not consistent with the adopted comprehensive plan; or

~~(4) D.~~ 250 unattached units or 375 attached units in a city within the seven-county Twin Cities metropolitan area that has adopted a comprehensive plan under *Minnesota Statutes*, section 473.859, or in a city not located within the seven-county Twin Cities metropolitan area that has filed with the EQB chair a certification that it has adopted a comprehensive plan containing the following elements:

~~(i) (1)~~ a land use plan designating the existing and proposed location, intensity, and extent of use of land and water for residential, industrial, agricultural, and other public and private purposes;

~~(ii) (2)~~ a transportation plan describing, designating, and scheduling the location, extent, function, and capacity of existing and proposed local public and private transportation facilities and services;

~~(iii) (3)~~ a sewage collection system policy plan describing, designating, and scheduling the areas to be served by the public system, the existing and planned capacities of the public system, and the standards and conditions under which the installation of private sewage treatment systems will be permitted;

~~(iv) (4)~~ a capital improvements plan for public facilities; and

~~(v) (5)~~ an implementation plan describing public programs, fiscal devices, and other actions to be undertaken to implement the comprehensive plan, and a description of official controls addressing the matters of zoning, subdivision, private sewage systems, and a schedule for the implementation of those controls. The EQB chair may specify the form to be used for making a certification under this ~~subitem item~~.

~~B.~~ For construction of a permanent or potentially permanent residential development of 20 or more unattached units or of 30 or more attached units, if the local governmental unit has not adopted approved water-related land use management district ordinances or plans, as applicable, and either, the project involves riparian frontage or five or more acres of the development is within a water-related land use management district, the local government unit shall be the RGU. However, this item only applies to shore-land areas, floodplains, and state wild and scenic rivers land use districts if the local governmental unit has received official notice from the Department of Natural Resources that it must adopt applicable land use management district ordinances within a specified period of time.

Subp. 20. **Recreational development Campgrounds and RV Parks.** For construction of a seasonal or permanent recreational development, accessible by vehicle, consisting of 50 or more sites, or the expansion of such a facility by 50 or more sites, the local government unit shall be the RGU.

Subp. 21. **Airport runway projects.** Items A and B designate the RGU for the type of project listed:

A. For construction of a paved, new airport runway, the DOT, local governmental unit, or the Metropolitan Airports Commission shall be the RGU.

B. For construction of a runway extension that would upgrade an existing airport runway to permit usage by aircraft over 12,500 pounds that are at least three decibels louder than aircraft currently using the runway, the DOT or, local governmental unit, or the Metropolitan Airports Commission shall be the RGU.

[For text of subs 22 and 23, see M.R.]

Subp. 24. **Water appropriation and impoundments.** Items A to C designate the RGU for the type of project listed:

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

B. For a new or additional permanent impoundment of water creating a additional water surface of 160 or more acres or for an additional permanent impoundment of water creating additional water surface of 160 or more acres, the DNR shall be the RGU.

C. For construction of a Class H dam with an upstream drainage area of 50 square miles or more, the DNR shall be the RGU.

Subp. 25. **Marinas.** For construction or cumulative expansion of a marina or harbor project which that results in a total of 20,000 or more square feet foot total or a 20,000 or more square foot increase of temporary or permanent water surface area used temporarily or permanently for docks, docking, or maneuvering of watercraft, the local governmental unit shall be the RGU.

Subp. 26. **Stream diversion.** For the a diversion, realignment, or channelization of a any designated trout stream, or affecting greater than 500 feet of natural watercourse with a total watershed drainage area of ten or more square miles or a designated trout stream, unless exempted by part 4410.4600, subpart 14, item E, or 17, the local governmental unit shall be the RGU.

Subp. 27. **Wetlands and protected waters.** Items A and B designate the RGU for the type of project listed:

A. For projects that will change or diminish the course, current, or cross-section of one acre or more of any protected water or protected wetland except for those to be drained without a permit pursuant to Minnesota Statutes, section 105.391, subdivision 3 chapter 103G, the local governmental unit shall be the RGU.

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

Subp. 28. **Agriculture and Forestry.** Items A to D and B designate the RGU for the type of project listed:

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

C. For projects resulting in the conversion of 640 or more acres of forest or naturally vegetated land to a differing open space land use, the local governmental unit shall be the RGU.

D. For projects resulting in the permanent conversion of 80 or more acres of agricultural, forest, or naturally vegetated land to a more intensive, developed land use, the local governmental unit shall be the RGU, except that this item does not apply to agricultural land inside the boundary of the Metropolitan Urban Service Area established by the Metropolitan Council.

[For text of subs 29 and 30, see M.R.]

Subp. 31. **Historical places.** For the destruction, in whole or part, or the moving of a property that is listed on the National Register of Historic Places or State Register of Historic Places, the permitting state agency or local unit of government shall be the RGU, except this does not apply to projects reviewed under section 106 of the National Historic Preservation Act of 1966, United States Code, title 16, section 470, or the federal policy on lands, wildlife and waterfowl refuges, and historic sites pursuant to United States Code, title 49, section 303.

[For text of subp 32, see M.R.]

Subp. 33. **Communications towers.** For construction of a communications tower equal to or in excess of 500 feet in height, or 300 feet in height within 1,000 feet of any protected water or protected wetland or within two miles of the Mississippi, Minnesota, Red, or St. Croix rivers or the north shore of Lake Superior, the local governmental unit is the RGU.

[For text of subs 34 and 35, see M.R.]

Subp. 36. **Land use conversion, including golf courses.** Items A and B designate the RGU for the type of project listed:

A. For golf courses, residential development where the lot size is less than five acres, and other projects resulting in the permanent conversion of 80 or more acres of agricultural, native prairie, forest, or naturally vegetated land, the local governmental unit

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shall be the RGU, except that this subpart does not apply to agricultural land inside the boundary of the Metropolitan Urban Service Area established by the Metropolitan Council.

B. For projects resulting in the conversion of 640 or more acres of forest or naturally vegetated land to a different open space land use, the local government unit shall be the RGU.

4410.4400 MANDATORY EIS CATEGORIES.

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

Subp. 7. **Underground storage.** Items A and B designate the RGU for the type of project listed:

A. For construction of an underground storage facility for gases or liquids that requires a permit pursuant to *Minnesota Statutes*, section 84.57 103I.681, subdivision 1, paragraph (a), the DNR shall be the RGU.

B. For construction of an underground storage facility for gases or liquids, using naturally occurring rock materials, that requires a permit pursuant to *Minnesota Statutes*, section 84.62 103I.681, subdivision 1, paragraph (b), the DNR shall be the RGU.

[For text of subps 8 to 10, see M.R.]

Subp. 11. **Industrial, commercial, and institutional facilities.** Items A, ~~and B, and C~~ designate the RGU for the type of project listed, except as provided in items C and D and E:

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

~~C.~~ For construction of a new or expansion of an existing industrial, commercial, or institutional facility of 100,000 or more square feet of ground area, if the local governmental unit has not adopted approved water-related land use management district ordinances or plans, as applicable, and either the project involves riparian frontage or 100,000 or more square feet of ground area to be developed is within a water-related land use management district, the local government unit shall be the RGU. However, this item only applies to shoreland areas, floodplains, and state wild and scenic rivers land use districts if the local governmental unit has received official notice from the Department of Natural Resources that it must adopt applicable land use management ordinances within a specified period of time.

~~D. C.~~ This subpart applies to any industrial, commercial, or institutional project which includes multiple components, if there are mandatory categories specified in subparts 2 to 10, 12, 13, 15, or 17, or part 4410.4300, subparts 2 to 13, 16, 17, 20, 21, 23, 25, or 29 for two or more of the components, regardless of whether the project in question meets or exceeds any threshold specified in those subparts. In those cases, the entire project must be compared to the thresholds specified in items A and B to determine the need for an EIS. If the project meets or exceeds the thresholds specified in any other subparts as well as those in item A or B, the RGU must be determined as provided in part 4410.0500, subpart 1.

~~E. D.~~ This subpart does not apply to projects for which there is a single mandatory category specified in subparts 2 to 10, 12, 13, 17, or 22, or part 4410.4300, subparts 2 to 13, 16, 17, 20, 23, 25, 29, or 34, regardless of whether the project in question meets or exceeds any threshold specified in those subparts. In those cases, the need for an EIS or an EAW must be determined by comparison of the project to the threshold specified in the applicable subpart, and the RGU must be the governmental unit assigned by that subpart.

[For text of subp 12, see M.R.]

Subp. 13. **Solid waste.** ~~For the type of projects listed in Items A to E, the PCA is designate~~ the RGU unless the project will be constructed within the seven-county Twin Cities metropolitan area, in which case the Metropolitan Council is the RGU. ~~for the type of project listed:~~

A. ~~For~~ construction of a mixed municipal solid waste disposal facility for 100,000 cubic yards or more of waste fill per year, ~~the PCA is the~~ RGU.

B. ~~For~~ construction or expansion of a mixed municipal solid waste disposal facility in a water-related land use management district, or in an area characterized by soluble bedrock, ~~the PCA is the~~ RGU.

C. ~~For~~ construction or expansion of a mixed municipal solid waste energy recovery facility or incinerator, or the utilization of an existing facility for the combustion of mixed municipal solid waste or refuse-derived fuel, with a capacity of 250 or more tons per day of input, ~~the PCA is the~~ RGU.

D. ~~For~~ construction or expansion of a mixed municipal solid waste compost facility or a refuse-derived fuel production facility with a capacity of 500 or more tons per day of input, ~~the PCA is the~~ RGU.

E. ~~For~~ expansion by 25 percent or more of previous capacity of a mixed municipal solid waste disposal facility for 100,000 cubic yards or more of waste fill per year, ~~the PCA is the~~ RGU.

Subp. 14. **Residential development.** An EIS is required for residential development if the total number of units that the proposer may ultimately develop on all contiguous land owned by the proposer or for which the proposer has an option to purchase, and that is zoned for residential development or is identified for residential development by an applicable comprehensive plan, equals or exceeds a threshold of this subpart. In counting the total number of ultimate units, the RGU shall include the number of units in any plans of the proposer; for land for which the proposer has not yet prepared plans, the RGU shall use as the number of units the product of the number of acres multiplied by the maximum number of units per acre allowable under the applicable zoning ordinance, or if the maximum number of units allowable per acre is not specified in an applicable zoning ordinance, by the overall average number of units per acre indicated in the plans of the proposer for those lands for which plans exist. If the total project requires review but future phases are uncertain, the RGU may review the ultimate project sequentially in accordance with part 4410.2000, subpart 4.

The RGU may review an initial stage of the project, that may not exceed ten percent of the applicable EIS threshold, by means of the procedures of parts 4410.1200 to 4410.1700 instead of the procedures of parts 4410.2000 to 4410.2800. If the RGU determines that this stage requires preparation of an EIS under part 4410.1700, it may be reviewed through a separate EIS or through an EIS that also covers later stages of the project.

If a project consists of mixed unattached and attached units, an EIS must be prepared if the sum of the quotient obtained by dividing the number of unattached units by the applicable unattached unit threshold of ~~item A or B~~, plus the quotient obtained by dividing the number of attached units by the applicable attached unit threshold of ~~item A or B~~, equals or exceeds one. ~~Items A and B designate the RGU for the type of project listed:~~

~~A.~~ The local governmental unit is the RGU for construction of a permanent or potentially permanent residential development of:

(+) ~~A.~~ 100 or more unattached or 150 or more attached units in an unsewered unincorporated area or 400 unattached units or 600 attached units in a sewerred unincorporated area;

(+) ~~B.~~ 400 unattached units or 600 attached units in a city that does not meet the conditions of ~~subitem (4) item D~~;

(+) ~~C.~~ 400 unattached units or 600 attached units in a city meeting the conditions of ~~subitem (4) item D~~ if the project is not consistent with the adopted comprehensive plan; or

(+) ~~D.~~ 1,000 unattached units or 1,500 attached units in a city within the seven-county Twin Cities metropolitan area that has adopted a comprehensive plan under *Minnesota Statutes*, section 473.859, or in a city not located within the seven-county Twin Cities metropolitan area that has filed with the EQB chair a certification that it has adopted a comprehensive plan containing the following elements:

(+) (i) a land use plan designating the existing and proposed location, intensity, and extent of use of land and water for residential, industrial, agricultural, and other public and private purposes;

(+) (ii) a transportation plan describing, designating, and scheduling the location, extent, function, and capacity of existing and proposed local public and private transportation facilities and services;

(+) (iii) a sewage collection system policy plan describing, designating, and scheduling the areas to be served by the public system, the existing and planned capacities of the public system, and the standards and conditions under which the installation of private sewage treatment systems will be permitted;

(+) (iv) a capital improvements plan for public facilities; and

(+) (v) an implementation plan describing public programs, fiscal devices, and other actions to be undertaken to implement the comprehensive plan, and a description of official controls addressing the matters of zoning, subdivision, private sewage systems, and a schedule for the implementation of the controls. The EQB chair may specify the form to be used for making a certification under this ~~subitem item~~.

~~B.~~ For construction of a permanent or potentially permanent residential development of 40 or more unattached units or of 60 or more attached units, if the local governmental unit has not adopted approved water-related land use management district ordinances or plans, as applicable, and either the project involves riparian frontage or ten or more acres of the development are within a water-related land use management district, the local government unit shall be the RGU. However, this item only applies to shore-land areas, floodplains, and state wild and scenic rivers land use districts if the local governmental unit has received official notice from the Department of Natural Resources that it must adopt applicable land use management district ordinances within a specific period of time.

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[For text of subps 15 to 19, see M.R.]

Subp. 20. **Wetlands and protected waters.** For projects that will eliminate a protected water or protected wetland ~~except for those to be drained without a permit pursuant to Minnesota Statutes, section 105.391, subdivision 3,~~ the local government unit shall be the RGU.

[For text of subps 21 to 24, see M.R.]

Subp. 25. **Incineration of wastes containing PCBs.** For the incineration of wastes containing PCB's for which an EIS is required by Minnesota Statutes, section 116.38, subdivision 2, the PCA shall be the RGU.

4410.4600 EXEMPTIONS.

Subpart 1. **Scope of exemption.** Projects within ~~subpart~~ subparts 2 and 26 are exempt from parts 4410.0200 to 4410.6500. Projects within subparts 3 to 26 ~~25~~ are exempt from parts 4410.0200 to 4410.6500, unless they have characteristics which meet or exceed any of the thresholds specified in part 4410.4300 or 4410.4400.

[For text of subps 2 to 9, see M.R.]

Subp. 10. **Industrial, commercial, and institutional facilities.** The following projects are exempt:

A. Construction of a new or expansion of an existing warehousing, light industrial, commercial, or institutional facility of less than the following thresholds, expressed as gross floor space:

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

B. The construction of ~~an a~~ warehousing, light industrial, commercial, or institutional facility with less than 4,000 square feet of gross floor space, and with associated parking facilities designed for 20 vehicles or less, is exempt.

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

[For text of subps 11 to 26, see M.R.]

4410.5200 EQB MONITOR PUBLICATION REQUIREMENTS.

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

Subp. 3. **Required EQB notices.** The EQB is required to publish the following in the EQB Monitor:

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

E. ~~notice of any public hearing held pursuant to part 4410.3200, subpart 5, item A;~~

~~F.~~ the EQB's decision to hold public hearings on a recommended critical area pursuant to *Minnesota Statutes*, section 116G.06, subdivision 1, clause (c);

~~G.~~ E. notice of application for a certificate of site compatibility or a high voltage transmission line construction permit pursuant to *Minnesota Statutes*, sections 116C.51 to 116C.69; and

~~H.~~ G. receipt of a consolidated permit application pursuant to part 4400.5500, subpart 1.

4410.6100 DETERMINING EIS ASSESSED COST.

Subpart 1. **Proposer and RGU agreement.** Within 30 days after the EIS preparation notice has been ~~issued~~ published, the RGU shall submit to the EQB a written agreement signed by the proposer and the RGU. The agreement shall include the EIS estimated cost, ~~the EIS assessed cost,~~ and a brief description of the tasks and the cost of each task to be performed by each party in preparing and distributing the EIS. Those items identified in part 4410.6200 may be used as a guideline in determining the EIS estimated cost. ~~The EIS assessed cost shall identify the proposer's costs for the collection and analysis of technical data to be supplied to the RGU and the costs which will result in a cash payment by the proposer to the EQB if a state agency is the RGU or to a local governmental unit when it is the RGU. If an agreement cannot be reached, the RGU shall so notify the EQB within 30 days after the final determination has been made that an EIS will be prepared.~~

Subp. 3. [See repealer.]

Subp. 4. **Federal-state EIS.** When a joint federal-state EIS is prepared pursuant to part 4410.3900 and the EQB designates a nonfederal agency as the RGU, only those costs of the state RGU may be assessed to the proposer. ~~The RGU and the proposer shall determine the appropriate EIS assessed cost and shall forward that determination to the EQB in accord with parts 4410.0200 to 4410.6500.~~

Subp. 5. **Related actions EIS.** When specific projects are included in a related actions EIS, only the portion of the EIS estimated cost that is attributable to each specific project may be used in determining the EIS assessed cost for its proposer. ~~The RGU and each proposer shall determine the appropriate EIS assessed cost and shall forward that determination to the EQB in accord with parts 4410.0200 to 4410.6500.~~

4410.6200 DETERMINING EIS ESTIMATED COST AND EIS ACTUAL COST.

Subpart 1. ~~EIS estimated or actual cost inclusions.~~ In determining the reasonable cost of preparing and distributing an EIS ~~estimated cost or the EIS actual cost~~, the following items shall be included:

- A. the cost of the RGU's staff time including direct salary and fringe benefit costs;
- B. the cost of consultants hired by the RGU;
- C. ~~the proposer's costs for the collection and analysis of technical data expended for the purpose of preparing the EIS;~~
- ~~D. other direct costs of the RGU for the collection and analysis of information or data necessary for the preparation of the EIS (these costs shall be specifically identified);~~
- ~~E. D.~~ indirect costs of the RGU not to exceed the RGU's normal operating overhead rate;
- ~~F. E.~~ the cost of printing and distributing the scoping EAW and draft scoping decision document, draft EIS and the final EIS and of public notices of the availability of the documents; and
- ~~G. E.~~ the cost of any public hearings or public meetings held in conjunction with the preparation of the ~~final~~ EIS.

Subp. 2. ~~EIS estimated or actual cost exclusions.~~ The following items shall not be included in determining the EIS estimated cost or the EIS actual cost ~~the cost assessed to the project proposer for the preparation and distribution of an EIS:~~

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

Subp. 3. EIS scoping costs. ~~The cost of any items specified in subpart 1 incurred by the RGU during the scoping of an EIS are part of the reasonable costs of preparing and distributing an EIS and are to be assessed to the project proposer by the RGU.~~

Subp. 4. Change in EIS scope. ~~If the RGU alters the scope of an EIS pursuant to part 4410.2100, subpart 8, the EIS cost shall be revised to reflect the change in scope.~~

Subp. 5. Termination of project. ~~If the proposer decides not to proceed with the proposed project while the EIS is under preparation, the proposer shall immediately notify the RGU in writing. The RGU shall immediately cease expending and obligating the proposer's funds for the preparation of the EIS. If the cash payments previously made by the proposer exceed the RGU's expenditures or irrevocable obligations at the time of the notification, the RGU shall refund the remaining funds within 30 days. If the previous cash payments are less than the RGU's expenditures or irrevocable obligations at the time of notification, the RGU shall notify the proposer of the balance due within ten days of the notice. The proposer shall pay the balance due within 30 days.~~

4410.6410 DISAGREEMENTS REGARDING EIS ASSESSED COST.

Subpart 1. EOB to determine cost. ~~If, after the RGU has issued its scoping decision under part 4410.2100, the RGU and the proposer disagree about the cost assessed by the RGU to the proposer, either party may request in writing that the EOB determine the appropriate cost assessment. The request must be accompanied by a description of the cost dispute together with relevant supporting documentation; a copy of the request must be supplied to the other party. The other party shall provide a written explanation of its position on the cost dispute, together with any relevant supporting information, to the EOB and the other party within ten days of receipt of its copy of the request to the EOB. The chair of the EOB may request any additional information from either party that is needed to understand and resolve the cost dispute.~~

Subp. 2. Issuance of determination. ~~The EOB shall determine the appropriate cost in dispute at its first meeting held 15 or more days after receipt of complete information from both parties. The EOB may order a hearing if it determines that a hearing is necessary to obtain the information necessary to make a decision. If the EOB orders a hearing it shall determine the appropriate cost at its first meeting held 15 or more days after receipt of the report from the administrative law judge.~~

Subp. 3. Half cash payment. ~~Nothing in subparts 1 and 2 shall prevent the proposer from making one-half of the cash payment as recommended by the RGU's proposed EIS cost for the purpose of commencing preparation of the draft EIS. If the proposer makes the above cash payment, preparation of the EIS shall immediately begin. If the required cash payment is altered by the EOB's determination, the remaining cash payments shall be adjusted accordingly.~~

4410.6500 PAYMENT OF EIS ASSESSED COST.

Subpart 1. Schedule of payments. ~~The proposer shall make all cash payments to the EOB or to the local governmental unit RGU according to the following schedule:~~

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A. The proposer shall pay the RGU for the full cost estimated by the RGU to be necessary for the scoping of the EIS not later than the date of submission by the proposer of the completed data portions of the scoping EAW. The RGU shall not proceed with the scoping process until this payment is made. Upon issuance of the scoping decision, the RGU shall provide the proposer with a written accounting of the scoping expenditures. If the payment made by the proposer exceeds the expenditures, the balance shall be credited against the cash payments required from the proposer for preparation of the draft EIS. If the RGU's reasonable expenditures for scoping exceed the cash payment received, the proposer shall pay the balance before the RGU commences preparation of the draft EIS.

B. At least one-half of the proposer's cash payment shall be paid within 30 ten days after the EIS assessed cost has been submitted to the EQB pursuant to part 4410.6400, subpart 4 RGU and the proposer agree to the estimated cost of preparing and distributing an EIS in accordance with the scoping decision issued under part 4410.2100 or the cost has been determined by the EQB pursuant to part 4410.6400 4410.6410, subpart 5 or 6 2. The RGU shall not proceed to prepare the draft EIS until this payment has been received.

~~B. C.~~ At least three-fourths 90 percent of the proposer's cash payment shall be paid within 30 days after prior to the distribution by the RGU of the draft EIS has been submitted to the EQB.

~~C. D.~~ The final cash payment shall be paid within 30 days after the final EIS has been submitted to the EQB.

(1) The proposer may withhold final cash payment of the EIS assessed cost until the EIS has been determined adequate and the RGU has submitted a detailed accounting of its EIS actual cost to the proposer and the EQB. If the proposer chooses to wait, the remaining portion of the EIS assessed cost shall be paid within 30 days after the EIS actual cost statement has been submitted to the proposer and the EQB.

(2) If the proposer has withheld the final cash payment of the EIS assessed cost pending resolution of a If there is a disagreement over the EIS actual cost, such payment shall be made within 30 days after the EQB has determined the EIS actual cost pursuant to part 4410.6410.

If the cash payments made by the proposer exceed the RGU's actual EIS costs, the RGU shall refund the overpayment. The refund shall be paid as expeditiously as possible.

Subp. 2. [See repealer.]

Subp. 3. [See repealer.]

Subp. 4. [See repealer.]

Subp. 5. [See repealer.]

Subp. 6. Prohibition on state agency permits until notice of final payment. Upon receipt of final payment from the proposer, the RGU shall promptly notify the EQB of receipt of final payment, unless the EIS cost is in dispute under part 4410.6410. Upon receipt or notice of receipt of the final payment by the proposer, the EQB shall notify each state agency having a possible governmental permit interest in the project that the final payment has been received.

Other laws notwithstanding, a state agency shall not issue any governmental permits for the construction or operation of a project for which an EIS is prepared until the required cash payments of the EIS assessed cost for that project or that portion of a related actions EIS have been paid in full.

Subp. 7. [See repealer.]

REPEALER. Minnesota Rules, parts 4410.0200, subparts 19, 20, 21, 31, and 83; 4410.3200, 4410.6100, subpart 3; 4410.6300; 4410.6400; 4410.6500, subparts 2, 3, 4, 5, and 7, are repealed.

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.

Pollution Control Agency

Adopted Permanent Rules Relating to Composting

The rules proposed and published at *State Register*, Volume 20, Number 43, pages 2282-2288, April 22, 1996 (20 SR 2282), are adopted with the following modifications:

Rules as Adopted

7035.2836 COMPOST FACILITIES.

Subpart 1. **Scope.** The requirements of subparts 4 to 7 apply to the ~~owners~~ owner and ~~operators~~ operator of ~~facilities~~ a facility used to compost solid waste, including source separated compostables except as provided in part 7035.2525, subpart 2. The owner or operator of a yard waste compost facility must comply with subparts 2 and 3 only.

Subp. 2. **Notification.** The owner or operator of a yard waste compost facility shall submit a notification form to the commissioner on a form prescribed by the commissioner before beginning facility operations. The notification must include: the facility location; the name, telephone number, and address of the contact person; the facility design capacity; the type of yard waste to be received; and the intended distribution of the finished product.

Subp. 3. Operation requirements for yard waste compost facility.

A. Odors emitted from the facility shall comply with the applicable provisions of ~~chapter 7029 as proposed at State Register, volume 20, pages 1795 to 1807~~ any agency odor rules.

C. Compost will not contain > greater than three percent inert materials (dry weight) that are ≥ greater than or equal to four millimeters as determined by the testing procedure under subpart 5, item J, subitem (3).

E. Surface water drainage runoff must be controlled to prevent leachate ~~runoff~~ leaving the facility. Surface water drainage run-on must be diverted from the compost and storage areas.

F. The facility shall be constructed and operated to prevent discharge ~~into state waters~~ of yard waste, leachate, residuals, and the final product into waters of the state.

G. The facility operator shall submit an annual report to the commissioner by March 1 of each year for the preceding calendar year that includes the type and quantity, by weight or volume, of yard waste received at the compost facility; the quantity, by weight or volume, of compost produced; an average of the inert test results; the quantity, by weight or volume, of compost removed from the facility; and a market description.

Subp. 4. **Design requirements for solid waste compost facility.** The owner or operator of a compost facility shall submit an engineering design report to the commissioner for approval with the facility permit application. The engineering report must comply with the design requirements in items A to G.

A. ~~Specifications for site preparation must be included in the report.~~ Site preparations must include clearing and grubbing for the compost operating and storage areas, building locations, topsoil stripping, excavations, berm construction, drainage control structures, leachate collection system, access roads, screening, fencing, and other special design features.

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.

Adopted Rules

C. Surface water drainage must be diverted around and away from the site operating area. A drainage control system, including changes in the site topography, ditches, berms, sedimentation ponds, culverts, energy breaks, and erosion control measures, must be ~~designed, constructed, operated, and maintained according to~~ comply with part 7035.2855, subpart 3, items C to E.

D. The composting, curing, and storage areas for immature compost must be located on a liner capable of minimizing migration of waste or leachate into the subsurface soil, groundwater, and surface water. The liner must have a permeability no greater than 1×10^{-7} centimeters per second and, if constructed of natural soils, be at least two feet thick. The liner must be ~~designed, constructed, operated, and maintained according to~~ comply with part 7035.2855, subparts 3, item A; 4; and 5.

E. Liquid in contact with waste, immature compost, and residuals must be diverted to a leachate collection and treatment system. The leachate collection and treatment system must be ~~designed, constructed, operated, and maintained according to~~ comply with part 7035.2855, subpart 3, item B, and the applicable portions of part 7035.2815, subpart 9, items B to K. ~~The commissioner may require the facility owner or operator to monitor the collected leachate.~~

G. The facility must be designed and operated to control odors in compliance with the applicable provisions of ~~chapter 7029 as proposed at State Register, volume 20, pages 1795 to 1807~~ any agency odor rules.

Subp. 5. **Operation requirements for solid waste compost facility.** The owner or operator of a compost facility shall submit an operation and maintenance manual to the commissioner for approval with the facility permit application. The manual must include a personnel training program plan, a leachate management plan, and a compost sampling plan and must comply with the operation requirements in items A to L.

B. The personnel training program plan must be ~~submitted with the manual. The plan must~~ address the requirements of part 7035.2545, subparts 3 and 4, and the specific training needed to operate a compost facility in compliance with this subpart and subparts 6 and 7.

G. Odors emitted by the facility must comply with ~~the any applicable provisions of chapter 7029 as proposed at State Register, volume 20, pages 1795 to 1807~~ any agency odor rules.

H. ~~If the storage area contains any particulate matter that may be the subject of wind dispersion,~~ The owner or operator must cover or otherwise manage the waste to control wind dispersion of any particulate matter.

I. Compost must be produced by a process to further reduce pathogens (PFRP). The temperature and retention time for the material being composted must be monitored and recorded each working day. Three acceptable methods of a PFRP are described in subitems (1) to (3):

J. The owner or operator must ~~perform compost sampling according to~~ comply with the compost sampling and testing plan approved by the commissioner. Proposed changes to sampling equipment or procedures must be submitted to the commissioner for review and approval. Testing must be conducted as frequently as when each batch of compost matures. ~~The commissioner may decrease or increase the parameters to be analyzed for or the frequency of analysis based on monitoring data and changes in the waste stream or processing by the facility.~~ The plan must ~~comply with~~ include the sampling and testing requirements in subitems (1) to (6).

(2) ~~Once~~ Each batch of compost that has been determined to be mature, must be analyzed for the metal contaminants listed in subpart 6, item A, subitem (1), ~~must be analyzed for~~ using the U.S. EPA test methods in EPA SW-846. ~~The level of PCBs in the compost must be determined. PCBs must be extracted using either method 3540 or 3550 and analyzed with method 8080 or another method approved by the commissioner.~~

(3) ~~Once~~ The amount of inert material in each batch of compost that has been determined to be mature, ~~the inert content shall~~ must be determined using testing protocol described in the sampling plan. Inert content greater than four millimeters shall be determined by passing four replicates of 250 cc oven-dried (70 degrees Celsius) samples of compost through a four millimeter sieve. Material remaining on the sieve shall be visually inspected and inerts, including glass, metal, and plastic, shall be separated and weighed. The weight of the separated ~~foreign matter~~ inert material divided by the weight of the total sample, multiplied by 100, shall be the percent dry weight of the ~~foreign matter~~ inert material content.

(5) The sampling plan must contain techniques for collecting and processing the samples required in subitems (1) to (4), including:

- (a) ~~specifications~~ of the training and experience qualifications of persons who collect samples;
- (b) ~~a description~~ of equipment used to collect, process, and store samples;
- (c) ~~identification~~ of sampling equipment cleaning procedures and other actions taken to prevent sample contamination;
- (d) ~~identification~~ of the location or locations where samples are collected;
- (e) ~~a description~~ of procedures used to collect grab samples;

- (f) ~~a description of~~ procedures used to process grab samples to form composite samples;
- (g) ~~a description of~~ chain-of-custody and sample storage procedures; and
- (h) ~~identification of~~ compost sampling quality assurance and quality control measures.

K. An annual report ~~in accordance~~ complying with part 7035.2585 must be submitted to the commissioner by March 1 of each year ~~for the preceding calendar year~~. A record of the following information must be maintained at the facility and ~~reported~~ included in the annual report:

(4) a summary of temperature and retention time for all compost produced verifying that the process, set out in item I, to further reduce pathogens is being met ~~according to item I~~;

(6) a summary of all lab ~~analysis~~ analyses conducted according to the ~~approved~~ sampling plan approved under item J;

Subp. 6. **Compost classification.** Compost produced at a solid waste compost facility must be classified as Class I or Class II compost based on the criteria outlined in items A and B. Compost test results shall be used to classify the compost according to the approved sampling plan under subpart 5, item J, the maturity standard in subpart 5, item J, subitem (1), and the PFRP requirement in subpart 5, item I.

A. Class I compost must meet the following criteria:

(1) Class I compost cannot exceed the contaminant concentrations in milligram per kilogram on a dry weight basis as listed in the following table or *Code of Federal Regulations*, title 40, ~~sections 503.10 to 503.18~~ section 503.13(b)(3), as amended, with the exception of mercury, which cannot exceed contaminant concentrations of five milligrams per kilogram.

Contaminant	Concentration (mg/kg)
Arsenic (As)	41
Cadmium (Cd)	39
Copper (Cu)	1,500
Lead (Pb)	300
Mercury (Hg)	5
Molybdenum (Mo)	18
Nickel (Ni)	420
Selenium (Se)	100
PCB	6
Zinc (Zn)	2,800

(2) Class I compost must not contain > greater than three percent inert materials (dry weight) ≥ greater than or equal to four millimeters as determined by tests according to the approved sampling plan under subpart 5, item J, subitems (1) to (5).

B. Class II compost consists of any compost that fails to meet the Class I standards and meets the criteria in subitems (1) and (2):

(2) Class II compost must not contain > greater than four percent inert materials (dry weight) ≥ greater than or equal to four millimeters as determined by tests according to the approved sampling plan under subpart 5, item J, subitems (3) and (5).

Subp. 7. **Compost distribution and end use.** The owner or operator of a solid waste compost facility shall submit a compost distribution plan to the commissioner for approval with the facility permit application. The plan must comply with the ~~distribution~~ requirements in items A to C.

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Emergency Rules

Department of Public Safety

Adopted Permanent Rules Governing License Plates

The rules proposed and published at *State Register*, Volume 20, Number 52, pages 2763-2764, June 24, 1996 (20 SR 2763), are adopted as proposed.

Department of Revenue

Adopted Repeal of Rule Relating to Constitutional Exemptions

The rules proposed and published at *State Register*, Volume 20, Number 43, pages 2288-2289, April 22, 1996 (20 SR 2288), are adopted as proposed.

Emergency Rules

Department of Natural Resources

Adopted Expedited Emergency Game and Fish Rules; Special Provisions for Wildlife Management Areas and Game Refuges; 1996 Deer Seasons; Rabbit and Hare Limits

NOTICE IS HEREBY GIVEN that the above entitled rules have been adopted through the process prescribed by *Minnesota Statutes*, section 84.027, subdivision 13(b). The statutory authority for the contents of these rules is *Minnesota Statutes*, sections 97A.091, subdivision 2; 97A.092; 97A.137; 97A.401, subdivision 4; 97A.535, as amended by *Laws of Minnesota 1996*, chapter 410, Section 37; 97B.111; 97B.305; 97B.311, 97B.312; and 97B.605.

Dated: 21 August 1996

Rodney W. Sando
Commissioner of Natural Resources

By
Gail Lewellan, Assistant Commissioner of
Human Resources and Legal Affairs

Rules as Adopted

6230.0200 SPECIAL PROVISIONS FOR WILDLIFE MANAGEMENT AREAS.

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

Subp. 5. **Areas closed to hunting and trapping.** The Boerner Wildlife Management Area in Sibley County, the Buelow Wildlife Management Area in Steele County, the Bryson Wildlife Management Area in Freeborn County, ~~and the Hutchinson Wildlife Management Area in McLeod County, and the Sand Prairie Wildlife Management Area in Sherburne County~~ are closed to the hunting and trapping of all species.

[For text of subps 6 to 9, see M.R.]

Subp. 10. **Areas closed to trapping only.** The Pike Bay Wildlife Management Area in St. Louis County is closed to the trapping of all species.

6230.0400 SPECIAL PROVISIONS FOR STATE GAME REFUGES.

[For text of subps 1 to 30, see M.R.]

Subp. 31. **Nerstrand Woods Game Refuge, Rice County.** That portion of the Nerstrand Woods Game Refuge in Rice County that is within the Nerstrand Big Woods State Park and the Prairie Creek Woods Scientific and Natural Area is open to deer hunting by muzzleloader special permit only. The remainder of the refuge is open to deer hunting by archery during the archery season and deer hunting by muzzleloader during the muzzleloader season.

[For text of subps 32 to 52, see M.R.]

6230.0900 ORWELL SPECIAL PROVISIONS.

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

Subp. 6. Hunting prohibited. Hunting, other than waterfowl, is prohibited in the Orwell Controlled Hunt Zone.

6232.0400 REGISTRATION OF DEER.

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

Subp. 4. **General provisions for registration of deer.** The deer license number and the year for which the possession tag is issued must be recorded in the appropriate place on the possession tag in indelible ink. If a mistake is made in writing the license number, the agent must reissue a correct possession tag. Registration agents are not required to inspect deer at registration stations. Legally registered deer may be transported anytime during or after the deer hunting season. No part of the carcass, except skin or entrails, may be removed until after the possession tag has been affixed, except that deer may be quartered prior to registration as long as all parts remain together and are presented for registration and the head of the deer remains attached to one quarter. The possession tag must be affixed securely as described for the tag as provided by part 6232.0300, subpart 5. A person may not process a deer unless it has been registered as evidenced by an attached possession tag.

6232.0700 LEGAL DEER BY ARCHERY.

Antlerless deer and legal bucks may be taken by archery, except that in 1996, archery hunters are not authorized to take antlerless deer in those permit areas in Zone 1 not listed as having an antlerless quota for firearms deer hunters in part 6232.1800, subpart 4.

6232.0800 ARCHERY SPECIAL HUNT AREAS AND PROCEDURES.

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

Subp. 2. **Areas.** Special bow and arrow permits are valid in areas designated by the commissioner and published in the annual hunting regulations booklet.

The following archery special hunt areas are established for the 1996 season:

A. Crow-Hassan Park Reserve in Hennepin County is open November 15 to 17 for taking antlerless deer and legal bucks. No more than 135 permits may be issued. Management permits are available, and up to three intensive harvest permits may be used by permittees to take deer. Applications must be sent to Hennepin Parks Bow Hunt, 3800 County Road 24, Maple Plain, MN 55359.

B. Murphy-Hanrehan Park Reserve in Scott County is open November 8 to 10 for taking antlerless deer and legal bucks. No more than 180 permits may be issued. Management permits are available, and up to three intensive harvest permits may be used by permittees to take deer. Applications must be sent to Hennepin Parks Bow Hunt, 3800 County Road 24, Maple Plain, MN 55359.

C. Cleary Lake Regional Park in Scott County is open November 8 to 10 for taking antlerless deer and legal bucks. No more than 50 permits may be issued. Management permits are available, and up to three intensive harvest permits may be used by permittees to take deer. Applications must be sent to Hennepin Parks Bow Hunt, 3800 County Road 24, Maple Plain, MN 55359.

D. Portions of the city of New Ulm as shown on maps available from the city are open September 28 to December 31 for taking antlerless deer and legal bucks. No more than 50 permits may be issued by the city of New Ulm. A regular archery license and an archery deer management permit must be purchased to qualify for the hunt. One intensive harvest permit may be used by permittees to take deer. Applications must be sent to New Ulm City Deer Hunt, City Manager's Office, 100 N. Broadway, New Ulm, MN 56073. The application deadline is August 31.

6232.1200 ARCHERY DEER MANAGEMENT PERMITS.

The purchase of an archery deer management permit is authorized for any person who has purchased and presents a valid archery deer license from the current year. Archery deer management permits may be purchased from county auditors' offices, the license bureau, and other authorized agents. The archery deer management permit authorizes taking an antlerless deer in the following areas:

A. special hunt areas by permittees where deer management permits are valid, In 1996, antlerless deer may be taken under an archery deer management permit in the Crow-Hassan Park Reserve, Murphy-Hanrehan Park Reserve, Cleary Lake Regional Park, and City of New Ulm archery special hunt areas; and

B. designated antlerless permit areas, which consist of antlerless permit areas that the commissioner anticipates will be under-subscribed. In 1996, antlerless deer may be taken under an archery deer management permit in the following antlerless permit areas: 206, 209, 210, 223, 225, 226, 227, 228, 236, 337, 338, 339, 341, 342, 343, 345, 346, 347, 348, 349, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 416, 419, 420, 421, 422, 423, 424, 425, 429, 431, 452, 462, 464, and 465.

6232.1250 TAKING DEER BY ARCHERY UNDER INTENSIVE HARVEST PERMITS.

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

Emergency Rules

Subp. 3. 1996 archery intensive harvest permit areas. Intensive harvest permits may be used to take up to three antlerless deer by archery in the following areas in 1996: antlerless permit areas 228, 337, 401, 406, and 409; and the Crow Hassan Park Reserve, Murphy-Hanrehan Park Reserve, and Cleary Lake Regional Park archery special hunt areas. Intensive harvest permits may be used to take one antlerless deer by archery in the City of New Ulm archery special hunt area.

6232.1600 SPECIAL HUNT PROCEDURES.

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

Subp. 6. 1996 firearms special hunt areas. The following firearms special hunts are authorized for the 1996 season:

A. Rice Lake National Wildlife Refuge in Aitkin County is open November 16 to 24 for taking antlerless deer and legal bucks. No more than 50 permits may be issued to Zone 1 licensees. This is special area 901.

B. St. Croix State Park in Pine County is open November 16 and 17 for taking antlerless deer and legal bucks. No more than 550 permits may be issued to Zone 1 licensees. This is special area 902.

C. Tettegouche State Park in Lake County is open November 9 to 24 for taking antlerless deer and legal bucks. No more than 50 permits may be issued to Zone 1 licensees. This is special area 903.

D. Afton State Park in Washington County is open November 9 to 11 for taking antlerless deer and legal bucks. No more than 40 permits may be issued to Zone 2 licensees. Management permits are available, and three intensive harvest permits may be used to take a third, fourth, and fifth deer. This is special area 904.

E. Lake Bronson State Park in Kittson County is open November 14 to 17 for taking antlerless deer and legal bucks. No more than 30 permits may be issued to Zone 2 licensees. Management permits are available. This is special area 905.

F. Lake Elmo Park Reserve in Washington County is open November 9 and 10 for taking antlerless deer and legal bucks. No more than 50 permits may be issued to Zone 2 licensees. Management permits are available, and two intensive harvest permits may be used to take a third and fourth deer. This is special area 906.

G. William O'Brien State Park in Washington County is open November 9 to 10 for taking antlerless deer and legal bucks. No more than 50 permits may be issued to Zone 2 licensees. Management permits are available, and one intensive harvest permit may be used to take a third deer. This is special area 907.

H. William O'Brien State Park in Washington County is open November 16 and 17 for taking antlerless deer and legal bucks. No more than 50 permits may be issued to Zone 2 licensees. Management permits are available, and one intensive harvest permit may be used to take a third deer. This is special area 908.

I. Zippel Bay State Park in Lake of the Woods County is open November 9 to 17 for taking antlerless deer. No more than 55 permits may be issued to Zone 2 licensees. Management permits are available, and one intensive harvest permit may be used to take a third deer. This is special area 909.

J. Beaver Creek Valley State Park in Houston County is open November 23 to 25 for taking antlerless deer and legal bucks. No more than 20 permits may be issued to Zone 3B licensees. Management permits are available. This is special area 910.

K. Elm Creek Park Reserve in Hennepin County is open November 23 and 24 for taking antlerless deer and legal bucks. No more than 150 permits may be issued to Zone 3B licensees. Management permits are available, and up to three intensive harvest permits may be used to take a third, fourth, and fifth deer. This is special area 911.

L. Forestville State Park in Fillmore County is open November 23 to 25 for taking antlerless deer. No more than 100 permits may be issued to Zone 3B licensees. Management permits are available, and one intensive harvest permit may be used to take a third deer. This is special area 912.

M. Frontenac State Park in Goodhue County is open November 23 to 25 for taking antlerless deer and legal bucks. No more than 35 permits may be issued to Zone 3B licensees. Management permits are available. This is special area 913.

N. Lake Rebecca Park Reserve in Hennepin County is open November 16 and 17 for taking antlerless deer and legal bucks. No more than 70 permits may be issued to Zone 3A licensees. Management permits are available, and up to three intensive harvest permits may be used to take a third, fourth, and fifth deer. This is special area 914.

O. Miesville Ravine Park Reserve in Dakota County is open November 23 to 29 for taking antlerless deer and legal bucks. No more than 60 permits may be issued to Zone 3B licensees. All hunters must attend a hunter orientation. Management permits are available, and up to three intensive harvest permits may be used to take a third, fourth, and fifth deer. This is special area 915.

P. Minnesota Valley State Park in Scott County is open November 9 to 12 for taking antlerless deer and legal bucks. No more than 60 permits may be issued to Zone 3A licensees. Management permits are available, and up to three intensive harvest permits may be used to take a third, fourth, and fifth deer. This is special area 916.

Q. Minnesota Valley State Park in Scott County is open November 23 to 26 for taking antlerless deer and legal bucks. No more than 60 permits may be issued to Zone 3B licensees. Management permits are available, and up to three intensive harvest permits may be used to take a third, fourth, and fifth deer. This is special area 917.

R. Murphy-Hanrehan Park Reserve in Hennepin County is open November 30 to December 1 for taking antlerless deer and legal bucks. No more than 80 permits may be issued to Zone 3B licensees. Management permits are available, and up to three intensive harvest permits may be used to take a third, fourth, and fifth deer. This is special area 918.

S. Whitewater State Wildlife Management Area Game Refuge in Winona County is open November 23 to 29 for taking antlerless deer. No more than 100 permits may be issued to Zone 3B licensees. This is special area 919.

T. Whitewater State Park in Winona County is open November 23 to 26 for taking antlerless deer. No more than 45 permits may be issued to Zone 3B licensees. This is special area 920.

U. Rydell National Wildlife Refuge in Polk County is open November 16 to 19 for taking antlerless deer. No more than 30 permits may be issued to Zone 4B licensees. Management permits are available. This is special area 921.

V. Glacial Lakes State Park in Pope County is open November 16 to 19 for taking antlerless deer and legal bucks. No more than 30 permits may be issued to Zone 4B licensees. Management permits are available. This is special area 922.

W. Maplewood State Park in Otter Tail County is open November 16 to 19 for taking antlerless deer. No more than 100 permits may be issued to Zone 4B licensees. Management permits are available. This is special area 923.

X. Prairie Smoke Dunes Scientific and Natural Area in Norman County is open November 9 and 10 for taking antlerless deer. No more than 20 permits may be issued to Zone 4A licensees. Management permits are available, and up to three intensive harvest permits may be used to take a third, fourth, and fifth deer. This is special area 924.

Y. Prairie Smoke Dunes Scientific and Natural Area in Norman County is open November 16 to 19 for taking antlerless deer. No more than 20 permits may be issued to Zone 4B licensees. Management permits are available, and up to three intensive harvest permits may be used to take a third, fourth, and fifth deer. This is special area 925.

Z. Rice Lake State Park in Steele and Dodge counties is open November 16 to 19 for taking antlerless deer. No more than 15 permits may be issued to Zone 4B licensees. Management permits are available. This is special area 926.

6232.1750 ORCHARD SUB-PERMIT AREA.

Subpart 1. Orchard Sub-permit Area. The Orchard Sub-permit Area consists of that portion of the state lying within the following described boundary:

Beginning at the junction of Interstate Highway 90 and County State Aid Highway (CSAH) 16, Winona County; thence along CSAH 16 to CSAH 5, Winona County; thence along CSAH 5 to CSAH 6, Houston County; thence along CSAH 6 to Evans Hill Road; thence along Evans Hill Road to CSAH 25, Houston County; thence along CSAH 25 to CSAH 21, Houston County; thence along CSAH 21 to CSAH 16, Houston County; thence along CSAH 16 to Interstate Highway 90; thence along Interstate Highway 90 to the point of beginning.

Subp. 2. Permits and applications. Individuals licensed for the Zone 3A season are eligible to apply for a firearms management permit valid for taking an antlerless deer in the Orchard Sub-permit Area. Up to 125 permits may be distributed by a random drawing. Applicants must complete the permit application form issued with the applicant's license and mail it no later than September 5, 1996 to Orchard Hunt, DNR Headquarters, 2300 Silver Creek Rd. N.E., Rochester, MN 55906.

6232.1800 ANTLERLESS PERMITS AND PREFERENCE DRAWINGS.

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

Subp. 4. 1996 antlerless permit - quotas Zone 1. The following number of antlerless permits are available in permit areas in Zone 1 for the 1996 season:

- A. permit area 152: 50;
- B. permit area 154-156: 750;
- C. permit area 157-158: 1,000; and
- D. permit area 159: 500.

Emergency Rules

Subp. 5. 1996 antlerless permit quotas - Zone 2. The following number of antlerless permits are available in permit areas in Zone 2 for the 1996 season:

- A. permit area 201: 100;
- B. permit area 202: 600;
- C. permit area 203: 200;
- D. permit area 204: 2,000;
- E. permit area 205: 1,500;
- F. permit area 206: 1,500;
- G. permit area 207: 800;
- H. permit area 208: 600;
- I. permit area 209: 1,500;
- J. permit area 210: 2,500;
- K. permit area 211-212: 500;
- L. permit area 221: 1,250;
- M. permit area 222: 2,000;
- N. permit area 223: 1,900;
- O. permit area 224: 200;
- P. permit area 225: 2,200;
- Q. permit area 226: 2,500;
- R. permit area 227: 3,000;
- S. permit area 228: 3,000;
- T. permit area 235: 125;
- U. permit area 236: 3,000;
- V. permit area 244: 2,000;
- W. permit area 245: 500;
- X. permit area 246: 3,000;
- Y. permit area 247: 1,000;
- Z. permit area 248: 500;
- AA. permit area 249: 1,000;
- BB. permit area 251: 200;
- CC. permit area 284-286: 1,500; and
- DD. permit area 287: 975.

Subp. 6. 1996 antlerless permit quotas - Zone 3. The following number of antlerless permits are available in permit areas in Zone 3 for the 1996 season:

- A. permit area 337: 2,500;
- B. permit area 338: 1,200;
- C. permit area 339: 1,600;
- D. permit area 341: 2,700;
- E. permit area 342: 2,000;
- F. permit area 343: 1,800;
- G. permit area 344: 1,400;
- H. permit area 345: 1,900;

- I. permit area 346: 2,500;
- J. permit area 347: 1,400;
- K. permit area 348: 1,800; and
- L. permit area 349: 2,000.

Subp. 7. 1996 antlerless permit quotas - Zone 4A. The following number of antlerless permits are available in permit areas in Zone 4A for the 1996 season:

- A. permit area 401: 500;
- B. permit area 402: 800;
- C. permit area 403: 250;
- D. permit area 404: 550;
- E. permit area 405: 900;
- E. permit area 406: 1,000;
- G. permit area 407: 1,000;
- H. permit area 408: 1,100;
- I. permit area 409: 3,500;
- J. permit area 410: 6,000;
- K. permit area 411: 5,500;
- L. permit area 412: 3,000;
- M. permit area 413: 2,500;
- N. permit area 414: 1,400;
- O. permit area 415: 1,600;
- P. permit area 416: 1,000;
- Q. permit area 417: 1,950;
- R. permit area 418: 1,500;
- S. permit area 419: 1,100;
- T. permit area 420: 750;
- U. permit area 421: 900;
- V. permit area 422: 400;
- W. permit area 423: 550;
- X. permit area 424: 850;
- Y. permit area 425: 375;
- Z. permit area 426: 250;
- AA. permit area 427: 375;
- BB. permit area 428: 500;
- CC. permit area 429: 400;
- DD. permit area 431: 400;
- EE. permit area 433: 500;
- FF. permit area 435: 675;
- GG. permit area 440: 300;
- HH. permit area 442: 400;
- II. permit area 443: 300;
- JJ. permit area 446: 300;

Emergency Rules

KK. permit area 447: 300;
LL. permit area 448: 135;
MM. permit area 449: 225;
NN. permit area 450: 250;
OO. permit area 451: 250;
PP. permit area 452: 250;
QQ. permit area 453: 225;
RR. permit area 454: 350;
SS. permit area 455: 75;
TT. permit area 456: 300;
UU. permit area 457: 150;
VV. permit area 458: 250;
WW. permit area 459: 300;
XX. permit area 461: 700;
YY. permit area 462: 900;
ZZ. permit area 463: 300;
AAA. permit area 464: 350;
BBB. permit area 465: 325;
CCC. permit area 466: 600; and
DDD. permit area 467: 300.

Subp. 8. 1996 antlerless permit quotas - Zone 4B. The following number of antlerless permits are available in permit areas in Zone 4B for the 1996 season:

A. permit area 401: 500;
B. permit area 402: 800;
C. permit area 403: 350;
D. permit area 404: 650;
E. permit area 405: 900;
F. permit area 406: 1,000;
G. permit area 407: 1,000;
H. permit area 408: 1,100;
I. permit area 409: 2,000;
J. permit area 410: 3,000;
K. permit area 411: 2,500;
L. permit area 412: 1,600;
M. permit area 413: 1,100;
N. permit area 414: 600;
O. permit area 415: 1,000;
P. permit area 416: 1,000;
Q. permit area 417: 1,650;
R. permit area 418: 1,100;
S. permit area 419: 800;
T. permit area 420: 650;

U. permit area 421: 600;
V. permit area 422: 250;
W. permit area 423: 300;
X. permit area 424: 850;
Y. permit area 425: 375;
Z. permit area 426: 250;
AA. permit area 427: 375;
BB. permit area 428: 500;
CC. permit area 429: 400;
DD. permit area 431: 450;
EE. permit area 433: 700;
FF. permit area 435: 675;
GG. permit area 440: 300;
HH. permit area 442: 600;
II. permit area 443: 400;
JJ. permit area 446: 300;
KK. permit area 447: 300;
LL. permit area 448: 135;
MM. permit area 449: 225;
NN. permit area 450: 250;
OO. permit area 451: 250;
PP. permit area 452: 250;
QQ. permit area 453: 225;
RR. permit area 454: 350;
SS. permit area 455: 75;
TT. permit area 456: 300;
UU. permit area 457: 150;
VV. permit area 458: 250;
WW. permit area 459: 350;
XX. permit area 461: 850;
YY. permit area 462: 1,000;
ZZ. permit area 463: 325;
AAA. permit area 464: 400;
BBB. permit area 465: 325;
CCC. permit area 466: 600; and
DDD. permit area 467: 300.

6232.1950 TAKING DEER BY FIREARMS UNDER INTENSIVE HARVEST PERMITS.

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

Subp. 3. 1996 regular firearms intensive harvest permit areas. Intensive harvest permits may be used to take up to three antlerless deer during the firearms season by regular firearms and multizone buck licensees in the following areas in 1996: antlerless permit areas 228, 337, 401, 406, and 409. Intensive harvest permits may be used to take up to three antlerless deer by persons with special firearms permits for the Afton State Park, Elm Creek Park Reserve, Lake Rebecca Park Reserve, Miesville Ravine Park Reserve, Minnesota Valley State Park, Murphy-Hanrehan Park Reserve, and Prairie Smoke Dunes Scientific and Natural Area

Emergency Rules

special firearms hunt areas. Intensive harvest permits may be used to take one additional antlerless deer by persons with special firearms permits for the William O'Brien State Park, Zippel Bay State Park, and Forestville State Park special firearms hunt areas. Intensive harvest permits may be used to take two additional antlerless deer by persons with special firearms permits for the Lake Elmo Park Reserve special firearms hunt area.

Subp. 4. 1996 muzzleloader intensive harvest permit areas. Intensive harvest permits may be used to take up to three antlerless deer during the muzzleloader season by firearms hunters selecting the muzzleloader option in the following areas in 1996: antlerless permit areas 228, 337, 401, 406, and 409. Intensive harvest permits may be used to take up to three antlerless deer by persons with special firearms permits for the Miesville Ravine Park Reserve muzzleloader special permit area. Intensive harvest permits may be used to take one antlerless deer by persons with special firearms permits for the Zippel Bay State Park muzzleloader special permit area.

6232.2100 MUZZLELOADER SEASON AND AREAS.

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

Subp. 3. Legal deer by muzzleloader. Antlerless deer and legal bucks may be taken by muzzleloader during the muzzleloader season, except that in 1996, muzzleloader hunters may not take antlerless deer in those permit areas in Zone 1 that do not have an antlerless quota listed in part 6232.1800, subpart 4.

Subp. 4. 1996 muzzleloader special permit areas. The following areas are open for muzzleloader hunting by permit during the 1996 season:

A. Glacial Lakes State Park in Pope County is open December 11 to 15 for taking antlerless deer and legal bucks. No more than 30 permits may be issued to muzzleloader licensees. Management permits are available. This is special area 930.

B. Lac qui Parle State Park in Lac qui Parle County is open November 30 to December 1 for taking antlerless deer. No more than 15 permits may be issued to muzzleloader licensees. Management permits are available. This is special area 931.

C. Miesville Ravine Park Reserve in Dakota County is open November 30 to December 15 for taking antlerless deer and legal bucks. No more than 60 permits may be issued to muzzleloader licensees. Management permits are available, and up to three intensive harvest permits may be used to take a third, fourth, and fifth deer. This is special area 932.

D. Myre-Big Island State Park in Freeborn County is open November 30 to December 2 and December 7 and 8 for taking antlerless deer. No more than 50 permits may be issued to muzzleloader licensees. An additional 25 permits may be issued for the December 7 and 8 time period only. Management permits are available. This is special area 933.

E. Nerstrand Big Woods State Park and the Prairie Creek Woods Scientific and Natural Area in Rice County is open November 30 to December 2 for taking antlerless deer. No more than 50 permits may be issued to muzzleloader licensees. Management permits are available. This is special permit area 934.

E. Rice Lake State Park in Steele and Dodge counties is open November 30 to December 3 for taking antlerless deer. No more than 15 permits may be issued to muzzleloader licensees. Management permits are available. This is special area 935.

G. Sakatah Lake State Park in Le Sueur and Rice counties is open November 30 to December 2 for taking antlerless deer. No more than 20 permits may be issued to muzzleloader licensees. Management permits are available. This is special area 936.

H. Zippel Bay State Park in Lake of the Woods county is open November 30 to December 15 for taking antlerless deer. No more than 55 permits may be issued to muzzleloader licensees. Management permits are available, and one intensive harvest permit may be used to take a third deer. This is special area 937.

I. Upper Sioux Agency State Park in Yellow Medicine County is open November 30 to December 1, and December 7 and 8, for taking antlerless deer. No more than 25 permits may be issued to muzzleloader licensees for each two-day hunting period. Management permits are available. Applications must be made on the official permit application form provided with the applicant's license and mailed directly to the state park headquarters. Permits will be selected by random drawing. The application deadline is September 5, 1996.

Subp. 5. Forestville State Park. Forestville State Park in Fillmore County is open to muzzleloader deer hunting during the muzzleloader season. No special permit is required.

6232.2450 MUZZLELOADER DEER MANAGEMENT PERMITS.

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

Subp. 2. Open areas. Firearms deer management permits issued to persons with firearms deer licenses validated for the muzzleloader option may be used to tag antlerless deer in designated special permit areas and in designated antlerless permit areas that the commissioner anticipates will be undersubscribed.

Emergency Rules

In 1996, firearms deer management permits issued to persons with firearms deer licenses punched for the muzzleloader option may be used to tag antlerless deer:

A. by persons with special firearms permits for the Glacial Lakes State Park, Lac qui Parle State Park, Myre-Big Island State Park, Nerstrand Big Woods State Park and Game Refuge and Prairie Creek Woods Scientific and Natural Area, Rice Lake State Park, Sakatah Lake State Park, Upper Sioux Agency State Park, and Zippel Bay State Park muzzleloader special permit areas; and

B. in the following antlerless permit areas: 206, 209, 210, 223, 225, 226, 227, 228, 236, 337, 338, 339, 341, 342, 343, 345, 346, 347, 348, 349, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 416, 419, 420, 421, 422, 423, 424, 425, 429, 431, 452, 462, 464, and 465.

6232.2500 DISABLED HUNT.

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

Subp. 2. **Open areas.** Disability permittees may hunt in open areas and seasons as designated by the commissioner and published in the annual hunting regulations booklet.

In 1996, the following areas will be open for hunting by disabled hunters:

A. The Carlos Avery Wildlife Management Area Sanctuary in Anoka County is open for taking antlerless deer and legal bucks using legal firearms or bow and arrow October 19 to 27. The Minnesota Deer Hunters Association and Capable Partners are the sponsoring nonprofit organizations.

B. The Camp Ripley Military Reservation in Morrison County is open for taking antlerless deer and legal bucks using legal firearms or bow and arrow October 9 and 10. The St. Cloud Veterans Affairs Medical Center is the sponsoring organization.

C. Rosemoen Island in the Lac qui Parle Wildlife Management Area Sanctuary in Chippewa County is open for taking antlerless deer and legal bucks using legal firearms or bow and arrow September 14 to 22. The Minnesota Deer Hunters Association and Capable Partners are the sponsoring nonprofit organizations.

D. Rydell National Wildlife Refuge in Polk County is open for taking antlerless deer and legal bucks using legal firearms or bow and arrow October 19 and 20. The Options Resource Center for Independent Living is the sponsoring nonprofit organization.

6232.4700 DEER AND BEAR REGISTRATION BLOCKS.

[For text of subs 1 to 74, see M.R.]

Subp. 75. **Registration Block 227.** Deer And Bear Registration Block 227 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) 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) 17, Anoka County; thence along CSAH 17 to CSAH 18, Anoka County; thence along CSAH 18 to CSAH 58, Anoka County; thence along CSAH 58 to CSAH 9, Anoka County; thence along CSAH 9 to CSAH 22, Anoka County; thence along CSAH 22 to 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) 15, Washington County; thence along CSAH 15 to CSAH 8, Washington County; thence along CSAH 8 to CSAH 8A, Washington County; thence along CSAH 8A to U.S. Highway 61; thence along U.S. Highway 61 to CSAH 8, Washington County; thence along CSAH 8 to CSAH 14, Anoka County; thence along CSAH 14 to CSAH 17, Anoka County; thence along CSAH 17 to CSAH 18, Anoka County; thence along CSAH 18 to CSAH 58, Anoka County; thence along CSAH 58 to CSAH 9, Anoka County; thence along CSAH 9 to CSAH 22, Anoka County; thence along CSAH 22 to 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.]

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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 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; County State Aid Highway (CSAH) 15, Washington County; thence along CSAH 15 to CSAH 8, Washington County; thence along CSAH 8 to CSAH 8A, Washington County; thence along CSAH 8A to U.S. Highway 61; thence along U.S. Highway 61 to CSAH 8, Washington County; thence along CSAH 8 to CSAH 14, Anoka County; thence along CSAH 14 to CSAH 17, Anoka County; thence along CSAH 17 to the western boundary of the Carlos Avery State Wildlife Management Area; 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 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 U.S. Highway 61; thence along U.S. Highway 61 to County State Aid Highway (CSAH) 47, Dakota County; thence along CSAH 47 to CSAH 48, Dakota County; thence along CSAH 48 to U.S. Highway 52; thence along U.S. Highway 52 to CSAH 66, Dakota County; thence along CSAH 66 to State Trunk Highway (STH) 3; thence along STH 3 to CSAH 50, Dakota County; thence along CSAH 50 to CSAH 23, Dakota County; thence along CSAH 23 to CSAH 70, Dakota County; thence along CSAH 70 to CSAH 8, Scott County; thence along CSAH 8 to CSAH 79, Scott County; thence along CSAH 79 to STH 282; thence along STH 282 to CSAH 9, Scott County; thence along CSAH 9 to Valley View Drive, Scott County; thence along Valley View Drive to 195th Street, Scott County; thence along 195th Street to the east boundary of the Minnesota River Valley State Park; thence along the east and north boundary of said Park to the east bank of the Minnesota River; thence along the east bank of the Minnesota River to CSAH 45, Carver County; thence along CSAH 45 to CSAH 50, Carver County; thence along CSAH 50 to CSAH 43, Carver County; thence along CSAH 43 to CSAH 11, Carver County; thence along CSAH 11 to STH 5; thence along STH 5 to CSAH 30, Carver County; thence along CSAH 30 to CSAH 92, Hennepin County; thence along CSAH 92 to CSAH 6, Hennepin County; thence along CSAH 6 to CSAH 20, Carver County; thence along CSAH 20 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 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 County State Aid Highway (CSAH) 70, Dakota County; thence along CSAH 70 to CSAH 8, Scott County; thence along CSAH 8 to CSAH 79, Scott County; thence along CSAH 79 to STH 282; thence along STH 282 to CSAH 2, Scott County; thence along CSAH 2 to Valley View Drive, Scott County; thence along Valley View Drive to 195th Street, Scott County; thence along 195th Street to the east boundary of the Minnesota River Valley State Park; thence along the east and north boundary of said Park to the east bank of the Minnesota River; thence along the east bank of the Minnesota River to CSAH 45, Carver County; thence along CSAH 45 to CSAH 50, Carver County; thence along CSAH 50 to CSAH 43, Carver County; thence along CSAH 43 to CSAH 11, Carver County; thence along CSAH 11 to STH 5; thence along STH 5 to CSAH 30, Carver County; thence along CSAH 30 to CSAH 92, Hennepin County; thence along CSAH 92 to CSAH 6, Hennepin County; thence along CSAH 6 to CSAH 20, Carver County; thence along CSAH 20 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 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 the Mississippi River; thence along the east bank of the Mississippi River to U.S. Highway 61; thence along U.S. Highway 61 to County State Aid Highway (CSAH) 47, Dakota County; thence along CSAH 47 to CSAH 48, Dakota County; thence along CSAH 48 to U.S. Highway 52; thence along U.S. Highway 52 to CSAH 66, Dakota County; thence along CSAH 66 to STH 3; thence along STH 3 to CSAH 50, Dakota County; thence along CSAH 50 to CSAH 23, Dakota County; thence along CSAH 23 to CSAH 70, Dakota County; thence along CSAH 70 to I-35; thence along I-35 to the point of beginning.

[For text of subps 94 to 157, see M.R.]

6234.0600 TAKING JACK RABBITS, COTTONTAIL RABBITS, AND SNOWSHOE HARES.

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

Subp. 2. **Bag limits.** A person may not take more than ten cottontail rabbits, jack rabbits, and snowshoe hares, combined, per day or possess more than 20 cottontail rabbits, jack rabbits, and snowshoe hares, combined, at a time. ~~A person may not take more than 20 jack rabbits and 20 snowshoe hares per day or possess more than 20 jack rabbits and 20 snowshoe hares at a time.~~

EFFECTIVE PERIOD. The emergency amendments to parts 6232.0700, 6232.0800, 6232.1200, 6232.1250, 6232.1600, 6232.1750, 6232.1800, 6232.1950, 6232.2100, 6232.2450, and 6232.2500 expire December 31, 1996. The emergency amendments to parts 6230.0200, 6230.0400, 6230.0900, 6232.0400, 6232.4700, and 6234.0600 expire 18 months after adoption. After these emergency amendments expire, the permanent rules as they read prior to the amendments again take effect, except as they may be amended by permanent rule.

REPEALER. The 1995 emergency amendments to parts 6232.0800, 6232.1200, 6232.1250, 6232.1600, 6232.1750, 6232.1800, 6232.1950, 6232.2100, 6232.2450, and 6232.2500, as published in the State Register, Monday, September 5, 1995, volume 20, number 10, pages 429 to 439, are repealed.

Official Notices

Pursuant to the provisions of Minnesota Statutes §14.101, 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

Rural Finance Authority

Notice of Meeting Cancellation

The September 4, 1996 meeting of the Rural Finance Authority Board has been canceled. Future monthly meetings will return to the normal meeting schedule.

Jim Boerboom
RFA Director

Department of Agriculture

Agronomy and Plant Protection Services Division

Request for Comment: Proposed Voluntary Best Management Practices for Urban Homeowners

The MDA plans to adopt the following message as statewide water quality Best Management Practices for urban homeowners. BMPs are practicable voluntary practices that are capable of preventing and minimizing degradation of ground water (or surface water), considering economic factors, availability, technical feasibility, implementability, effectiveness, and environmental effects.

The following message can be modified to fit any urban watershed in Minnesota simply by replacing the name Lake Harriet with that of the nearest lake or river. There may be more BMPs added in the future. Once the BMPs are adopted, they will be used to educate urban homeowners throughout Minnesota on water quality and responsible lawn care.

We would appreciate any comments you may have on the proposed BMPs. Please send your comments *by September 30, 1996* to Jerry Spetzman, (612) 297-7269, Minnesota Department of Agriculture, 90 West Plato Boulevard, St. Paul, MN 55107.

PROTECT LAKE HARRIET BY CARING FOR YOUR WATERSHED

Your watershed is like a funnel that collects runoff from your neighborhood and deposits it in Lake Harriet. Almost everything that runs off your property travels down streets and storm sewers into Lake Harriet. Keeping runoff clean keeps Lake Harriet clean.

KEEP YOUR RUNOFF CLEANER BY:

Keeping lawn care products on the lawn.

- Read and follow label directions for proper application.
- Sweep up and reuse any granular products that fall on streets, sidewalks and driveways.

Keeping grass clippings and leaves off streets, sidewalks and driveways. These organic materials begin decomposing almost immediately.

- Leave grass clippings and leaves on your lawn, or compost them. When left to decompose, their nutrients feed your lawn and garden.
- Remove grass clippings and leaves from streets, sidewalks and driveways. When left to decompose on hard surfaces, their nutrients run off into Lake Harriet, where they promote excess algae growth that harms water quality.

**HEALTHY YARDS MEAN CLEANER RUNOFF
AND A HEALTHIER WATERSHED.
AND THAT'S GOOD NEWS FOR LAKE HARRIET**

Board of Dietetics and Nutrition Practice

Request for Comments on Planned Rules Governing Continuing Education

Subject of Rules. The Minnesota Board of Dietetics and Nutrition Practice (Board) requests comments on its planned rules governing continuing education. The Board is considering rules relating to continuing education requirements for license renewal pursuant to *Minnesota Statute* 148.626.

Specifically, the Board is looking for comments on:

- a. Required number of CE credits
- b. Reporting period
- c. Approval of CE programs
- d. Reporting of CE hours to the Board
- e. Verification of attendance by Board

Persons Affected. The rules would likely affect all persons licensed under *Minnesota Statute* 148.621 through 148.633 and sponsors of continuing education for dietitians and nutritionists.

Statutory Authority. *Minnesota Statutes*, section 148.623, (1) authorizes the Board to adopt rules to enforce and administer sections 148.621 to 148.633.

Public Comment. Interested persons or groups may submit comments or information on these planned rules in writing until 4:30 p.m. on Monday, November 4, 1996. The Board does not contemplate appointing an advisory committee to comment on the planned rules.

Rules Drafts. The Board does not anticipate that a draft of the rules will be available before the publication of the proposed rules.

Agency Contact Person. Written comments, questions, requests to receive a draft of the rules when it has been prepared, and requests for more information on these planned rules should be addressed to: Laurie Mickelson, Board of Dietetics and Nutrition Practice, 2700 University Avenue West, Suite 103, St. Paul, MN 55114, (612) 643-2121. TDD users may call the Board at (612) 297-5353 or (800) 627-3529.

Alternative Format. Upon request, this Request for Comments can be made available in an alternative format, such as large print, Braille, or cassette tape. To make such a request, please contact the agency contact person at the address or telephone number listed above.

Note: Comments received in response to this notice will not necessarily be included in the formal rulemaking record submitted to the administrative law judge when a proceeding to adopt rules is started. The agency is required to submit to the judge only those written comments received in response to the rules after they are proposed.

Laurie Mickelson, Executive Director
Minnesota Board of Dietetics and Nutrition Practice

Minnesota Department of Health

Health Policy and Systems Compliance Division

Notice of Application for Essential Community Provider Designation

NOTICE IS HEREBY GIVEN that applications for Essential Community Provider designation have been received from the applicants listed below. Pursuant to *Minnesota Statutes* section 62Q.19, subdivision 1, the public has 30 days from the date of this publication to submit written comments regarding these applications. Written comments should be submitted to: Tom Johnson, Minnesota Department of Health, Health Policy and Systems Compliance Division, 121 East Seventh Place, P.O. Box 64975, St. Paul, Minnesota 55164-0975. Telephone inquiries may be directed to Mr. Johnson at (612) 282-6333.

Roseau Medical Clinic
711 Delmore Drive
Roseau, Minnesota 56715

Date application was received: August 12, 1996

Official Notices

Prairie Family Practice

600 East Park

Olivia, Minnesota 56277

Date application was received: August 15, 1996

Clarissa Medical Clinic

107 Third Street South

Box 65

Clarissa, Minnesota 56440

Date application was received: August 16, 1996

Dated: 21 August 1996

Anne M. Barry, Commissioner
Minnesota Department of Health

Minnesota Historical Society

State Review Board Regular Meeting

A meeting of the State Review Board of the Minnesota Historical Society to consider nominations to the National Register of Historic Places will be held on Thursday, September 19, 1996, in the Minnesota Historical Society History Center, Cargill Commons, MacMillan Education Wing, St. Paul, Minnesota. The State Review Board will meet at 7:00 p.m. for an informational presentation on program activities made by the Preservation Office staff. The meeting will be called to order and consideration of the meeting's agenda will begin at 7:30 p.m. A sign language interpreter is available with one weeks notice, and auxiliary aids are available with two weeks notice. Call 612/296-5434, or TTY 612/282-6073. For further information contact the State Historic Preservation Office, Minnesota Historical Society, 345 Kellogg Boulevard West, St. Paul, MN 55102, (612) 296-5434.

Department of Human Services

Notice of Changes, Deletions and Additions to List of Health Services That Require Prior Authorization as a Condition of MHCP Payment

The following is a listing of adds, deletes and changes to the current authorization list. This list is effective on or after September 3, 1996.

Authorization Prior to Payment List

As authorized by *Minnesota Statutes*, section 256B.0625, subdivision 25, the following list includes all health services that require prior authorization as a condition of MHCP payment. The list is presented in sections Added Codes, Deleted Codes and Changed Codes. The criteria used to develop this list are as follows:

- A. The health service could be considered, under some circumstances, to be of questionable medical necessity.
- B. Use of the health service needs monitoring to control the expenditure of program funds.
- C. Less costly, appropriate alternatives to the health service are generally available.
- D. The health service is investigative.
- E. The health service is newly developed or modified.
- F. The health service is of a continuing nature and requires monitoring to prevent its continuation when it ceases to be beneficial.
- G. The health service is comparable to a service provided in a skilled nursing facility or hospital but is provided in a recipient's home.
- H. The health service could be considered cosmetic.

THIS LIST OF HEALTH SERVICES REQUIRING AUTHORIZATION IS PRESENTLY IN EFFECT. THESE ADDED AND CHANGED CODES REQUIRE AUTHORIZATION FOR SERVICES PROVIDED ON OR AFTER SEPTEMBER 3, 1996.

ADDED CODES

Service Code	Service Description
E0784	External ambulatory infusion pump, insulin
no code	Transdermal nicotine systems

CHANGED CODES

Service Code	Service Description
44131	Changed to 44130. Enteroenterostomy, anastomosis of intestine; intestinal bypass for morbid obesity.
63750	Changed to 62351. Insertion, subarachnoid catheter with reservoir and/or pump for intermittent or continuous infusion of drug, including laminectomy
63780	Changed to 62350. Insertion or replacement, subarachnoid or epidural catheter, with reservoir and/or pump for drug infusion, without laminectomy

DRUGS

The following drugs require authorization through FAX, I.T.S./FAX or telephone before the service is provided or for those drugs listed with a specific time after which authorization is required.

Alglucerase
 Botulinum toxin type A
 Demeclocycline
 Erythropoietin
 Filgramstim (G-CSF)
 Granisetron for greater than four weeks
 Interferon alfa-n3
 Interferon gamma-1b
 Lansoprazole for greater than eight weeks
 Nicotine transdermal systems
 Omeprazole for greater than eight weeks
 Ondansetron for greater than four weeks
 Sargramostim (GM-CSF)

THESE CODES WILL NOT REQUIRE AUTHORIZATION PRIOR TO PAYMENT FOR SERVICES PROVIDED ON OR AFTER SEPTEMBER 3, 1996.

DELETED CODES

Service Code	Service Description
20600	Arthrocentesis, aspiration and/or injection; small joint, bursa or ganglion cyst (e.g. fingers, toes)
20610	Arthrocentesis, aspiration and/or injection; major joint or bursa (e.g., shoulder, hip, knee joint, subacromial bursa)
21086	Impression and custom preparation; auricular prosthesis
21087	Impression and custom preparation; nasal prosthesis
21088	Impression and custom preparation; facial prosthesis
30460	Rhinoplasty for nasal deformity secondary to congenital cleft lip/or palate, including columellar lengthening; tip only
30462	tip, septum, osteotomies
33240	Insertion or replacement of implantable cardioverter-defibrillator pulse generator only
33241	Insertion or replacement of implantable cardioverter-defibrillator pulse generator only
33242	Insertion or replacement of implantable cardioverter-defibrillator pulse generator and/or leads

Official Notices

- 33243 Insertion or replacement of implantable cardioverter-defibrillator pulse generator and/or lead system by thoracotomy
- 33244 Insertion or replacement of implantable cardioverter-defibrillator pulse generator and/or lead system by other than thoracotomy
- 33245 Implantation of automatic implantable cardioverter-defibrillator pads, with or without sensing electrodes
- 33246 Implantation of automatic implantable cardioverter-defibrillator pads, with or without sensing electrodes; with insertion of automatic cardioverter-defibrillator pulse
- 33247 Insertion or replacement of implantable cardioverter-defibrillator lead(s), by other than thoracotomy
- 40700 Plastic repair of cleft lip/nasal deformity; primary, partial, or complete, unilateral
 - 40701 primary bilateral, one stage
 - 40702 primary bilateral, one of two stages
 - 40720 secondary, by recreation of defect and reclosure
- 42200 Palatoplasty for cleft palate, soft and/or hard palate
- 42205 Palatoplasty for cleft palate, with closure of alveolar ridge
 - 42210 with bone graft to alveolar ridge
- 42215 Palatoplasty for cleft palate, major revision
 - 42220 secondary lengthening procedure
 - 42225 attachment lengthening procedure
- 43810 Gastroduodenostomy
- 43820 Gastroduodenostomy
 - 43825 with vagotomy, any type
- 50590 Lithotripsy; extracorporeal shade wave
- 52510 Balloon transurethral divulsion of prostate gland
- 56399 Laparoscopic, hiatal hernia repair (Nissen Fundoplication)
- 64550 Application of surface (transcutaneous neurostimulator)
- 77600 Hyperthermia, externally generated, superficial
- 77620 Hyperthermia generated by intracavitary probe(s)
- 92980 Intracoronary stents, single vessel
- 92981 Intracoronary stents, additional vessel
- 93640 Electrophysiologic evaluation of cardioverter-defibrillator leads
- 93641 Electrophysiologic evaluation of cardioverter-defibrillator leads
- 93642 Electrophysiologic evaluation of cardioverter-defibrillator leads
- 93799 Balloon expandable intravascular stent
- no code Coma stimulation programs
- no code Coronary angioscopy
- no code Cranial sacral therapy
- no code Diclofenac potassium
- no code Laser transurethral resection of the prostate
- no code Nerve expansion
- no code Red blood cell substitutes
- no code Thorazine Spansule®
- no code Vancomycin oral formula

Department of Human Services

Chemical Dependency Program Division

Notice of Public Comment on the Federal Alcohol and Drug Abuse Block Grant and the Availability of a Statement Describing the Intended Use of Funds for Federal Fiscal Year 1997

NOTICE IS HEREBY GIVEN that the Department of Human Services, Chemical Dependency Program Division, is seeking public comment on the use of the Federal Alcohol and Drug Abuse Block Grant.

Notice is also given that the Department of Human Services has available a draft Description of Intended Use for funds available to the State of Minnesota from the Federal Fiscal Year 1997 Alcohol and Drug Abuse Block Grant. This Description is being made available to the public for comment in accord with Title XIX, Part B of the Public Health Services Act, Public Law 102-321.

Information and copies of the Alcohol and Drug Abuse Plan are available from: Sheila Big Bear, Chemical Dependency Division, Department of Human Services, 444 Lafayette Road, St. Paul, MN 55155-3823, phone 612/296-4618.

All interested or affected persons and organizations are invited to submit comments. Comments on the purposed plan may be directed to the contact person listed above.

Also available for review and comment is Minnesota's plan for compliance with the Synar Amendment (section 1926 of the Public Health Service Act) restricting the sale and distribution of tobacco products to minors.

Department of Labor and Industry

Labor Standards Division

Notice of Prevailing Wage Certifications for Commercial Construction Projects

Effective September 3, 1996 prevailing wage rates were determined and certified for commercial construction projects in the following counties:

Cook: Mechanical Improvements Municipal Building-Grand Marais.

Hennepin: Renovation & Space Remodeling-1800 Chicago Avenue-Minneapolis; Lindbergh Terminal MSP International Airport Electrical Modification 1996-Minneapolis; Lindbergh Terminal MSP International Airport Mechanical Modification 1996-Minneapolis; MSP International Airport Badging Office Glazing-Minneapolis; Minnesota Library Access Center-Minneapolis.

Ramsey: John Glenn Middle School 1996 Pool Asbestos Abatement-Maplewood.

Stearns: Reroofing Morse Hall-Sauk Centre Correctional Facility-Sauk Centre.

Todd: Wastewater Treatment Facility Improvements-Grey Eagle.

Washington: Castle Elementary 1996 North Gym Mechanical Modifications-Oakdale.

Copies of the certified wage rate 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.

Gary W. Bastian, Commissioner

Pollution Control Agency

Request for Comments on Planned Amendment to Rules Governing Low Level Radioactive Waste Generator Fees, *Minnesota Rules* 7042.0010 to 1042.0060

Subject of Rules. The Minnesota Pollution Control Agency requests comments on planned amendment to rules governing Low Level Radioactive Waste Generator Fees. The fees are based on the volume of low level radioactive waste shipped for disposal each year. The Agency is considering rule amendments that could change the amount and structure of the fees.

Persons Affected. The amendment to the rules would likely affect generators of low level radioactive waste.

Statutory Authority. *Minnesota Statutes*, section 116C.834, authorizes the Minnesota Pollution Control Agency to assess fees to be paid by generators of low level radioactive waste to cover all costs incurred by the state to carry out its responsibilities under the interstate compact and under sections 116.833 to 116C.843 of the *Minnesota Statutes*.

Public Comment. Interested persons or groups may submit comments or information on these planned rules in writing until 4:30 p.m. on October 4, 1996. The Agency intends to appoint an informal advisory group to comment on the planned rules. Persons or groups interested in participating on the advisory group should contact the Agency Contact Person.

Rules Drafts. The Agency has not yet prepared a draft of the planned amendments.

Agency Contact Person. Written comments, questions, requests to receive a draft of the amendment when it has been prepared, and requests for more information on these planned rules should be addressed to: Maureen Schwehr, Environmental Planning and Review Office, Minnesota Pollution Control Agency, 520 Lafayette Road, St. Paul, MN 55155-4194, (612) 296-6703. TDD users may call the Agency at (612) 282-5332.

Alternative Format. Upon request, this Request for Comments can be made available in an alternative format, such as large print, Braille, or cassette tape. To make such a request, please contact the agency contact person at the address or telephone number listed above.

Note: Comments received in response to this notice will not necessarily be included in the formal rulemaking record submitted to the administrative law judge when a proceeding to adopt rules is started. The agency is required to submit to the judge only those written comments received in response to the rules after they are proposed.

Peder Larson
Acting Commissioner

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 September 24, 1996. 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 1995 Annual Report and Registration is now 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 1995 fiscal year.

To order copies of the 1995 Annual Report please call the Minnesota Bookstore at (612)297-3000 or 1-800-657-3757.

BATTERED WOMEN'S ADVISORY COUNCIL Department of Corrections, 1450 Energy Park Dr., #200, St. Paul, MN 55108-5227. (612)642-0200. *Minnesota Statutes* 611A.34.

APPOINTING AUTHORITY: Commissioner of Corrections

COMPENSATION: Reimbursed for expenses only.

ONE VACANCY: Greater Minnesota, public member.

The advisory council advises the Commissioner of Corrections on all matters related to the department's funding of battered women's programs in Minnesota, other than purely administrative matters. The council advises on planning, development, data collection, rule-making, funding and evaluation of programs. The council conducts business at monthly meetings and by subcommittee processes, with staff support provided by the department, and works closely with the Battered Women's Program Director. There are 12 members that should be knowledgeable about and with experience or interest in issues concerning battered women, including the need for effective advocacy services. Six positions are reserved for persons who are not service providers in community or governmental organizations (persons not affiliated with grantee programs). Six positions are to be filled by residents of the seven county metro area, and six positions by residents of greater Minnesota. The department seeks to insure that the council includes battered women, that at least six members are from communities of color in Minnesota, and that council membership reflects diversity with respect to age, disability, and sexual orientation. Monthly meetings for about 6 hours at the Dept. of Corrections. No expiration date.

GENERAL CRIME ADVISORY COUNCIL Minnesota Department of Corrections, 300 Bigelow Building, 450 North Syndicate, St. Paul, MN 55104. (612)642-0200. *Minnesota Statute* Citation Sec. 16 [611.A361].

APPOINTING AUTHORITY: Commissioner of Corrections

COMPENSATION: None.

TWO VACANCIES: One metro area service provider and one greater Minnesota service provider.

Advise the Commissioner of Corrections on all planning, development, data collections, rulemaking, funding and evaluation of programs and services to victims of general crime other than sexual assault and domestic abuse other than matters of a purely administrative nature. There are 12 members. No more than 6 of the members of the council shall be representatives of community or governmental organizations that provide services to victims of crime other than sexual assault and domestic abuse. One-half of members shall be from the Metro area and one-half of members from non-metro, including all non-metro regions of the State. Special consideration to comprising council of diverse populations. Meetings are scheduled monthly and last about 5 hours. Meetings are held at the Department of Corrections Central Office. This council does not expire.

MINNESOTA AMATEUR SPORTS COMMISSION 1700 105th Ave. NE, Blaine, MN 55449. (612)785-5630. *Minnesota Statutes* 240A.02.

APPOINTING AUTHORITY: Governor

COMPENSATION: \$55 per diem plus expenses.

ONE VACANCY: Member interested in or having experience in promoting amateur sports.

The commission works and supports the amateur sports associations in the state and promotes amateur sports events. There are 12 members including four who should be experienced in promoting amateur sports. Nine of the voting members shall be appointed by the governor to three year terms. The governor, speaker of the house, and senate majority leader shall each appoint one voting member to a two year term; the purpose of these three appointments is to ensure gender balance in commission membership. Four legislators, two from each house appointed according to its rules, shall be nonvoting members. One member from each house shall be from the minority caucus. Members must file with the Ethical Practices Board. Meetings are held monthly. The commission does not expire.

MINNESOTA AUTOMOBILE INSURANCE PLAN GOVERNING COMMITTEE Department of Commerce, 133 E. 7th St., St. Paul, MN 55101. (612)297-7033. *Minnesota Statutes* 65B.03.

APPOINTING AUTHORITY: Commissioner of Commerce

COMPENSATION: \$35 per diem for public members.

ONE VACANCY: Public member.

The committee shall direct the operation of the Minnesota Automobile Insurance Plan which provides for the placement of insurance for drivers and vehicle owners who are unable to obtain coverage in the open market. There are 9 members consisting of nine individuals of whom five shall be elected by insurers and four public members shall appointed by the Commissioner. Quarterly meetings are held at the Minneapolis office at 120 S. 6th St., Suite 1750. The committee does not expire.

Official Notices

MINNESOTA BOARD OF CHIROPRACTIC EXAMINERS PEER REVIEW COMMITTEE 2700 University Ave. W., #20, St. Paul, MN 55104-1089. (612)642-0591. *Minnesota Statutes* 148.106.

APPOINTING AUTHORITY: State Board of Chiropractic Examiners

COMPENSATION: \$55 per diem.

ONE VACANCY: One public member; must be available to attend first meeting on Tuesday, November 5, 1996 at 12:30p.m.

The committee makes determinations of whether or not chiropractors properly utilize services, rendered or ordered appropriate treatment or service, and if the cost of treatment was unconscionable. The seven members include five chiropractors and two consumer members. Terms are one year in length. Members may serve two full terms. Applications may be submitted at any time and are retained and considered for two years. The committee meets on the first Tuesday of every month at the MN Board of Chiropractic Examiner's Office for about five hours. The committee does not expire.

MINNESOTA CRIME VICTIM AND WITNESS ADVISORY COUNCIL 445 Minnesota St., NCL Tower, #1000, St. Paul, MN 55101. (612)296-6642 *Minnesota Statutes* 611A.70.

APPOINTING AUTHORITY: Commissioner of Public Safety

COMPENSATION: None.

TWO VACANCIES: One victim/service provider and member of the MN General Crime Victim Coalition.

The council reviews on a regular basis the treatment of victims by the criminal justice system and the need and availability of services to crime victims. There are sixteen members, including two members of the Minnesota legislature who have demonstrated expertise and interest in crime victim issues, one appointed by the Senate, one appointed by the House of Representatives, one district court judge recommended by the Chief Justice of the Supreme Court; one county attorney recommended by the Minnesota County Attorney's Association; one public defender recommended by the State Public Defender; one peace officer; one medical or osteopathic physician licensed to practice in this state; five members who are crime victims or crime victims assistance representatives; three public members; and a member appointed by the Minnesota General Crime Victims Coalition. The appointments should take into account sex, race and geographic distribution. The council meets quarterly for 4 hours at the Department of Public Safety. June 30, 1997.

SOLID WASTE MANAGEMENT ADVISORY COUNCIL Minnesota Office of Environmental Assistance, 520 Lafayette Rd., Second Fl., St. Paul, MN 55155. (612)296-3417. *Minnesota Statutes* 115A.12.

APPOINTING AUTHORITY: Office of Environmental Assistance

COMPENSATION: Reimbursed for expenses.

ONE VACANCY: New position.

The council makes recommendations on solid waste management activities. The council consists of 21 members and will have equal numbers of citizen members, representatives of local government units, and representatives of solid waste industry; at least three members experienced in the private recycling industry and at least one member experienced in each of the following areas: state and municipal finance, solid waste collection, processing and disposal, and solid waste reduction and resource recovery. Meetings are held the first Friday of each month for 4 hours at the Minnesota Office of Environmental Assistance. The council expires June 30, 1997.

WORLD TRADE CENTER CORPORATION 400 Minnesota World Trade Center, 30 E. 7th St., St. Paul, MN 55101. (612)297-1580. *Minnesota Statutes* 44A.01.

APPOINTING AUTHORITY: Governor, with senate confirmation.

COMPENSATION: \$55 per diem plus expenses.

ONE VACANCY: A representative of the international business community.

This is a public corporation established to facilitate and support Minnesota World Trade Center programs and services and to promote the Minnesota World Trade Center Corporation. The twelve members include four members appointed by the Governor, four members elected by the association of members who represent the international business community; the Mayor of St. Paul or designee; and the Commissioners of Trade and Economic Development, Agriculture, and Commerce. Members appointed by the Governor must be knowledgeable or experienced in international trade in products or services and serve at the Governor's pleasure. Elected members have six-year terms. Members must file W/Ethical Practices. The board meets on the third Wednesday of each month. The board does not expire.

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

Real Estate Management Division

Wanted to Buy or Lease Residential Properties in Rice County

The State of Minnesota is interested in the following in Rice County: 1) buying or leasing *existing* 3 & 4 bedroom rambler style homes; 2) leasing *newly constructed* 4 bedroom rambler style homes; and 3) buying residential lots. If you own or develop such properties and are interested in selling or leasing, or have an exclusive listing on such properties, please send information to the Department of Administration, Room 309, 50 Sherburne Avenue, St. Paul, MN 55155. Call (612) 296-2278 if you have any questions regarding this request for information.

Department of Children, Families and Learning

Notice of Request for Information for Computer Assisted Instructional Software

The Minnesota Department of Children, Families and Learning requests informational presentations from vendors of Computer Assisted Instructional Software. The Department is most interested in packages which:

1. Provide for an electronic curriculum library.
2. Provide for computer assisted delivery of instruction and curriculum for a wide range of grade levels.
3. Track individual student performance through database capability that is integrated into computerized curriculum delivery.
4. Provide the capability to track performance which demonstrates completion of the Minnesota Graduation Standards.
5. Provide on-line help for students, teachers, and parents.
6. Operate in a network environment.
7. Include at-home access.
8. Include e-mail, bulletin board and other "on-line" features which facilitate communication and training.
9. Include comprehensive training and an on-going staff development capability.
10. Incorporate Internet as a learning resource.
11. Offer a wide range of curriculum for basic skills, alternative programs and specialized programs such as ESL, Adult Basic Education, and GED.

The Department of Children, Families and Learning will select vendors to demonstrate products for ninety minute presentations. Vendor selection for presentation will be based upon written materials supplied by the vendor which demonstrate the following selection criteria:

1. Evidence that the product meets all or most of the criteria specified in numbers 1-11 above.
2. Evidence that the product is in wide-scale use at school and school district sites.
3. Evidence that the product is fully operational.
4. Evidence that the product is capable of operation in a networked environment and a "stand alone" environment.
5. Provision of references from product users. The department will contact references.
6. Evidence of vendor experience and support for the product.
7. Preliminary cost estimate information.
8. Provision of other product documentation.

Professional, Technical & Consulting Contracts

To be considered for a presentation, vendors must respond in writing to the above selection criteria 1-8 on or before 4:00 p.m., September 11, 1996. Five copies of written material must be presented. The Department of Children, Families and Learning will announce vendor selection for product demonstration by September 19, 1996. Responses should be sent to:

Theresa Mish
Minnesota Department of Children, Families and Learning
938 Capitol Square Building
550 Cedar Street
St. Paul, MN 55101
Phone: 612/296-6312

Department of Corrections

MINNCOR Industries

Request for Proposal for the Sale of Scrap Metal

MINNCOR Industries is requesting proposals for the sale of scrap metal from its Stillwater division.

For an RFP or additional information, please call or write:

Bob Burford, Buyer 2
MINNCOR Industries
2855 Anthony Lane South, Suite 200
St. Anthony, MN 55418
Telephone: 612-627-6038

Proposals are due no later than 2:00 p.m. Friday, September 13, 1996. No late proposals will be accepted.

Department of Health

Health Policy & Systems Compliance Division, Health Economics Program

Request for Proposals (RFP) for Medical Education Cost Estimate and Design Consulting Services

The State of Minnesota is seeking proposals from qualified individuals and firms to provide consulting services on the topic of the economic costs and benefits of specific aspects of medical education in Minnesota. The contract for services will be limited to \$75,000.

The primary goals of the Contract are related to the Medical Education and Research Costs (MERC) study and ongoing work by MDH in this area, and include:

- A) Assist MDH in the development of a methodology for estimation of the net cost of medical education to teaching institutions in Minnesota, including specification of a formula to estimate the amount of financial benefit accruing to individual teaching institutions in Minnesota.
- B) Provide a preliminary aggregate estimate of those net costs.

Additional responsibilities include attending advisory committee and/or other meetings as requested to present an explanation and engage in discussion of the Contract work, both in progress and after completion through the end of the Contract period. Travel expenses for two presentations should be included in the Contract budget. Travel required after the second presentation will be paid separately from the Contract amount.

Details are contained in a request for proposals which may be obtained by contacting:

Denese McAfee
Minnesota Department of Health
121 E. Seventh Place, Suite 400
P.O. Box 64975
St. Paul, MN 55164-0975

Telephone: (612) 282-6349 Fax: (612) 282-5628

Proposals must be received by the Minnesota Department of Health no later than 4:00 P.M., September 25, 1996. Late proposals will not be accepted.

Department of Natural Resources

Division of Forestry

Notice of Request for Proposals for Production of Forestry Video

NOTICE IS HEREBY GIVEN that the Department of Natural Resources through its Division of Forestry is requesting proposals to help in the development of a 10- to 15-minute forestry video. This video is to briefly explain Minnesota's Sustainable Forest Resources Act of 1995, show what the forest ecosystem includes, and tell viewers what's available to help them learn about the forest environment.

Services needed by the Division of Forestry include, but are not limited to: script and storyboard development; video design and production including all filming, narration, music, sound effects, editing, and all other technical aspects required in the production.

To obtain a copy of the Request for Proposal, contact:

Meg Hanisch
Public Affairs Specialist
DNR Forestry
500 Lafayette Road
St. Paul, Minnesota 55155-4044
(612) 296-5958

Department of Transportation

Office of Bridges and Structures

Notice to Registered Civil and Structural Consulting Engineers to Develop Design Charts and Plan Sheets for Mechanically Stabilized Earth Walls

The Minnesota Department of Transportation (Mn/DOT) intends to retain a consultant to develop generic standard design charts and plan sheets for Mechanically Stabilized Earth Walls (MSE walls). Charts and plan sheets will be utilized by Mn/DOT design personnel in the preparation of construction plans and specifications to be advertised for public bid.

Work is proposed to start after October 1, 1996.

A complete Request for Proposal (RFP) containing a description of qualifications and other required submittals may be obtained from the Mn/DOT Office of Bridges & Structures. Requests for RFP's must be in writing. Contact:

Robert J. Miller, P.E.
Mn/DOT Bridge Agreements Engineer
Waters Edge Building, Suite 200
1500 West County Road B2
Roseville, MN 55113
(612) 582-1104

Consultant's application must be received in writing at the above address. Response deadline is 3:00 PM, October 1, 1996.

This project does not contain Targeted Group Business (TGB) requirements however TGB firms will receive additional consideration during the selection process.

Applicants must meet Affirmative Action qualifications attached to the RFP to be considered.

Additional technical information may be obtained by contacting Jim Hill, Mn/DOT Bridge Design Unit Leader, at (612) 582-1122.

This request does not obligate the State of Minnesota Department of Transportation to complete the work contemplated in this notice. The Department reserves the right to cancel this solicitation. All expenses incurred in responding to this notice shall be borne by the responder.

Non-State Public Bids, Contracts & Grants

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.

Long Prairie, Todd County

Advertisement for Bid for Long Prairie Water Main Extension Project

Sealed proposals (bids) for the Long Prairie Water Main Extension Project at Long Prairie, Todd County, Minnesota, will be received by the Division of Materials Management, Department of Administration, State of Minnesota, Room 112, State Administration Building, 50 Sherburne Avenue, St. Paul, Minnesota 55155, until 2:30 p.m. on October 7, 1996. Proposals will be publicly opened and read aloud at the time and date shown above.

The award will be made to the lowest responsive responsible bidder who conforms with the language of the specifications, terms of delivery, and other conditions imposed herein.

This work consists of installation of approximately 940 lineal feet of 6-inch PVC water main (including connections to existing water mains), 2 hydrants, 6 water services, appurtenant valves and fittings, and restoration of streets and lawns.

The Contract Documents, including Instructions to Bidders, Proposal Forms, Contracts Forms, Conditions, Technical Specifications and Drawings (prepared by Barr Engineering Company), and addenda are on file for examination at the Division of Materials Management, located as above; at F.W. Dodge Division, McGraw-Hill Information System Company, 7600 Parklawn Avenue, Suite 352, Minneapolis, Minnesota; at the Daily Construction Bulletin Plan Room, 8401 73rd Avenue North, Brooklyn Park, Minnesota; the National Association of Minority Contractors, 1121 Glenwood Avenue North, Minneapolis, Minnesota; at the Long Prairie City Hall, 42 3rd Street North, Long Prairie, Minnesota, and at the following Builders Exchanges: St. Paul, Minneapolis, Duluth, and St. Cloud.

Copies of the Contract Documents for use in submitting a bid may be obtained from Sue Nelson, Barr Engineering Company, 8300 Norman Center Drive, Suite 300, Minneapolis, Minnesota, 55437-1026, (612) 832-2600 upon receipt of a refundable check in the amount of \$100.00 made payable to Barr Engineering Company. Bidders who do not purchase the Contract Documents should assure that Barr Engineering Company has their names and addresses on the mailing list for Addenda. Bidder's attendance is recommended at a pre-bid meeting to be held on September 25, 1996, at 10:00 a.m. at the Long Prairie City Hall.

This project is funded by the U.S. Environmental Protection Agency and the Minnesota Pollution Control Agency, State of Minnesota. Neither the United States nor any of its departments, agencies, or employees is or will be a party to this advertisement for bid nor any resulting contract. The successful Bidder must comply with all applicable federal, state, and local laws, regulations, rules, regulations in 40CFR Parts 31, 33, and 41 CFR 60-4., and state regulations cited in the project manual. In addition to Equal Employment Opportunity actions, the Bidder must take all required affirmative action steps to assure that small, small rural area, minority and women's businesses (SMWB) and labor surplus area firms are subcontracted when possible. Bidders are alerted of the requirements for timely notification of SMWBs and SMWB assistance organizations. Under federal policy, the fair share of SMWBs for the Long Prairie Water Main Extension Project is four (4) percent of the total bid price for minority business, four (4) percent of the total bid price for women's business, and one-half (0.5) percent for small business in rural areas. Bidders must comply with other state affirmative action regulations as described in the bidding documents. The Contractor should subcontract a minimum of these amount to SMWBs for supplies, construction, or services. Division of Materials Management certified targeted group vendor can be used to meet this share. Call (612) 296-2600 to obtain this list.

Each bid which totals over \$15,000.00 must be accompanied by a certified check made payable to the State of Minnesota, or a surety bond of a surety company duly authorized to do business in the State of Minnesota, in an amount equal to five (5) percent of the total amount of the bid, which is submitted as a bid security conditioned upon the bidder's entering into a contract with the State of Minnesota in accordance with the terms of the bid. It is agreed that said bid security of the successful bidder will constitute liquidated damages, not a penalty, for the failure or refusal of the successful bidder to execute and deliver the contractual documents in a correct form, within ten (10) days after receipt of the Contract Documents.

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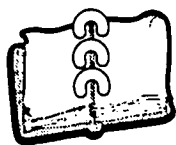
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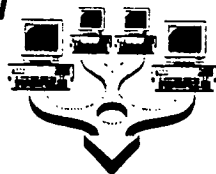


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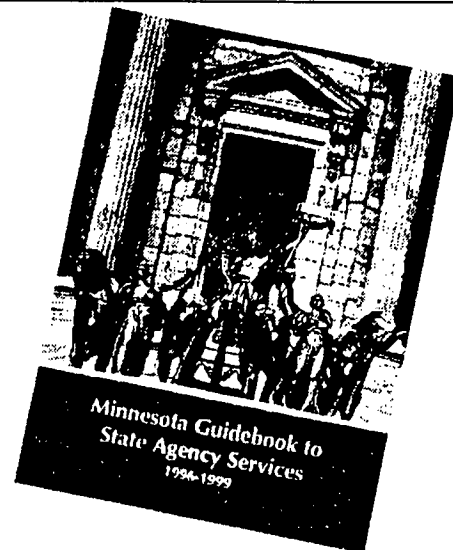


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