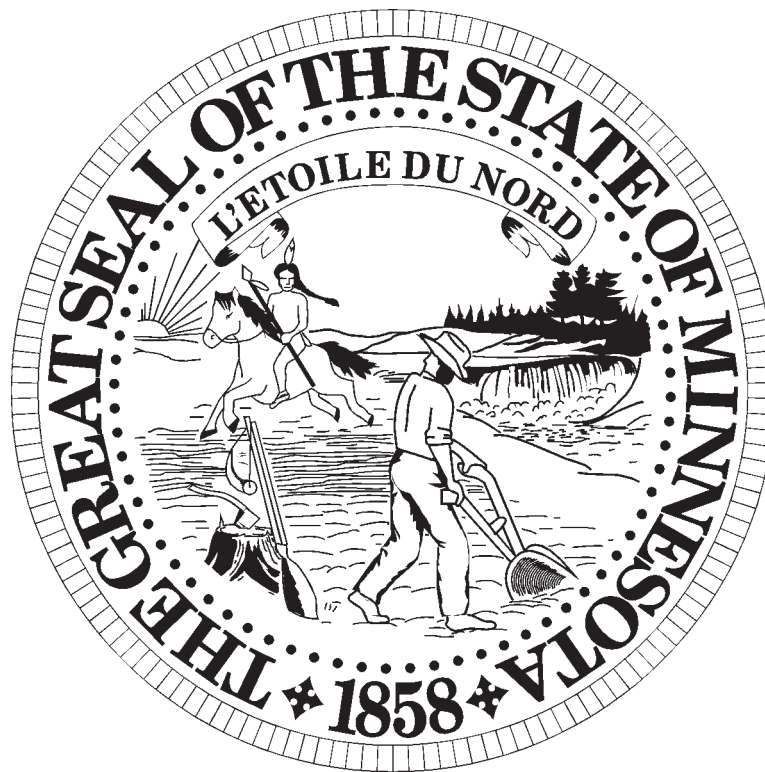


State of Minnesota

State Register



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State Register

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The *State Register* is the official publication of the State of Minnesota, published weekly to fulfill the legislative mandate set forth in *Minnesota Statutes* § 14.46. The *State Register* contains:

- proposed, adopted, exempt, expedited emergency and withdrawn rules
- executive orders of the governor
- appointments
- proclamations and commendations
- commissioners' orders
- revenue notices
- official notices
- state grants and loans
- contracts for professional, technical and consulting services
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#47	Monday 23 May	Noon Tuesday 17 May	Noon Wednesday 11 May
#48	Tuesday 31 May	Noon Tuesday 24 May	Noon Wednesday 18 May
#49	Monday 6 June	Noon Tuesday 31 May	Noon Wednesday 25 May
#50	Monday 13 June	Noon Tuesday 7 June	Noon Wednesday 1 June

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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 80 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. The current 1999 set is a 13-volume bound collection of all adopted rules in effect at the time. Supplements are published to update this set of rules. Generally speaking, proposed and adopted exempt rules do not appear in this set because of their short-term nature, but are published in the *State Register*.

An agency must first solicit **Comments on Planned Rules** or **Comments on Planned Rule Amendments** from the public on the subject matter of a possible rulemaking proposal under active consideration within the agency (*Minnesota Statutes* §§ 14.101). It does this by publishing a notice in the *State Register* at least 60 days before publication of a notice to adopt or a notice of hearing, or within 60 days of the effective date of any new statutory grant of required rulemaking.

When rules are first drafted, state agencies publish them as **Proposed Rules**, along with a notice of hearing, or a 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 most current edition of 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 issues #1-39; issues #40-51 inclusive; and issues #1-52 (or 53 in some years), cumulative for issues #1-52 (or 53). An annual subject matter index for rules was separately printed usually in August, but starting with Volume 19 now appears in the final issue of each volume. For copies or subscriptions to the *State Register*, contact Minnesota's Bookstore, 117 University Avenue, St. Paul, MN 55155 (612) 297-3000, or toll-free 1-800-657-3757.

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Proposed Rules

Comments on Planned Rules or Rule Amendments. An agency must first solicit Comments on Planned Rules or Comments on Planned Rule Amendments from the public on the subject matter of a possible rulemaking proposal under active consideration within the agency (*Minnesota Statutes* §§ 14.101). It does this by publishing a notice in the *State Register* at least 60 days before publication of a notice to adopt or a notice of hearing, and within 60 days of the effective date of any new statutory grant of required rulemaking.

Rules to be Adopted After a Hearing. After receiving comments and deciding to hold a public hearing on the rule, an agency drafts its rule. It then publishes its rules with a notice of hearing. All persons wishing to make a statement must register at the hearing. Anyone who wishes to submit written comments may do so at the hearing, or within five working days of the close of the hearing. Administrative law judges may, during the hearing, extend the period for receiving comments up to 20 calendar days. For five business days after the submission period the agency and interested persons may respond to any new information submitted during the written submission period and the record then is closed. The administrative law judge prepares a report within 30 days, stating findings of fact, conclusions and recommendations. After receiving the report, the agency decides whether to adopt, withdraw or modify the proposed rule based on consideration of the comments made during the rule hearing procedure and the report of the administrative law judge. The agency must wait five days after receiving the report before taking any action.

Rules to be Adopted Without a Hearing. Pursuant to *Minnesota Statutes* § 14.22, an agency may propose to adopt, amend, suspend or repeal rules without first holding a public hearing. An agency must first solicit **Comments on Planned Rules** or **Comments on Planned Rule Amendments** from the public. The agency then publishes a notice of intent to adopt rules without a public hearing, together with the proposed rules, in the *State Register*. 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*.

KEY: Proposed Rules - Underlining indicates additions to existing rule language. ~~Strikeouts~~ indicate deletions from existing rule language. If a proposed rule is totally new, it is designated "all new material." **Adopted Rules** - Underlining indicates additions to proposed rule language. ~~Strikeout~~ indicates deletions from proposed rule language.

Department of Natural Resources

Division of Fish and Wildlife

Proposed Permanent Rules Relating to Wildlife

DUAL NOTICE: Notice of Intent to Adopt Rules Without a Public Hearing Unless 25 or More Persons Request a Hearing, And Notice of Hearing If 25 or More Requests For Hearing Are Received

Proposed Rules and Amendment to Rules Governing Wildlife *Minnesota Rules*, chapters 6200, 6230, 6232, 6234, 6236, 6237, and 6240; and

Proposed Repeal of Rules Governing Wildlife, *Minnesota Rules*, chapters 6230, 6232, 6234, 6236, and 6240

Introduction. The Department of Natural Resources (DNR) intends to adopt rules without a public hearing following the procedures set forth in the rules of the Office of Administrative Hearings, *Minnesota Rules*, parts 1400.2300 to 1400.2310, and the Administrative Procedure Act, *Minnesota Statutes*, sections 14.22 to 14.28. If, however, 25 or more persons submit a written request for a hearing on the rules by 4:30 p.m. on June 22, 2005, a public hearing will be held in conference rooms 6 North and 6 South of the DNR office located at 500 Lafayette Road, St. Paul, Minnesota 55155, starting at 9:00 a.m. on July 6, 2005. To find out whether the rules will be adopted without a hearing or if the hearing will be held, you should contact the agency contact person after June 22, 2005 and before July 6, 2005.

Agency Contact Person. Comments or questions on the rules and written requests for a public hearing on the rules must be submitted to the agency contact person. The agency contact person is: Michael DonCarlos, at: DNR, 500 Lafayette Road, St. Paul, MN 55155-4020; **telephone number:** (651) 296-0706; **facsimile number:** (651) 297-7272; **e-mail** Michael.doncarlos@dnr.state.mn.us. **TTY** users may call the Department of Natural Resources] at (651) 296-5484 or 800-657-3929.

Subject of Rules and Statutory Authority. The proposed rules cover a variety of areas pertaining to wildlife including:

- Special provisions for state wildlife management areas and game refuges;
- Controlled waterfowl hunting zones;
- Deer hunting regulations;
- Licensing, application, and tagging provisions;
- Moose zones;
- Deer and bear registration blocks;
- Falconry small game limits;
- Raccoon, fox, badger, and opossum seasons;
- Bobcat, fisher, and pine marten seasons and limits;
- Use of snares;
- Pelt registration provisions;
- Wild turkey seasons and permit areas;
- Prairie chicken hunting seasons and procedures;

Proposed Rules

- Waterfowl shooting hours;
- Goose hunting regulations; and
- Migratory waterfowl feeding and resting areas.

The proposed rules also repeal *Minnesota Rules*, parts 6230.0400, subpart 29; 6230.0800, subpart 3; 6232.0200, subparts 3 and 5a; 6232.1100, subpart 5; 6232.1200; 6232.1900; 6232.2450; 6232.3800, subpart 2; 6232.4700, subparts 3, 4, 6, 7, 11 to 15, 17 to 19, 22 to 24, 27, 30, 34, 36, 38, 41, 42, 44, 47, 49 to 51, 53, 66, 74, and 87; 6234.1800; 6234.2600, subparts 1 and 2; 6240.1000, subpart 2; and 6240.1800, subparts 2 and 3. Also repealed are expedited emergency amendments to *Minnesota Rules*, parts 6232.2900, subpart 2, 6236.0300, subparts 1, 2, and 6; 6232.0600, subparts 1, 2, 4, and 5; and 6236.0810.

The statutory authority to adopt or repeal the rules is *Minnesota Statutes*, sections 86A.06; 97A.045; 97A.091; 97A.092; 97A.137; 97A.401; 97A.431; 97A.433; 97A.434; 97A.435; 97A.441; 97A.475; 97A.485; 97A.535; 97B.105; 97B.112; 97B.301; 97B.305; 97B.311; 97B.405; 97B.411; 97B.505; 97B.605; 97B.621; 97B.625; 97B.635; 97B.711; 97B.716; 97B.723; 97B.731; 97B.803; 97B.901; 97B.921; and 97B.925.

A copy of the proposed rules is published in the *State Register* and may be accessed at www.comm.media.state.mn.us/state_register.asp. A free copy of the rules is available upon request from the agency contact person listed above.

Comments. You have until 4:30 p.m. on June 22, 2005, to submit written comment in support of or in opposition to the proposed rules or any part or subpart of the rules. Your comment must be in writing and received by the agency contact person by the due date. Comment is encouraged. Your comments should identify the portion of the proposed rules addressed, the reason for the comment, and any change proposed. You are encouraged to propose any change desired. Any comments that you would like to make on the legality of the proposed rules must also be made during this comment period.

Request for a Hearing. In addition to submitting comments, you may also request that a hearing be held on the rules. Your request for a public hearing must be in writing and must be received by the agency contact person by 4:30 p.m. on June 22, 2005. Your written request for a public hearing must include your name and address. You must identify the portion of the proposed rules to which you object or state that you oppose the entire set of rules. Any request that does not comply with these requirements is not valid and cannot be counted by the agency when determining whether a public hearing must be held. You are also encouraged to state the reason for the request and any changes you want made to the proposed rules.

Withdrawal of Requests. If 25 or more persons submit a valid written request for a hearing, a public hearing will be held unless a sufficient number withdraw their requests in writing. If enough requests for hearing are withdrawn to reduce the number below 25, the agency must give written notice of this to all persons who requested a hearing, explain the actions the agency took to effect the withdrawal, and ask for written comments on this action. If a public hearing is required, the agency will follow the procedures in *Minnesota Statutes*, sections 14.131 to 14.20.

Alternative Format/Accommodation. Upon request, this Notice can be made available in an alternative format, such as large print, Braille, or cassette tape. To make such a request or 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 rules may be modified, either as a result of public comment or as a result of the rule hearing process. Modifications must be supported by data and views submitted to the agency or presented at the hearing and the adopted rules may not be substantially different than these proposed rules, unless the procedure under *Minnesota Rules*, part 1400.2110, has been followed. If the proposed rules affect you in any way, you are encouraged to participate in the rulemaking process.

Cancellation of Hearing. The hearing scheduled for July 6, 2006, will be canceled if the agency does not receive requests from 25 or more persons that a hearing be held on the rules. If you requested a public hearing, the agency will notify you before the scheduled hearing whether or not the hearing will be held. You may also call the agency contact person at (651) 296-0706 after June 22, 2005 to find out whether the hearing will be held.

Notice of Hearing. If 25 or more persons submit valid written requests for a public hearing on the rules, a hearing will be held following the procedures in *Minnesota Statutes*, sections 14.131 to 14.20. The hearing will be held on the date and at the time and place listed above. The hearing will continue until all interested persons have been heard. Administrative Law Judge Steve Mihalchick is assigned to conduct the hearing. Judge Mihalchick can be reached at the Office of Administrative Hearings, 100 Washington Square, Suite 1700, Minneapolis, Minnesota 55401-2138, **telephone** (612) 349-2544 and **facsimile** (612) 349-2665.

Hearing Procedure. If a hearing is held, you and all interested or affected persons, including representatives of associations or other interested groups, will have an opportunity to participate. You may present your views either orally at the hearing or in writing at any time before the close of the hearing record. All evidence presented should relate to the proposed rules. 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 rebuttal period during which the agency and any interested person may respond in writing to any new information submitted. No additional evidence may be submitted during the five-day rebuttal period. All

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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. This rule hearing procedure is governed by *Minnesota Rules*, parts 1400.2000 to 1400.2240, and *Minnesota Statutes*, sections 14.131 to 14.20. Questions about procedure may be directed to the Administrative Law Judge.

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

Statement of Need and Reasonableness. A statement of need and reasonableness is now available from the agency contact person. This statement contains a summary of the justification for the proposed rules, including a description of who will be affected by the proposed rules and an estimate of the probable cost of the proposed rules. The statement may also be reviewed and copies obtained at the cost of reproduction from the agency.

Lobbyist Registration. *Minnesota Statutes*, chapter 10A, requires each lobbyist to register with the State Campaign Finance and Public Disclosure Board. Questions regarding this requirement may be directed to the Campaign Finance and Public Disclosure Board at: Suite 190, Centennial Building, 658 Cedar Street, St. Paul, Minnesota 55155, telephone (651) 296-5148 or 1-800-657-3889.

Adoption Procedure if No Hearing. If no hearing is required, the agency may adopt the rules after the end of the comment period. The rules and supporting documents will then be submitted to the Office of Administrative Hearings for review for legality. You may ask to be notified of the date the rules are submitted to the office. If you want to be so notified, or want to receive a copy of the adopted rules, or want to register with the agency to receive notice of future rule proceedings, submit your request to the agency contact person listed above.

Adoption Procedure After a Hearing. If a hearing is held, after the close of the hearing record, the Administrative Law Judge will issue a report on the proposed rules. You may ask to be notified of the date when the Administrative Law 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 agency adopts the rules and the rules are filed with the Secretary of State, and can make this request at the hearing or in writing to the agency contact person stated above.

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

Date: May 9, 2005

Gene Merriam
Commissioner of Natural Resources

6200.0200 GAME AND FISH GENERAL PROVISIONS.

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

Subp. 6. **Incomplete or improperly completed applications; correction of agent errors.**

A. Incomplete or improperly completed applications for licenses or permits may be rejected by the commissioner.

B. To correct for an error made by the department or a department agent in processing an application, the commissioner may:

(1) increase the quota of licenses or permits for a drawing to accommodate an applicant who could have been drawn if the error had not been made; or

(2) restore an applicant's preference rating to the level it would have been if the error had not been made.

[For text of subs 7 to 9, see M.R.]

6230.0200 SPECIAL PROVISIONS FOR WILDLIFE MANAGEMENT AREAS.

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

Subp. 3. **Areas closed to migratory waterfowl hunting.** The Gordon F. Yeager Wildlife Management Area and the Eastside Wildlife Management Area in Olmsted County and the Carl Schmidt Wildlife Management Area in Morrison County are closed to the taking of migratory waterfowl. On the Gordon F. Yeager Wildlife Management Area, small game taken by firearms may only be taken with shotguns using No. 4 or smaller diameter shot.

[For text of subp 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, the Chapa-Kak-Say-Za Wildlife Management Area in Steele County, and the Hutchinson Wildlife Management Area in McLeod County, and are closed to the hunting and trapping of all species. The Sand Prairie Wildlife Management Area in Sherburne County are is closed to the hunting and trapping of all species, except hunting by individuals with disabilities participating in a special hunt.

Subp. 6. **Areas closed to hunting only.** The Hearing Island Wildlife Management Area in St. Louis County and, the Pine City Wildlife Management Area in Pine County, and the Carl and Verna Schmidt and Bur Oak Wildlife Management Areas in LeSueur County are closed to the hunting of all species.

[For text of subs 7 to 11, see M.R.]

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Subp. 12. **Sanctuary areas open to hunting.** The following sanctuary areas of wildlife management areas posted with “Wildlife Sanctuary Do Not Trespass” signs are open for hunting as specified:

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

B. The Carlos Avery Wildlife Management Area sanctuaries are open for:

(1) ~~deer~~ hunting by persons with disabilities at designated stands, by permit, ~~during the dates provided by rule;~~ and

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

6230.0250 GENERAL PROVISIONS FOR USE OF WILDLIFE MANAGEMENT AREAS.

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

Subp. 9. **Use of motorboats.** Motorboat use is prohibited within a wildlife management area, except where posted or as provided in this subpart. For purposes of this chapter, “motorboat” includes motorboats as defined in *Minnesota Statutes*, section 86B.005, subdivision 9, and duckboats with motors attached.

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

K. Chub Lake Wildlife Management Area in Dakota County: motorboats may be used with no limit on size.

Subp. 10. **General restrictions on vehicles.**

A. A person may not operate an allterrain vehicle, hang glider, air boat, hover craft, or personal watercraft defined in *Minnesota Statutes*, section 86B.005, within the boundaries of a wildlife management area, ~~except that an.~~ Exceptions for allterrain vehicle may be used use include:

(1) use during deer seasons as provided in part 6232.0300, subpart 7, item B;

(2) use by a hunter with a disability who has a permit approved by the area wildlife manager, ~~and under Minnesota Statutes, section 97A.137, subdivision 3;~~

(3) use for ice fishing as provided in item C; and

(4) use on designated trails as provided in Minnesota Statutes, section 97A.133, subdivision 3.

For purposes of this chapter, all-terrain vehicle means vehicles as defined in part 6232.0300, subpart 7, item C.

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

C. A person may use a motor vehicle, for ice fishing purposes only, on the following lakes, except where posted closed to motor vehicles:

[For text of subitems (1) to (6), see M.R.]

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

[For text of subs 11 to 23, see M.R.]

6230.0400 SPECIAL PROVISIONS FOR STATE GAME REFUGES.

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

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

A. small game hunting, except waterfowl, through ~~October 31~~ the Thursday nearest November 4;

B. Canada goose hunting during the early goose season, except on Lake Bemidji, the Mississippi River, and Stump Lake;

~~C.~~ trapping for beaver, mink, otter, and muskrat only; and

~~C.~~ D. deer and bear hunting by archery through the first Sunday in December; and

E. deer and bear hunting by firearms.

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

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

A. small game hunting, except ducks and mergansers;

B. trapping; ~~and~~

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

D. deer and bear hunting by archery.

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

A. prairie chickens;

B. deer and bear hunting by firearms; and

~~B.~~ C. deer and bear hunting by archery; and

D. Canada goose hunting during the early goose season.

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

Subp. 8. **East Minnesota River Game Refuge, Blue Earth and Le Sueur Counties.** The East Minnesota River Game Refuge in Blue Earth and Le Sueur Counties is open to deer, wild turkey, and bear hunting by archery.

[For text of subs 9 and 10, see M.R.]

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

- A. trapping; and
- B. Canada goose hunting during the early goose season; and
- C. deer and bear hunting by firearms.

[For text of subs 12 to 20, see M.R.]

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

A. Those portions within the Lac qui Parle State Recreational Area, Mission Site, or that are posted to prohibit trespass are closed to hunting. The remainder of the refuge is open to:

(1) waterfowl hunting only during the open Canada goose season in the ~~Lac qui Parle~~ West Central Goose Zone, only at designated hunting stations as provided by parts 6230.0500 to 6230.1100;

(2) deer hunting; and

(3) small game hunting other than waterfowl,

except from the first day of the open Canada goose season through the last day of the open Canada goose season in the ~~Lac qui Parle~~ West Central Goose Zone, when small game hunting is allowed only at designated hunting stations as provided by parts 6230.0500 to 6230.1100. Small game hunting is not allowed on closed Canada goose hunting days during a split goose season.

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

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

- A. small game hunting, except waterfowl, after the ~~waterfowl~~ duck season; and
- B. trapping after the ~~waterfowl~~ duck season.

[For text of subs 23 to 28, see M.R.]

Subp. 29. [See repealer.]

[For text of subp 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:

A. small game hunting, except waterfowl;

B. trapping;

~~B:~~ C. deer and bear hunting by firearms; and

~~C:~~ D. deer and bear hunting by archery.

[For text of subs 32 to 53, see M.R.]

Subp. 54. **Mud-Bardwell Game Refuge, Martin County.** The Mud-Bardwell Game Refuge in Martin County is open to special goose hunts.

Subp. 55. **Collegetown (St. John's) Game Refuge, Stearns County.** The Collegetown (St. John's) Game Refuge in Stearns County is open to firearms deer and bear hunting during the established seasons, by written permission of the landowner.

Subp. 56. **Carleton Game Refuge, Dakota and Rice Counties.** The Carleton Game Refuge in Dakota and Rice Counties is open for deer hunting by archery from the fourth Thursday in November to December 31, by written permission of the landowner.

Subp. 57. **Talcot Lake Game Refuge, Cottonwood County.** The following special provisions apply to the Talcot Lake Game Refuge, Cottonwood County.

A. Those portions within the Talcot Lake Game Refuge that are posted to prohibit trespassing are closed to hunting. The remainder of the refuge is open to waterfowl hunting during the open Canada goose seasons only at designated hunting stations as provided by parts 6230.0500 to 6230.1100.

B. Designated hunting stations within the refuge must be spaced no less than 200 yards apart and must be no more than 100 yards inside the refuge, as measured from the posted boundary.

Subp. 58. **Clear Lake Game Refuge, Sherburne County.** The Clear Lake Game Refuge in Sherburne County is open to:

A. deer hunting by firearms; and

B. deer hunting by archery.

6230.0600 DESCRIPTIONS OF CONTROLLED HUNTING ZONES.

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

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

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A. The East Side Zone is:

(1) the 200 yard wide area which is ~~outside of the Talcot Lake Game Refuge and Sanctuary and immediately adjacent to the following described boundary as posted east of the west right-of-way boundary of that portion of County State-Aid Highway (CSAH) 7, Cottonwood County, described as follows:~~

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

~~(2) the West Half of the East Half of Section 29, Township 105 North, Range 38 West, Cottonwood County.~~

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

[For text of subp 8, see M.R.]

6230.0700 THIEFLAKE (EARLY) AND LAC QUI PARLE SPECIAL PROVISIONS.

Subpart 1. **Time periods for special provisions.** In addition to the regulations provided by part 6230.0500, the following subparts apply to all persons. ~~In the Thief Lake controlled hunting zone, the regulations in this part apply during the period from the opening day of the goose season to the Monday nearest October 22; in the Lac qui Parle Controlled Hunting Zones, these regulations apply during the open season for taking Canada geese in the Lac qui Parle Goose Zone.~~

Subp. 2. **Hunting stations.** Waterfowl and small game hunters may reserve designated hunting stations in accordance with regulations available at the ~~Thief Lake and Lac qui Parle Wildlife Management Area headquarters.~~ Reservation dates may not be changed. Only one hunting group, consisting of no more than three hunters, may occupy a designated hunting station at one time. ~~At Lac qui Parle, Not more than six hunting groups per day may occupy a designated hunting station.~~

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

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

6230.0800 THIEFLAKE (LATE) SPECIAL PROVISIONS.

Subpart 1. **Time period for special provisions.** In addition to the ~~general~~ regulations ~~provided by part 6230.0500,~~ the following subparts apply to waterfowl ~~and small game~~ hunters in the Thief Lake Controlled Hunt Zone during ~~the period from the Tuesday nearest October 23 to the close of the goose season~~ all open waterfowl seasons, except that restrictions on small game hunting apply only from the opening of the regular waterfowl season through the Monday nearest October 22.

Subp. 2. **Designated hunting station.** ~~Waterfowl~~ Hunters must use designated hunting stations and on a first come first served basis. Hunters are limited to one trip ~~per day~~ to the hunting stations before noon and one trip after noon each day.

Subp. 3. **See repealer.**

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

Subp. 5. **Limitation on number of shells possessed.** Only persons hunting may bring shotgun shells into the controlled hunting zone. A ~~waterfowl~~ hunter may not bring more than six shells per ~~day~~ trip into the controlled hunting zone or have more than six shells in possession at any one time.

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

Subp. 7. Closed hunting stations. A person may not occupy or hunt from any hunting station that is posted closed.

6230.1000 ROSEAU RIVER AND ROCHESTER REGULATIONS.

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

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

6230.1100 TALCOT LAKE SPECIAL PROVISIONS.

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

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

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Lake Controlled Hunting Zones, waterfowl hunting is allowed only at designated hunting stations. Hunting species other than waterfowl is prohibited on public land in the Talcot Lake Controlled Hunting Zones.

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

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

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

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

Subp. 7. **Firearms must be cased.** All firearms must be cased except within ten feet of a hunting station.

6232.0200 DEFINITIONS.

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

Subp. 3. [See repealer.]

[For text of subp 3a, see 27 SR 348]

Subp. 4. **Bait.** “Bait” means grains, fruits, vegetables, nuts, hay, or other food that is capable of attracting or enticing deer and that has been transported and placed for the purpose of attracting or enticing deer by a person. Liquid scents, salt, and minerals are not bait.

Subp. 4a. **Deer permit area.** “Deer permit area” means an area of the state consisting of one or more deer registration blocks. Deer permit areas open for taking legal bucks and antlerless deer during the regular firearms deer season are defined as follows:

A. “intensive deer permit area” means a deer permit area where taking deer of either sex is authorized by a regular firearms license, except a multizone buck license, and where multiple bonus permits are authorized;

B. “managed deer permit area” means a deer permit area where taking deer of either sex is authorized by a regular firearms license, except a multizone buck license, and where one bonus permit is authorized; and

C. “lottery deer permit area” means a deer permit area where taking legal bucks is authorized by a regular firearms license and taking antlerless deer is authorized by an eithersex permit.

Subp. 5. **Deer management Bonus permit.** “Deer management Bonus permit” means a license to take and tag a second deer by archery or firearms, in addition to deer authorized to be taken under regular archery or firearms licenses. It is available for onehalf the cost of a regular resident or nonresident license, except that the license is free to qualifying owners and tenants of ten acres or more of agricultural land and is valid immediately upon issuance, as long as the purchaser has a valid regular license. Deer taken and tagged with a bonus permit must be antlerless unless otherwise prescribed by the commissioner.

Subp. 5a. [See repealer.]

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

Subp. 9. **Regular licenses.** “Regular firearms license” means a license valid for taking a deer by firearms in the regular firearms or muzzleloader season, except bonus permits. “Regular archery license” means a license valid for taking a deer by archery in the archery season, except bonus permits.

6232.0300 GENERAL RESTRICTIONS FOR TAKING DEER.

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

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

Subp. 3. **Party hunting.** A party is a group of two or more licensed deer hunters who are afield hunting together and are all using firearms or all using archery equipment. A member of a party may kill a deer for another member of the party who has an unused tag valid for that deer, except as provided by *Minnesota Statutes*, section 97B.301. A mixedweapons group is considered two separate parties. Multizone buck licensees may party hunt with regular firearms licensees. Persons issued permits under *Minnesota Statutes*, section 97B.055, subdivision 3, who are hunting in a lottery deer permit area and do not have an antlerless either-sex permit may not tag antlerless deer for another member of the party.

Subp. 4. **Baiting.** A person may not place or use bait for the purpose of taking hunt deer (1) with the aid or use of bait, (2) in the vicinity of bait if the person knows or has reason to know that bait is present, or (3) in the vicinity of where the person has placed bait or caused bait to be placed within the previous ten days. This restriction does not apply to food resulting from normal or accepted farming, forest management, wildlife management food plantings, orchard management, or other similar land management activities.

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

Subp. 6. **License purchase and validation.**

A. ~~A deer management permit or an intensive harvest bonus permit may be purchased any time throughout the open deer seasons. Deer management permits or intensive harvest Bonus permits are valid immediately upon purchase, as long as the purchaser has a valid regular license. When a regular license is purchased after the start of the season for that license, a management or intensive harvest bonus permit is not valid until the waiting period has expired for the regular license.~~

B. ~~At the time a deer is tagged at the site of kill, the license of the person whose tag is affixed to the deer must be validated. Validation consists of using a knife or similar sharp object to cut out or a pen to indelibly mark the appropriate notch notches on the license tag indicating:~~

- (1) the month the deer was taken;
- (2) the date the deer was taken; and
- (3) the time of day the deer was taken.

[For text of subp 7, see M.R.]

Subp. 8. **Bag limit.** A person may not tag more than one deer during a license year by any method, except as authorized in items A to D.

A. ~~Archery and Firearms deer management permits may be used to tag a second deer as provided in this chapter.~~

B. ~~In Marshall, Kittson, Roseau, Lake of the Woods, and Pennington Counties, a person may tag one deer with a regular archery license and another with a regular firearms license, including the muzzleloader option or multizone buck license. Both deer must be taken and registered in this five-county area.~~

C. ~~A person may tag a third, fourth, or fifth deer by archery or firearms with an intensive harvest permit in specified areas as prescribed in this chapter.~~

~~D. B. A person may tag a second, third, fourth, or fifth deer by archery, firearm, or muzzleloader with a bonus permit in specified areas as prescribed in this chapter.~~

~~E. C. In no case may a person tag more than five deer per year by firearms, archery, or both methods combined, except a sixth deer may be tagged if the person takes a deer with a free landowner permit.~~

~~D. Total bag limits by deer permit area are as follows:~~

- ~~(1) the total bag limit for lottery deer permit areas is one deer, except all-season license holders may take two deer;~~
- ~~(2) the total bag limit for managed deer permit areas is two deer, except allseason license holders may take up to three deer. Archery, firearms, and muzzleloader hunters using bonus permits may not harvest antlerless deer in more than one managed deer permit area;~~
- ~~(3) the total bag limit for intensive deer permit areas is five deer; and~~
- ~~(4) in addition to the total bag limits under subitems (1) to (3), a person with a free landowner deer license may take one additional antlerless deer on land owned or leased by the person in managed and intensive deer permit areas.~~

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

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 to the deer at any of the locations specified in part 6232.0300, subpart 5.~~ A person may not process a deer unless it has been registered as evidenced by an attached possession tag.

6232.0500 DEER LICENSES FOR MILITARY PERSONNEL.

Military personnel and disabled veterans may obtain a license to hunt deer as authorized by *Minnesota Statutes*, sections 97A.441 and 97A.465, under the conditions in this part.

A. The free license, ~~antlerless either-sex~~ permit, and tag must be obtained from ~~the county auditor~~ an electronic license system special agent or the Department of Natural Resources License Center.

B. ~~The auditor must punch the zone and the date option selected by the applicant shall be printed on the license.~~

C. The license entitles the holder to take a deer ~~of either sex~~ in the zone and during the date option selected. ~~Antlerless deer may be taken in that portion of the zone where quotas are prescribed as provided by part 6232.1800, but taking antlerless deer must be confined to the~~

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~~dates when antlerless deer permits are valid within the zone selected.~~ A license is not valid in the special areas provided in this chapter. Military or disabled veteran licensees are not eligible for ~~deer management free bonus permits, all-season deer licenses,~~ or multizone buck licenses.

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

6232.0600 SEASONS AND ZONES FOR TAKING DEER BY ARCHERY.

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

Subp. 2. **Northeast Border Zone.** The following provisions apply to the taking of deer by archery in the Northeast Border Zone:

A. The open area consists of: ~~Deer Registration Blocks H5, H6, H7, H8, and~~ 127, 130, and 194.

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

6232.0700 LEGAL DEER BY ARCHERY.

Antlerless deer and legal bucks may be taken by archery, ~~except that archery hunters may not take antlerless deer in lottery deer permit areas that have no either-sex permit quota or in lottery deer permit areas that have a quota of youth antlerless permits for firearms deer hunters under part 6232.1800, subpart 9.~~

6232.0900 CAMP RIPLEY ARCHERY HUNT.

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

Subp. 2. **Permit required to hunt.** Only persons possessing a valid Minnesota archery ~~or allseason~~ deer hunting license, ~~an unused possession tag valid for taking a deer by archery,~~ and a permit validated for the Camp Ripley archery hunt will be permitted to enter Camp Ripley. Permits are not transferable between individuals or hunting dates. ~~The permit for the Camp Ripley archery hunt authorizes the permit holder to take one deer at Camp Ripley, unless otherwise authorized by the commissioner. A permit holder may not take any species other than deer at Camp Ripley.~~

6232.1000 APPLICATION PROCESS FOR CAMP RIPLEY ARCHERY HUNT.

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

The total number of permits issued for all hunting periods may not exceed the quota. ~~If more preference applications are received than that allotted for a single hunting period, a preference drawing will be held. Those unsuccessful in this preference drawing will be offered permits for the alternate hunting period, when available. In the event there are permits remaining after preference permits have been issued, a random drawing will be conducted from general applicants to reach the quota. Persons may not hunt in more than one hunting period. If the number of applications for Camp Ripley archery hunt permits exceeds the quota in the annual hunting regulations, a preference drawing shall be used to select permit holders. A person may enter the preference drawing by supplying the person's driver's license number, official state identification number, or 13-digit firearms safety identification number on the application. Applicants establish a preference rating based on the number of times they have applied in previous years and have not obtained a permit. The preference rating increases each year the applicant applies unsuccessfully. Persons applying for the first time have no preference. Applicants receiving a permit lose their accrued preference.~~

Subp. 2. **General drawing Group selection.** This subpart applies to the Camp Ripley archery hunt general drawing:

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

B. ~~Up to six four persons may apply as a group by submitting their individual applications in one envelope. Either all members of a group will be selected or none will be selected. The preference rating of applicants who apply as a group is based on the individual in the group with the lowest preference. All group members must apply for the same time period.~~

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

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

A. ~~personally sign the application;~~

B. ~~apply for only one drawing be at least 12 years of age prior to the third Thursday in October;~~

C. ~~B. apply for only one of the hunting periods;~~

D. ~~C. submit no more than one application per year;~~

E. ~~apply by the Friday nearest August 17; and~~

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

G. ~~pay application fees by cashier's check, money order, or personal check as provided by statute.~~

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6232.1100 SPECIAL RESTRICTIONS FOR CAMP RIPLEY ARCHERY HUNT.

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

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

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

[For text of subs 2 to 4, see M.R.]

Subp. 5. [See repealer.]

6232.1250 TAKING DEER BY ARCHERY UNDER INTENSIVE HARVEST BONUS PERMITS.

Subpart 1. **Purchase.** The purchase of ~~an intensive harvest a bonus~~ permit is authorized for any person who has purchased ~~and presents~~ a valid archery deer license for the current year. ~~Intensive harvest Bonus~~ permits may be purchased from ~~license vendors in Anoka, Washington, Ramsey, Hennepin, Scott, Carver, and Dakota counties, county auditor offices~~ electronic license system agents, the Department of Natural Resources License ~~bureau~~ Center, and other authorized agents.

Subp. 2. **Restrictions.** ~~Intensive harvest Bonus~~ permits may be used to take antlerless deer ~~only or antlerless deer and adult bucks in antlerless~~ in managed and intensive deer permit areas and in special hunt areas prescribed by the commissioner. In managed deer permit areas, one bonus permit may be used to take an antlerless deer. In intensive deer permit areas and special hunt areas, up to four bonus permits may be used to take antlerless deer.

6232.1300 SEASONS FOR TAKING DEER BY FIREARMS.

Subpart 1. **Zone 1.** Legal bucks may be taken in Zone 1 for a 16-day period beginning the Saturday nearest November 6. ~~In managed or intensive deer permit areas, antlerless deer may be taken only by permit throughout this season and only within the permit area specified on each hunter's permit, except as specifically authorized by statute. In lottery deer permit areas and in special hunt areas, antlerless deer may be taken only by permit throughout this season and only within the deer permit or special hunt area specified on each hunter's permit, except as specifically authorized by statute.~~ A person who is authorized by statute to take a deer of either sex without an ~~antlerless either-sex~~ permit and who is licensed for Zone 1 may take an antlerless deer without a permit in any Zone 1 ~~antlerless deer~~ permit area, except in those lottery deer permit areas where no either-sex permits are offered.

Subp. 2. **Zone 2.** Legal bucks may be taken in Zone 2 for a nine-day period beginning the Saturday nearest November 6. ~~In managed or intensive deer permit areas, antlerless deer may be taken only by permit throughout this season and only within the permit area specified on each hunter's permit, except as specifically authorized by statute. In lottery deer permit areas and in special hunt areas, antlerless deer may be taken only by permit throughout this season and only within the deer permit or special hunt area specified on each hunter's permit, except as specifically authorized by statute.~~ A person who is authorized by statute to take a deer of either sex without an ~~antlerless either-sex~~ permit and who is licensed for Zone 2 may take an antlerless deer without a permit in any Zone 2 ~~antlerless deer~~ permit area, except in those lottery deer permit areas where no either-sex permits are offered.

Subp. 3. **Zone 3.** This subpart applies to season dates in Zone 3.

A. Legal bucks may be taken in the early ~~Zone 3A~~ season ~~in Zone 3~~ for a ~~nine-day~~ seven-day period beginning the Saturday nearest November 6. ~~In managed or intensive deer permit areas, antlerless deer may be taken throughout this season. In lottery deer permit areas and in special hunt areas, antlerless deer may be taken only by permit throughout this season and only within the deer permit or special hunt area specified on each hunter's permit, except as specifically authorized by statute. A person who is authorized by statute to take a deer of either sex without an either-sex permit and who is licensed for Zone 3A may take an antlerless deer without a permit in any Zone 3A deer permit area, except in those lottery deer permit areas where no either-sex permits are offered.~~

B. Legal bucks ~~and antlerless deer~~ may be taken during the late ~~Zone 3B~~ season ~~in Zone 3~~ for a ~~seven-day~~ nine-day period beginning the Saturday nearest November 20. ~~In managed or intensive deer permit areas, antlerless deer may be taken only by permit and only within the permit area specified on each hunter's permit, except as specifically authorized by statute throughout this season. In lottery deer permit areas and in special hunt areas, antlerless deer may be taken only by permit throughout this season and only within the deer permit or special hunt area specified on each hunter's permit, except as specifically authorized by statute. A person who is authorized by statute to take a deer of either sex without an antlerless either-sex permit and who is licensed for Zone 3B may take an antlerless deer without a permit in any Zone 3B antlerless deer permit area, except in those lottery deer permit areas where no either-sex permits are offered.~~

Subp. 4. **Zone 4.** This subpart applies to season dates in Zone 4.

A. Legal bucks ~~and antlerless deer~~ may be taken in the early ~~Zone 4A~~ season ~~in Zone 4~~ for a twoday period beginning the Saturday nearest November 6. ~~In managed or intensive deer permit areas, antlerless deer may be taken only by permit and only within the permit area specified on each hunter's permit, except as specifically authorized by statute throughout this season. In lottery deer permit areas and in special hunt areas, antlerless deer may be taken only by permit throughout this season and only within the deer permit or special hunt area specified on each hunter's permit, except as specifically authorized by statute. A person who is authorized by statute to take a deer of either sex without an antlerless either-sex permit and who is licensed for Zone 4A may take an antlerless deer without a permit in any~~

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Zone 4A ~~antlerless~~ deer permit area, except in those lottery deer permit areas where no either-sex permits are offered.

B. Legal bucks ~~and antlerless deer~~ may be taken in the late Zone 4B season in Zone 4 for a four-day period beginning the Saturday nearest November 13. ~~In managed or intensive deer permit areas, antlerless deer may be taken only by permit and only within the permit area specified on each hunter's permit, except as specifically authorized by statute throughout this season. In lottery deer permit areas and in special hunt areas, antlerless deer may be taken only by permit throughout this season and only within the deer permit or special hunt area specified on each hunter's permit, except as specifically authorized by statute.~~ A person who is authorized by statute to take a deer of either sex without an ~~antlerless either-sex~~ permit and who is licensed for Zone 4B may take an antlerless deer without a permit in any Zone 4B ~~antlerless~~ deer permit area, except in those lottery deer permit areas where no either-sex permits are offered.

Subp. 5. Taking antlerless deer on firearms licenses. The provisions for taking antlerless deer in this part apply to the use of a regular firearms, all-season, or youth deer license tag. In addition, antlerless deer may be taken and tagged with bonus permits as prescribed in parts 6232.1900 and 6232.1950.

Subp. 6. Permit quota adjustments. The commissioner may reduce either-sex and special hunt permit quotas for permit areas wholly or partially within the 1837 Ceded Territory at the time the computerized drawing is conducted to accommodate tribal declarations for antlerless deer harvest in the 1837 Ceded Territory in compliance with *Mille Lacs Band of Chippewa v. Minnesota*, 119 S. Ct. 1187 (1999).

6232.1400 ZONE DESCRIPTIONS.

Subpart 1. **Zone 1.** Zone 1 is that portion of the state lying within the following described boundary:

Beginning on State Trunk Highway (STH) 72 at the northern boundary of the state; thence along STH 72 to the Tamarac River, Beltrami County; thence along the southerly shore of the Tamarac River to Upper Red Lake; thence along the easterly and southerly shores of Upper Red Lake to the easterly boundary of the Red Lake Indian Reservation; thence along the easterly boundary of said reservation to STH 1; thence along STH 1 to STH 72; thence along STH 72 to U.S. Highway 71; thence along U.S. Highway 71 to County State-Aid Highway (CSAH) 39, Beltrami County; thence along CSAH 39 to CSAH 20, Beltrami County; thence along CSAH 20 to the junction with CSAH ~~53~~ 27, Beltrami County; thence along CSAH ~~53~~ 27 to CSAH 12, Beltrami County; thence along CSAH 12 to CSAH ~~54~~ 27, Beltrami County; thence along CSAH ~~54~~ 27 to CSAH 8, Beltrami County; thence along CSAH 8 to CSAH 25, Beltrami County; thence along CSAH 25 to CSAH 4, Beltrami County; thence along CSAH 4 to CSAH 46, Hubbard County; thence along CSAH 46 to U.S. Highway 2; thence along U.S. Highway 2 to CSAH 45, Hubbard County; thence along CSAH 45 to CSAH 9, Hubbard County; thence along CSAH 9 to CSAH 69, Cass County; thence along CSAH 69 to CSAH 5, Hubbard County; thence along CSAH 5 to CSAH 39, Hubbard County; thence along CSAH 39 to County Road (CR) 94, Hubbard County; thence along CR 94 to CSAH 31, Hubbard County; thence along CSAH 31 to STH 200; thence along STH 200 to STH 371; thence along STH 371 to STH 84; thence along STH 84 to CSAH 2, Cass County; thence along CSAH 2 to CSAH 1, Crow Wing County; thence along CSAH 1 to STH 6; thence along STH 6 to STH 18; thence along STH 18 to U.S. Highway 169; thence due east from said junction to the west shore of Mille Lacs Lake; thence along the westerly and southerly shores of said lake to a point due north of the junction of U.S. Highway 169 and STH 27; thence due south to said junction; thence along U.S. Highway 169 to STH 23; thence along STH 23 to STH 65; thence along STH 65 to STH 70; thence along STH 70 to the east boundary of the state;

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thence along the easterly and northerly boundaries of the state to the point of beginning.

Subp. 2. **Zone 2.** Zone 2 is that portion of the state lying within the following described boundary:

Beginning on State Trunk Highway (STH) 72 at the northern boundary of the state; thence along STH 72 to the Tamarac River, Beltrami County; thence along the southerly shore of the Tamarac River to Upper Red Lake; thence along the easterly and southerly shores of Upper Red Lake to the easterly boundary of the Red Lake Indian Reservation; thence along the easterly boundary of said reservation to STH 1; thence along STH 1 to STH 72; thence along STH 72 to U.S. Highway 71; thence along U.S. Highway 71 to County State-Aid Highway (CSAH) 39, Beltrami County; thence along CSAH 39 to CSAH 20, Beltrami County; thence along CSAH 20 to CSAH ~~53~~ 27, Beltrami County; thence along CSAH ~~53~~ 27 to CSAH 12, Beltrami County; thence along CSAH 12 to CSAH ~~51~~ 27, Beltrami County; thence along CSAH ~~51~~ 27 to CSAH 8, Beltrami County; thence along CSAH 8 to CSAH 25, Beltrami County; thence along CSAH 25 to CSAH 4, Beltrami County; thence along CSAH 4 to CSAH 46, Hubbard County; thence along CSAH 46 to U.S. Highway 2; thence along U.S. Highway 2 to CSAH 45, Hubbard County; thence along CSAH 45 to CSAH 9, Hubbard County; thence along CSAH 9 to CSAH 69, Cass County; thence along CSAH 69 to the junction of CSAH 5, Hubbard County; thence along CSAH 5 to CSAH 39, Hubbard County; thence along CSAH 39 to County Road (CR) 94, Hubbard County; thence along CR 94 to CSAH 31, Hubbard County; thence along CSAH 31 to STH 200; thence along STH 200 to STH 371; thence along STH 371 to STH 84; thence along STH 84 to CSAH 2, Cass County; thence along CSAH 2 to CSAH 1, Crow Wing County; thence along CSAH 1 to STH 6; thence along STH 6 to STH 18; thence along STH 18 to U.S. Highway 169; thence due east from said junction to the west shore of Mille Lacs Lake; thence along the westerly and southerly shores of said lake to a point due north of the junction of U.S. Highway 169 and STH 27; thence due south to said junction; thence along U.S. Highway 169 to STH 23; thence along STH 23 to STH 65; thence along STH 65 to STH 70; thence along STH 70 to the eastern boundary of the state; thence along the easterly boundary of the state to the junction of the St. Croix and Mississippi Rivers; thence along the easterly bank of the Mississippi River to U.S. Highway 10; thence along U.S. Highway 10 to U.S. Highway 71; thence along U.S. Highway 71 to STH 87; thence along STH 87 to U.S. Highway 59; thence along U.S. Highway 59 to the southern boundary of the White Earth Indian Reservation; thence along the southern, western, and northern boundaries of said reservation to STH 59; thence along STH 59 to the northern boundary of the state to the point of beginning.

Subp. 3. **Zone 3.** Zone 3 is that portion of the state lying within the following described boundary:

Beginning at the junction of the Mississippi River and the mouth of the Crow River, Wright County; thence along the easterly bank of the Crow River to the mouth of the South

Fork of the Crow River; thence along the easterly bank of the South Fork of the Crow River to State Trunk Highway (STH) 25; thence along STH 25 to the Minnesota River; thence along the easterly bank of the Minnesota River to STH 19; thence along STH 19 to U.S. Highway 52; thence along U.S. Highway 52 to STH 57; thence along STH 57 to the ~~municipal boundary of Kasson U.S. Highway 14~~; thence along the ~~municipal boundary of Kasson U.S. Highway 14~~ to County State-Aid Highway (CSAH) 13, Dodge County; thence along CSAH 13 to STH 30; thence along STH 30 to U.S. Highway 63; thence along U.S. Highway 63 to the south boundary of the state; thence along the southerly and easterly boundaries of the state to the junction of the St. Croix and Mississippi Rivers; thence along the easterly bank of the Mississippi River to the point of beginning.

Subp. 4. **Zone 4.** Zone 4 is that portion of the state lying within the following described boundary:

Beginning on U.S. Highway 59 at the north boundary of the state; thence along U.S. Highway 59 to the north boundary of the White Earth Indian Reservation; thence along the north, west, and south boundaries of said reservation to U.S. Highway 59; thence along U.S. Highway 59 to U.S. Highway 10; thence along U.S. Highway 10 to State Trunk Highway (STH) 87; thence along STH 87 to U.S. Highway 71; thence along U.S. Highway 71 to U.S. Highway 10; thence along U.S. Highway 10 to the easterly bank of the Mississippi River; thence along the easterly bank of the Mississippi River to the mouth of the Crow River, Wright County; thence along the easterly bank of the Crow River to the mouth of the South Fork of the Crow River; thence along the easterly bank of the South Fork of the Crow River to STH 25; thence along STH 25 to the Minnesota River; thence along the easterly bank of the Minnesota River to STH 19; thence along STH 19 to U.S. Highway 52; thence along U.S. Highway 52 to STH 57; thence along STH 57 to the ~~municipal boundary of Kasson U.S. Highway 14~~; thence along the ~~municipal boundary of Kasson U.S. Highway 14~~ to County State-Aid Highway (CSAH) 13, Dodge County; thence along CSAH 13 to STH 30; thence along STH 30 to U.S. along STH 23 to STH 95; thence along STH 95 to U.S. Highway 8; thence along U.S. Highway 8 to the eastern boundary of the state; thence along the east, south, west, and north boundaries of the state to the point of beginning.

6232.1600 SPECIAL HUNT PROCEDURES.

Subpart 1. **Deer license and permit required for special hunt permit area.** Before applying to hunt in a special hunt permit area, a person must purchase a deer hunting license. A firearms deer license validated for the proper zone and time period and a permit valid for that area is required to hunt deer in firearms special hunt areas. ~~The permit application issued with the applicant's license must be used to apply for a special area permit.~~ Special hunt permit applications must be made at an electronic license system agent or the Department of Natural Resources License Center.

Subp. 2. **Application process.** Applications for all firearms special ~~permit area hunts~~ hunt permits must be made according to this subpart and according to application instructions provided by the commissioner.

A. Each person must apply ~~on the official permit application form provided with the applicant's license~~ at an electronic license system agent or the Department of Natural Resources License Center. A person may not apply more than once for a hunt, whether as an individual or as a member of a group.

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B. Up to four persons desiring to hunt as a group may apply together by ~~submitting their applications in one envelope~~. Group applications submitted in one envelope will either all be selected or none selected.

C. The preference rating of applicants who apply as a group will be based on the individual in the group with the lowest preference.

D. ~~Applications must be mailed or delivered to the license bureau.~~

E. The application deadline is the first Thursday following Labor Day.

F. E. If the number of applications for permits in any area exceeds the quota determined by the commissioner, a preference drawing will be held to determine who will be issued permits as provided by part 6232.1800.

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

6232.1750 DEER PERMIT AREA DESIGNATION.

The commissioner shall annually designate all deer permit areas as intensive, managed, or lottery and shall establish permit quotas for taking deer of either sex in lottery deer permit areas.

6232.1800 ANTLERLESS EITHER-SEX PERMITS AND PREFERENCE DRAWINGS.

Subpart 1. **Procedures for applying for an antlerless either-sex permit.** Residents and nonresidents are eligible for ~~antlerless either-sex~~ permits. A person may not apply for an ~~antlerless either-sex~~ deer permit without first purchasing a firearms or all-season deer license ~~and obtaining a permit application issued with the license~~. The application may be made for only one of the deer permit areas described in this part, and must be for the zone and dates on the applicant's deer license. A person may not submit more than one application for an ~~antlerless either-sex~~ permit. A person may apply for an ~~antlerless either-sex~~ permit or a special hunt permit, but not both.

~~After the application has been completed, it must be either mailed or delivered to the license bureau.~~ The application deadline is the first Thursday following Labor Day.

Subp. 2. **Preference drawings for antlerless either-sex permits in lottery deer permit areas and special hunt area permits.** If the number of applications for either-sex permits in an antlerless permit a lottery deer permit area or for permits in a special hunt area exceeds the quota set forth in the annual hunting regulations, a preference drawing will be used to select permit holders. Persons 12 years of age or older may enter the preference drawing by supplying their driver's license number, official state of Minnesota Identification Number, or 13-digit Firearms Safety Identification Number on the application, except that resident hunters under age 16 on the Saturday nearest November 6 may not apply for ~~antlerless either-sex~~ permits. All applicants who have reached their 18th birthday by the first Thursday following Labor Day must provide one of these three numbers to qualify. Applicants under 18 years of age who do not submit one of these numbers will be assigned a number and will be entered into the preference drawing. Applicants establish a preference rating based upon the number of times they have applied in previous years and have not obtained an ~~antlerless either sex~~ or special hunt area permit. The preference rating will increase each year the applicant applies unsuccessfully for either an ~~antlerless either-sex~~ or special hunt area permit. Persons applying for the first time have no preference. Applicants receiving either antlerless either-sex or special hunt area permits lose their accrued preference.

Subp. 3. **Antlerless Deer permit areas.** Deer permit areas are comprised of ~~partial, single, or grouped~~ registration blocks ~~described as follows:~~ of the same number.

A. Antlerless permit areas in Zone 1:

- (1) permit area 110 consists of registration block 110;
- (2) permit area 104-105-106 consists of registration blocks 104 to 106;
- (3) permit area 107-108-109-195 consists of registration blocks 107 to 109, and 195;
- (4) permit area 115 consists of registration block 115;
- (5) permit area 116 consists of registration block 116;
- (6) permit area 117 consists of registration block 117;
- (7) permit area 118 consists of registration block 118;
- (8) permit area 119-120-121 consists of registration blocks 119 to 121;
- (9) permit area 122-123-124-125 consists of registration blocks 122 to 125;
- (10) permit area 126-128-129 consists of registration blocks 126, 128, and 129;
- (11) permit area 130 consists of registration block 130;
- (12) permit area 152 consists of registration block 152;
- (13) permit area 154-155-156 consists of registration blocks 154 to 156;
- (14) permit area 157-158 consists of registration blocks 157 and 158;
- (15) permit area 159 consists of registration block 159;
- (16) permit area 167-168-169 consists of registration blocks 167 to 169;
- (17) permit area 170-171 consists of registration blocks 170 and 171;
- (18) permit area 172 consists of registration block 172;

- (19) permit area 173-174 consists of registration blocks 173 and 174;
- (20) permit area 175-176-177-178-179 consists of registration blocks 175 to 179;
- (21) permit area 180-181-182-183-184-199 consists of registration blocks 180 to 184 and 199;
- (22) permit area 194 consists of registration block 194; and
- (23) permit area 197-198 consists of registration blocks 197 and 198.

B. Antlerless permit areas in Zone 2:

- (1) permit areas 201 to 210 consist of the registration blocks 201 to 210;
- (2) permit area 211-212-213 consists of registration blocks 211 to 213;
- (3) permit area 214 consists of registration block 214;
- (4) permit areas 221 to 228 and 235 and 236 consist of registration blocks 221 to 228 and 235 and 236;
- (5) permit area 244 consists of registration block 244;
- (6) permit area 245 consists of registration block 245;
- (7) permit areas 246 to 249 consist of registration blocks 246 to 249;
- (8) permit area 251 consists of registration block 251;
- (9) permit area 284-285-286 consists of registration blocks 284 to 286;
- (10) permit area 287 consists of registration block 287; and
- (11) permit area 297-298 consists of registration blocks 297 and 298.

C. Antlerless permit areas in Zone 3: permit areas 337 to 339 and 341 to 349 consist of registration blocks 337 to 339 and 341 to 349.

D. Antlerless permit areas in Zone 4:

- (1) permit areas 401 to 429 consist of registration blocks 401 to 429;
- (2) permit area 431 consists of registration block 431;
- (3) permit area 433 consists of registration block 433;
- (4) permit area 435 consists of registration block 435;
- (5) permit area 440 consists of registration block 440;
- (6) permit area 442 consists of registration block 442;
- (7) permit area 443 consists of registration block 443; and
- (8) permit areas 446 to 459 and 461 to 467 consist of registration blocks 446 to 459 and 461 to 467.

6232.1950 TAKING DEER BY FIREARMS UNDER INTENSIVE HARVEST BONUS PERMITS.

Subpart 1. **Purchase.** The purchase of ~~an intensive harvest a bonus~~ permit is authorized for any person who has purchased and presents a regular firearms deer license, ~~multizone buck license, or muzzleloader license~~ for the current year. ~~Intensive harvest Bonus permits may be purchased for one-half the cost of a regular license from license vendors in Anoka, Washington, Ramsey, Hennepin, Scott, Carver, and Dakota counties, county auditor offices electronic license system agents, the Department of Natural Resources License bureau Center, and other authorized agents.~~

Subp. 2. **Restrictions.** ~~Intensive harvest Bonus permits may be used to take antlerless deer only in antlerless permit areas and special hunt areas prescribed by the commissioner. by firearms during the regular firearms and muzzleloader seasons as follows:~~

A. for the regular firearms season, hunters must have a regular firearms license validated valid for the appropriate zone and time option, including except the muzzleloader option, or a multizone buck license to take deer under an intensive harvest a bonus permit in that the respective zone and time period for which the license is valid. One bonus permit may be used to take an antlerless deer in one managed deer permit area as prescribed in part 6232.1750. Up to four bonus permits may be used to take antlerless deer in intensive deer permit areas as prescribed in part 6232.1750 and in special hunt areas as prescribed in part 6232.1600; and

B. for the muzzleloader season, one bonus permit may be used to take an antlerless deer in one managed deer permit area as prescribed in part 6232.1750. Up to four bonus permits may be used to take antlerless deer in intensive deer permit areas as prescribed in part 6232.1750 and in special hunt areas prescribed by the commissioner.

6232.2000 MULTIZONE BUCK LICENSE.

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

Subp. 2. **Antlerless deer and special hunts.** Multizone buck license holders may not apply for ~~antlerless lottery either-sex permits or special permit areas hunt area permits~~. Multizone buck licensees may purchase and use ~~intensive harvest bonus~~ permits to take antlerless deer in ~~antlerless permit managed and intensive deer permit areas~~ or special hunt areas prescribed by the commissioner. ~~Intensive harvest Bonus permits for multizone buck hunters are valid during any open firearms zone or time period, except the late Zone 3B and the muzzleloader seasons. Multizone buck licensees may not take antlerless deer under Minnesota Statutes, section 97B.055, subdivision 3, or 97B.301, subdivision 6.~~

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6232.2050 ALLSEASON DEER LICENSE.

Subpart 1. Season and open area.

A. An all-season deer license allows a hunter to take and tag one legal buck and one antlerless deer per year. All-season deer license holders may hunt deer in any of the following seasons, according to all rules and laws for methods of taking in each respective season and zone:

- (1) the archery deer season;
- (2) the muzzleloader deer season; and
- (3) the regular firearms season during any open firearms zone and time period, except the Zone 3B season.

B. In lottery deer permit areas, all-season deer hunters must apply for and receive authorization to take and tag an antlerless deer by firearms.

C. In managed or intensive deer permit areas, all-season deer hunters may take and tag an antlerless deer with the antlerless tag accompanying the license.

D. A person who is authorized by statute to take an antlerless deer without an either-sex permit and who purchases an all-season deer license may take antlerless deer during the firearms season as authorized in part 6232.1300.

Subp. 2. Bonus permits. All-season deer license holders may use one bonus permit in a managed deer permit area and may use up to three bonus permits in intensive deer permit areas, as prescribed in part 6232.1750.

6232.2100 MUZZLELOADER SEASON AND AREAS.

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

Subp. 2. Open zone. The muzzleloader season is open statewide, except that the following antlerless deer permit areas are closed: permit areas 115-118, 122-130, and 194 116, 126, 127, 203, 224, and 287.

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

6232.2550 YOUTH SPECIAL DEER HUNTS.

Subpart 1. General requirements. Youth special deer hunt permittees may hunt in open areas and times designated by the commissioner. All participating youths must attend a mandatory orientation and must be accompanied by at least one adult mentor who is at least 18 years of age and authorized by the youth's parent or guardian. The accompanying adult may not hunt. Party hunting is not allowed. Persons participating in youth archery special deer hunts must obtain a valid license for taking deer by archery by the beginning date of the respective hunt. Persons participating in youth firearms special deer hunts must obtain a license for taking deer by firearms, valid for any zone or season option, by the beginning date of the respective hunt. The blaze orange requirements in *Minnesota Statutes*, section 97B.071, paragraph (a), apply to all hunters and trappers, and all adult mentors of youth hunters, in areas open to youth firearms deer hunting during the open hunting dates established in this part.

Subp. 2. Application requirements. Applications for youth special hunts must be made according to this part and according to application instructions provided by the commissioner. Applicants for youth firearms special hunts must be at least 12 years old and under age 16 by the beginning hunt date. Applicants for youth archery special hunts must be at least 12 years old and under age 18 by the beginning hunt date. Each person must apply at an electronic license system agent or the Department of Natural Resources License Center. Group applications are not allowed. If the number of eligible applicants exceeds the quota established by the commissioner, the commissioner shall conduct a drawing to determine eligible participants. Preference for the youth special hunt drawing is given to applicants based on the number of years they have correctly applied for a youth special hunt permit but have been unsuccessful. Upon issuance of a youth special hunt permit, all accumulated preference is lost. The application deadline is the Friday nearest August 17.

6232.2560 YOUTH SPECIAL DEER SEASONS.

Youths participating in youth special deer seasons must obtain a license for taking deer by firearms, valid for any zone or season option, by the beginning date of the special season. A youth special season participant may take one deer, which must be antlerless. One bonus permit may be used. An adult mentor age 18 or older authorized by the youth's parent or guardian must accompany the youth hunter at all times during the hunt. The accompanying adult may not hunt. Party hunting is not allowed. The blaze orange requirements in *Minnesota Statutes*, section 97B.071, paragraph (a), apply to all hunters and trappers, and all adult mentors of youth hunters, in the areas open to firearms deer hunting during the youth special seasons established in this part.

6232.2900 BEAR PERMIT PROCEDURES.

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

Subp. 2. Drawings. Drawings will be conducted by the department to determine those eligible to purchase a bear license within the bear quota areas. Preference in the drawings will be given to applicants based upon the number of times they have correctly applied for a license in a quota area in previous years but have not been selected. Upon issuance of a quota area license, all accumulated preference will be lost.

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Obtaining a no-quota bear license will have no effect upon eligibility or preference in the drawings. In quota areas with fewer applicants than available licenses, the remaining available licenses may be issued first offered to unsuccessful applicants for other quota areas on a first-come, first-served basis. To obtain a remaining available license, an eligible person must apply individually and in person at an electronic license system agent location or individually through the ELS-Internet or ELS-Telephone system. Any remaining available licenses not purchased by unsuccessful applicants may then be issued to any eligible person as prescribed by the commissioner on a first-come, first-served basis. Individuals who purchase these remaining available licenses will retain their accumulated preference.

Subp. 3. **Required identification number, eligibility.** A person ~~who is at least 12 years old and has successfully completed a firearms safety course approved by the commissioner prior to September 1, and whose big game hunting privileges are not suspended and, if born after December 31, 1979, has successfully completed a firearms safety course approved by the commissioner prior to the opening day of the bear season,~~ is eligible to purchase a bear license for the no-quota area or to enter a drawing for a permit area license. All applicants who will have reached their 18th birthday by September 1 must provide a driver's license number, a ~~state of Minnesota~~ identification card number issued by the Department of Public Safety, or a 13-digit Firearms Safety Certificate number. Eligible applicants under this age who do not submit one of these numbers will be assigned a number and entered into the preference drawing.

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

6232.3800 APPLICATION PROCEDURES FOR A MOOSE LICENSE.

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

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

B. A person may apply only once and must apply in a party of two, three, or four. All party members must apply for the same zone and personally sign the application.

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

D. ~~Twenty percent of the moose licenses to be issued each year are available in a separate selection for individuals who have applied at least ten times for a moose license and who have never received a license. If the 20 percent of licenses exceeds the number of eligible applicants, the remaining permits shall be made available in the regular drawing. Evidence of unsuccessful application for purposes of this drawing is the application history database retained by the commissioner.~~

E. Applications for ~~the general and landowner and tenant drawing~~ all drawings must be made ~~on the appropriate forms and in accordance with instructions.~~

~~E.~~ F. The application deadline is the Friday nearest June 15.

~~F.~~ G. An application fee, as prescribed in *Minnesota Statutes*, section 97A.431, subdivision 3, ~~in the form of a cashier's check, money order, or personal check~~ must accompany each party's application. Any check returned to the department for nonpayment invalidates the application and will be destroyed. Refunds of application fees may not be made for any reason.

~~G.~~ H. Successful applicants will receive instructions for obtaining their licenses.

Subp. 2. [See repealer.]

6232.4100 MOOSE ZONES.

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

Subp. 19. **Moose Zone 20.** Moose Zone 20 consists of that portion of the state lying within the following described boundary:

Beginning at the campground on Kawishiwi Lake; thence in a southerly direction along Forest Road 354 to Hog Creek; thence downstream in a southwesterly direction along Hog Creek to Perent Lake; thence in a westerly direction through the center of Perent Lake to the outlet of the Perent River; thence in a westerly direction along the Perent River to Isabella Lake; thence in a westerly direction along the south shore of Isabella Lake to the Isabella River; thence in a westerly direction along the Isabella River to Bald Eagle Lake; thence in a northwesterly direction through the center of Bald Eagle, Gabbro and Little Gabbro Lakes to the westernmost outlet of Little Gabbro Lake; thence downstream in a northerly direction to the South Kawishiwi River; thence in a northeasterly direction along the South Kawishiwi River to the Kawishiwi River; thence in an easterly direction along the Kawishiwi River to County State-Aid Highway (CSAH) 18

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(Fernberg Road), Lake County; thence in a northerly direction along CSAH 18 to Forest Trail 147 (Kekekabic Trail); thence in a northeasterly direction along Forest Trail 147 to Strup Lake; thence in a southerly direction across all portages and along all streams through Strup, Wisini, Ahmakose, and Gerund Lakes to Fraser Lake; thence in an easterly direction along the north shore of Fraser Lake to the easternmost part of Fraser Lake; thence in an easterly direction across all portages and along all streams through the north end of Sagus Lake, Roe and Cap Lakes to Boulder Lake; thence in a southerly direction through the center of Boulder Lake, across the portage connecting Boulder and Adams Lake to Adams Lake; thence in a southerly direction to the south shore of Adams Lake; thence along the south shore of Adams Lake to the portage connecting Adams Lake and Beaver Lake; thence in a southwesterly direction across said portage to Beaver Lake; thence in a southwesterly and southerly direction through Beaver Lake to the southeast end of Beaver Lake; thence in a southwesterly direction along Unnamed streams, through Whiz and Bow Lakes, to Amber Lake; thence in a southeasterly direction through Amber Lake to the Kawishiwi River; thence in a northeasterly direction along the Kawishiwi River to Record Creek; thence in a southerly direction along Record Creek to the portage connecting Record Creek and Malberg Lake; thence in an easterly direction across said portage to Malberg Lake; thence in a southeasterly direction through Malberg Lake, intersection of Forest Trail 147 and portage to an unnamed lake in Section 29 of Township 64 North, Range 7 West; thence southeast along said portage to an unnamed lake; thence across middle of unnamed lake to portage to Thomas Lake; thence southeast across said portage to Thomas Lake; thence south along the west shore of Thomas Lake to portage to Kiana Lake; thence south across said portage to Kiana Lake; thence south along east shore of Kiana Lake to portage to Insula Lake; thence south on portage to Insula Lake; thence south on Insula Lake (east shore) then east (north shore) to the Kawishiwi River portage; thence southeast on said portage to Kawishiwi River; thence southeast (west shore) and then northeast (south shore) including a small segment of the south shore of Alice Lake and two (2) portages back to the Kawishiwi River in Section 22 of Township 63 North, Range 7 West; thence northeast on Kawishiwi River along west shore to portage to River Lake; thence northeast across said portage to River Lake; thence northeast on River Lake (west shore) to drainage in Southeast Quarter of Section 14 of Township 63 North, Range 7 West; thence easterly along south shore of said drainage to Record Lake; thence northeast on west shore of Record Lake to northeast corner of lake; thence overland approximately 1300 feet at a northeast bearing to south shore of Malberg Lake; thence northeast then south along south shore of Malberg Lake; thence through Koma Lake, and along the Kawishiwi River to

Lake Polly; thence in a southwesterly direction through the center of Lake Polly to the Kawishiwi River; thence upstream in a southerly direction along the Kawishiwi River, through Kawasachong and Square Lakes to Kawishiwi Lake; thence in a southeasterly direction through the center of Kawishiwi Lake to the point of beginning.

[For text of subs 20 to 24, see M.R.]

Subp. 24a. **Moose Zone 26.** Moose Zone 26 consists of that portion of the state lying within the following described boundary:

Beginning where the Horse River meets the Canadian border near the southeastern tip of Crooked Lake; thence southwesterly along the Horse River to Horse Lake; thence along the east shore of Horse Lake to the portage to Tin Can Mike Lake; thence along the portage and streams connecting Tin Can Mike, Sandpit, and Range Lakes to the access trail on the south shore of Range Lake; thence southerly along the access trail to the Range Lake access road; thence along the Range Lake access road to Forest Road (FR) 1036; thence along FR 1036 to FR 459; thence along FR 459 to County StateAid Highway (CSAH) 116 (Echo Trail), St. Louis County; thence along CSAH 116 to CSAH 88, St. Louis County; thence along CSAH 88 to State Trunk Highway (STH) 169; thence along STH 169 to CSAH 58, St. Louis County; thence along CSAH 58 to CSAH 16, Lake County (Section Thirty Road); thence along CSAH 16 to the public access on Farm Lake; thence along the east shore of Farm Lake to the North Kawishiwi River; thence easterly along the North Kawishiwi River to the public access on Lake One and the junction with CSAH 18, Lake County (Fernberg Road); thence along CSAH 18 to the former access point for Forest Trail (FT) 147 (Kekekabic Trail); thence northeasterly along FT 147 to the portage between Strup and Kekekabic lakes; thence to Kekekabic lake and along the south shore of said lake and a swampy flowage to Grubstake lake; thence through Grubstake lake and north to Skoota lake; thence overland in a northerly direction to Knife lake and the Canadian border; the Kekekabic Trail to the Snowbank Trail junction; thence northerly on the Snowbank Trail (paralleling the east shore of Parent Lake) to the Parent Lake-Disappointment Lake portage; thence easterly on said portage to Disappointment Lake; thence northwesterly on portage to Snowbank Lake; thence northerly along shoreline of Snowbank Lake to Boot Lake portage; thence easterly on Boot Lake portage to Boot Lake; thence following the west shore of Boot Lake to Ensign Lake portage; thence northerly on said portage to Ensign Lake; thence westerly along south shore of Ensign Lake to Splash Lake portage; thence west on Splash Lake portage to Splash Lake; thence along south shore of Splash Lake to Newfound Lake portage; thence along portage to Newfound Lake; thence follow the north shore of bay (Newfound L.) into Sucker Lake; thence follow southeast shoreline and north shoreline of Sucker Lake to the Canada-United States international boundary; thence follow said border westerly to Prairie Portage; thence along portage (U.S. side of falls) to Basswood Lake; thence

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westerly along the ~~Canadian border~~ United States-Canada international boundary to ~~the point of beginning~~ origin.

[For text of subs 24b to 29c, see M.R.]

Subp. 30. **Moose Zone 60.** Moose Zone 60 consists of that portion of the state lying within the following described boundary:

Beginning at McFarland Lake north of Hovland; thence in a westerly direction to Pine Lake; thence in a westerly direction through Pine Lake to the range line between Range 2 East and Range 3 East; thence in a southerly direction along said range line across land and the waters of Long Lake and Stump Lake to Fault Lake; thence in a westerly direction through all streams and swamps connecting Fault, Bronco, Shelf, Kiowa, Crocodile, and East Bearskin Lakes; thence northeasterly across East Bearskin Lake to the portage trail to Flour Lake; thence in a northerly direction across said portage trail to Flour Lake; thence along the eastern shore of Flour Lake to the stream to Moon Lake; thence along said stream to Moon Lake; thence along the western shore of Moon Lake to the northwest corner of Moon Lake; thence overland in a northwesterly direction approximately 1,000 feet to Deer Lake; thence in a northerly direction across Deer Lake to the portage trail to Caribou Lake; thence in a northerly direction along said portage trail to Caribou Lake; thence along the western shore of Caribou Lake to the portage trail to Clearwater Lake; thence in a westerly direction across the portage trail to Clearwater Lake; thence in a westerly direction through Clearwater Lake to the western end of the lake; thence overland in a westerly direction approximately 100 yards (crossing CSAH 66, Cook County) to an unnumbered road bed leading to Daniels Lake; thence in a westerly direction along said road bed to Daniels Lake; thence in a ~~northeasterly~~ westerly direction through along the south shore of Daniels Lake to its outlet stream; thence in a northeasterly direction along said stream the portage trail to West Bearskin Lake; thence in a southerly direction across said portage trail to West Bearskin Lake; thence in a westerly direction along the north shore of West Bearskin Lake to the portage trail to Duncan Lake; thence in a northwesterly direction across said portage trail to Duncan Lake; thence in a westerly direction along the south shore of Duncan Lake to a stream connecting to East Otter Lake; thence along said stream in a westerly direction to East Otter Lake; thence in a westerly direction through East Otter Lake and a stream to Hoat Lake; thence in a northwesterly direction through Hoat Lake to the stream to Mucker Lake; thence northeasterly through said stream to Mucker Lake; thence in a northerly direction across Mucker Lake to the outlet stream which drains into South Lake; thence in a southerly direction through said stream to South Lake; thence in a northerly direction to the United States-Canada international boundary; thence in an easterly direction along said boundary through South, Rat, Rose, Rove, Watap, Mountain, Fan, Lily, Moose, and North Fowl Lakes to Royal River; thence in a westerly direction along

Royal River to John Lake; thence in a westerly direction along the south shore of John Lake to the outlet of Little John Lake; thence in a southerly direction through Little John Lake to McFarland Lake, the point of beginning.

[For text of subs 31 and 32, see M.R.]

Subp. 33. **Moose Zone 63.** Moose Zone 63 consists of that portion of the state lying within the following described boundary:

Beginning at the point where the Cook and Lake county boundaries meet the United States-Canada international boundary; thence in a southwesterly direction along the U.S.-Canada international boundary through Swamp; and part of Cypress; and Knife Lakes to the section line between Sections 28 and 29 of Township 65 North, Range 7 West (T. 65N, R. 7W) in Knife Lake; thence in a southerly direction along said section line to the shore of Knife lake; thence overland for approximately 0.6 miles in a southerly direction to Skoota Lake; thence in a southerly direction to the south shore of Skoota Lake; thence overland for approximately 0.1 miles in a southerly direction through Grubstake Lake; thence in an easterly direction through Grubstake Lake to its easternmost tip; thence in an easterly direction along a swampy flowage to Kekekabic Lake; thence in an easterly direction along the south shore of Kekekabic Lake to the stream to Strup Lake; thence in a southerly direction along said stream through Strup and Wisini Lakes to the southernmost tip of Wisini Lake; thence in a southerly direction across the portage trail to Ahmakose Lake; thence in a southwesterly direction through Ahmakose Lake and its outlet stream to Gerund Lake; thence in a southeasterly direction through Gerund Lake and its outlet stream to Fraser Lake; thence in an easterly direction through Fraser Lake to the portage trail to Sagus Lake; thence along said portage trail and along all streams through Sagus, Roe, and Cap Lakes to the eastern end of Cap Lake; thence overland for approximately 0.4 miles in a south-southeasterly direction to Boulder Lake; thence in a southwesterly direction through Boulder Lake and along its outlet stream to Adams Lake; thence in a southerly direction to the southwest tip of Adams Lake; thence overland for approximately 0.25 miles in a southwesterly direction to Beaver Lake; thence in southwesterly and southeasterly directions through Beaver Lake to the stream entering Beaver Lake from the east near the southern tip of Beaver Lake; thence in an easterly direction along said stream to the unnamed lake approximately 0.1 miles to the east; thence in a southerly direction through said unnamed lake and the stream connecting it to Kawishiwi River; thence in a southerly direction along Kawishiwi River, through River Lake, to the unnamed flowage to the east in the Southeast Quarter of Section 14 of T. 63N, R. 7W; thence in an easterly direction along said unnamed flowage across Sections 14 and 13 of T. 63N, R. 7W, and part of Section 18 of T. 63N, R. 6W, to Record Lake; thence in a northeasterly direction through Record Lake to the Northeast corner of Record Lake; thence overland for

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approximately 1200 feet in a northeasterly direction to Malberg Lake; thence in a northwesterly direction through Malberg Lake to the portage trail in the northwest corner of Malberg Lake leading to Kawishiwi River; thence in a northwesterly direction along said portage to Kawishiwi River; thence in a northeasterly direction along Kawishiwi River through Kivaniva, Kivandeba, and John Ek Lakes to the south end of John Ek Lake; thence overland for approximately 100 feet in an easterly direction to an unnamed flowage; thence in an easterly direction along said unnamed flowage across the South Half of the South Half of Section 31 of T. 64N, R. 5W, to an unnamed lake in the Northeast Quarter of the Northeast Quarter of said Section 31 of T. 64N, R. 5W; thence overland for approximately 600 feet in a southeasterly direction to an unnamed pond in the Southwest Quarter of the Northwest Quarter of Section 32 of T. 64N, R. 5W; thence overland for approximately 0.3 miles in an easterly direction to an unnamed flowage leading to Teat Lake; thence in an easterly direction along said unnamed flowage through Teat and Lawless Lakes to the eastern end of Lawless Lake; thence overland and all waters for approximately 0.8 miles in a southeasterly direction to Mesaba Lake; thence in a northeasterly direction through Mesaba Lake to an unnamed stream to Hub Lake; thence in a northerly direction along said unnamed stream to Hub Lake; thence along the east and south shores of Hub Lake to the stream leading to Chuck Lake; thence in an easterly direction along said stream, through Chuck and Florence Lakes to the northeast tip of Florence Lake; thence overland for approximately 100 feet in a northeasterly direction to Caper Lake; thence in a northerly direction through Caper Lake and along the unnamed flowage to the north to Frost River; thence in a northwesterly direction along Frost River, and all streams, through Afton, Fente, Whipped, and Time Lakes to the Gijikiki Lake portage in Section 32 of Township 66 North, Range 6 West; proceed south along said portage to Gijikiki Lake; thence south along west shore of said lake to portage to Rivalry Lake; thence south along said portage to Rivalry Lake; thence south on Rivalry Lake to portage to Lake of the Clouds; thence south along the east shoreline of Lake of the Clouds to Lunar Lake portage; thence follow the west and south shorelines of Lunar Lake to the Cherry Lake portage; thence south on said portage to Cherry Lake; thence northeast along shore of Cherry Lake to Hanson Lake portage; thence south along west shoreline of Hanson Lake to portage to South Arm of Knife Lake; thence south on portage to South Arm of Knife Lake; thence follow the east and south shores of the South Arm of Knife Lake to the Eddy Lake portage; take said portage south to Eddy Lake; thence follow north shore of lake southeasterly to Jenny Lake portage; thence take said portage south to Jenny Lake; thence follow the west and south shorelines of Jenny Lake to Annie Lake portage; thence take said portage south to Annie Lake;

thence follow north shore of Annie Lake to Ogishkemuncie portage; thence follow south shoreline of Ogishkemuncie Lake; thence follow south shoreline of Ogishkemuncie Lake to Mueller Lake portage; thence follow portage southeast to Mueller Lake; thence follow north shore of Mueller Lake to the east end of lake then proceed west along the south shore a very short distance to the Agamok portage; thence follow said portage south to Agamok Lake; thence follow the north and east shorelines of said lake to portage to Gabimichigami Lake; thence follow said portage south to Gabimichigami Lake; thence follow west and south shorelines of said lake to Rattle Lake portage; thence follow said portage south to Rattle Lake; thence follow said portage south to Little Saganaga Lake; thence follow west and south shoreline of Little Saganaga Lake to portage to Mora Lake; thence along the southern and eastern shores of Mora Lake to the stream to Tarry Lake; thence in a northerly direction along said stream to Tarry Lake; thence along the eastern shore of Tarry Lake to the stream to Crooked Lake; thence in a northerly direction along said stream to Crooked Lake; thence along the eastern shore of Crooked Lake to the stream to Gillis Lake; thence in a northwesterly direction along said stream to Gillis Lake; thence along the southern and eastern shores of Gillis Lake to the portage trail to Bat Lake; thence in a northerly direction along said portage trail to Bat Lake; thence in a northeasterly direction, and along all portage trails, through Bat and Green Lakes to Flying Lake; thence in a northerly direction, and along all streams, through Flying, Bingshack, and Honker Lakes to the center of the north shore of Honker Lake; thence overland for approximately 0.3 miles in a northerly direction to a swamp flowing northerly to Squat Lake; thence in a northerly direction through said swamp to Squat Lake; thence in a northeasterly direction through Squat Lake to the outlet to the unnamed lake in the Northeast Quarter of Section 19 of Township 65 North, Range 4 West; thence in a northerly direction along said outlet to said unnamed lake; thence in a northerly direction through said unnamed lake and along all streams and ponds to the north shore of an unnamed pond in the Northwest Quarter of the Southwest Quarter of Section 18 of Township 65 North, Range 4 West; thence overland for approximately 200 feet in a northerly direction to Arc Lake; thence in a northeasterly direction to the northern end of Arc Lake; thence overland for approximately 0.3 miles in a northerly direction to an unnamed stream to Sea Gull Lake; thence in a northerly direction along said stream to the southeastern shore of Sea Gull Lake; thence along the southeastern, eastern, and northeastern shores of Sea Gull Lake to Gull Lake; thence in a northerly direction through Gull Lake and along the Sea Gull River to Saganaga Lake; thence along the east shore of Saganaga Lake to Saganaga Falls in Section 4 of Township 66 North, Range 4 West; thence easterly to the United States-Canada international boundary; thence in a

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southwesterly direction along the international boundary through Saganaga and Swamp Lakes to the point of beginning.

Subp. 33a. **Moose Zone 64.** Moose Zone 64 consists of that portion of the state lying within the following described boundary:

Beginning at the junction of the Forest Trail (FT) 147 (Kekekabic Trail) and the Snowbank Trail (just south of Parent Lake); thence northerly on the Snowbank Trail (paralleling the east shore of Parent Lake) to the Parent Lake-Disappointment Lake portage; thence easterly on said portage to Disappointment Lake; thence northwesterly on portage to Snowbank Lake; thence northerly along shoreline of Snowbank Lake to Boot Lake portage; thence easterly on Boot Lake portage to Boot Lake; thence following the west shore of Boot Lake to Ensign Lake portage; thence northerly on said portage to Ensign Lake; thence westerly along south shore of Ensign Lake to Splash Lake portage; thence west on Splash Lake portage to Splash Lake; thence along south shore of Splash Lake to Newfound Lake portage; thence along portage to Newfound Lake; thence follow the north shore of bay (Newfound L.) into Sucker Lake; thence follow southeast shoreline and north shoreline of Sucker Lake to the United States-Canada international boundary; thence follow said border westerly to Prairie portage; thence along the United States-Canada international boundary in a northeasterly direction to the Gijikiki Lake portage on Cypress Lake; thence south along portage to Gijikiki Lake; thence south along west shore of said lake to portage to Rivalry Lake; thence south along said portage to Rivalry Lake; thence south on south shore of Rivalry Lake to portage to Lake of the Clouds; thence east on said portage to Lake of the Clouds; thence south along the east shoreline of Lake of the Clouds to Lunar Lake portage; thence follow the west and south shorelines of Lunar Lake to the Cherry Lake portage; thence south on said portage to Cherry Lake; thence northeast along shore of Cherry Lake to Hanson Lake portage; thence east across said portage to Hanson Lake; thence south along west shoreline of Hanson Lake to portage to South Arm of Knife Lake; thence south on portage to South Arm of Knife Lake; thence follow the east and south shores of the South Arm of Knife Lake to the Eddy Lake portage; take said portage south to Eddy Lake; thence follow north shore of Eddy Lake southeasterly to Jenny Lake portage; thence take said portage south to Jenny Lake; thence follow the west and south shorelines of Jenny Lake to Annie Lake portage; thence take said portage south to Annie Lake; thence follow north shore of Annie Lake to Ogishkemuncie portage; thence follow south shoreline of Ogishkemuncie Lake to Mueller Lake portage; thence follow portage southeast to Mueller Lake; thence follow north shore of Mueller Lake to the east end of lake then proceed west along the south shore a very short distance to the Agamok portage; thence follow said portage south to Agamok Lake; thence follow the north and east shorelines of said lake to portage to Gabimichigami Lake; thence follow said portage south to Gabimichigami Lake; thence follow west and

south shorelines of said lake to Rattle Lake portage; thence follow said portage south to Rattle Lake; thence follow northwest and south shoreline of Rattle Lake to portage to Little Saganaga Lake; thence follow said portage south to Little Saganaga Lake; thence follow west and south shoreline of Little Saganaga Lake to portage to Mora Lake; thence follow said portage to Mora Lake; thence southeasterly along the west shore of Mora Lake to drainage to Time Lake; thence in a southeasterly direction follow along all streams and portages through Time, Whipped, Fente, and Afton Lakes to Frost River; thence southeast on Frost River approximately 1/4 mile; thence southwest overland approximately 1/8 mile to a chain of small lakes; follow these small lakes south to Caper Lake; thence overland in a southwesterly direction to Florence Lake; thence south on west shoreline of Florence Lake to the drainage into Chuck Lake; thence follow the south shoreline of Chuck Lake; thence follow south shore of all drainages in a northwesterly direction to Hub Lake; thence follow south shoreline of Hub Lake to Mesaba Lake portage; thence follow said portage south to Mesaba Lake; thence follow west and north shoreline of Mesaba Lake to Chaser Lake portage; thence northwest overland and all waters for approximately 0.8 of a mile to eastern side of Lawless Lake; then northwesterly and westerly along the north shore of said lake to Teat Lake; thence westerly along the north shore of Teat Lake to an unnamed flowage; thence westerly on said flowage for approximately 0.3 miles; thence northwesterly overland approximately 1/4 mile to an unnamed pond in the Northwest Quarter of Section 32 of Township 64 North, Range 5 West; thence northwesterly approximately 700 feet overland to an unnamed lake in the Northeast Quarter of Section 31 of Township 64 North, Range 5 West; thence westerly following an unnamed drainage to another unnamed drainage; thence southerly along said drainage to where drainage turns sharply to west; thence westerly along said drainage across the southern one-half of the north one-half of Section 31 of Township 64 North, Range 5 West; continuing westerly to source of drainage (small pond) in Section 36 of Township 64 North, Range 6 West; thence westerly overland approximately 100 feet to south end of John Ek Lake; thence through John Ek Lake in a north and westerly bearing along west and south shorelines to drainage to Kivandeba Lake; thence west on said drainage to Kivandeba Lake; then southwest through Kivandeba Lake along southeast shore to drainage to Kivaniva Lake; thence south and west on said drainage to Kivaniva Lake; thence south a short distance on east shore of said lake to Kawishiwi River portage; thence south on said portage to Kawishiwi River; thence southwesterly along the south shore of the Kawishiwi River to portage to Kawishiwi River in the Southeast Quarter of the Southeast Quarter of Section 6 of Township 63 North, Range 6 West; thence south on said portage; thence southwesterly along the south shore of the

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Kawishiwi River; thence south into the bay in the Northwest Quarter of Section 7 of Township 63 North, Range 6 West; thence south along drainage to Record Lake; thence southwest on west shore of Record Lake to the unnamed drainage in the middle of Section 18 of Township 63 North, Range 6 West; thence west on said drainage following the south shore of all unnamed lakes, drainages, and lowlands through part of Section 18 of Township 63 North, Range 6 West; all of Section 13 of Township 63 North, Range 7 West; and part of Section 14 of Township 63 North, Range 7 West into River Lake; thence southwest on River Lake (west shore) to portage in southwest corner of lake; thence southwest along said portage to Kawishiwi River; thence southwesterly along the northwest shore to portage to Kawishiwi River in Section 22 of Township 63 North, Range 7 West; thence southwest along said portage to Kawishiwi River; thence west and northwest along south shore of Kawishiwi River including two (2) short portages and a small segment of the south shore of Alice Lake to Insula Lake; thence along the north shore of Insula Lake in a westerly then northerly direction (east shore) to the portage to Kiana Lake; thence north on said portage to Kiana Lake; thence north along east shore of Kiana Lake to portage to Thomas Lake; thence north on said portage to Thomas Lake; thence north along the west shore of Thomas Lake to portage to unnamed lake in Section 29 of Township 64 North, Range 7 West; thence northwest on said portage to unnamed lake; thence northwest across middle of unnamed lake to portage to Hatchet Lake drainage; thence across said portage to intersection of portage and the Kekekabic Trail (Forest Trail 147); thence southwesterly along said trail to point of origin.

[For text of subs 34 to 37, see M.R.]

Subp. 38. **Moose Zone 74.** Moose Zone 74 consists of that portion of the state lying within the following described boundary:

Beginning at the intersection of County State-Aid Highway (CSAH) 12, Cook County, and Forest Road 146; thence in a northerly direction along CSAH 12 to the stream connecting Road Lake to Poplar Lake; thence in a westerly direction along said stream to Poplar Lake; thence in a westerly direction along the southern and western shores of Poplar Lake to the stream to Skipper Lake; thence in a westerly direction along said stream and other streams or swamps through Skipper, Little Rush, Rush, Banadad, Sebeka, Ross, Seal, George, Lower George, Rib, Cross Bay, and Snipe Lakes to the northwest corner of Snipe Lake; thence overland approximately 0.4 miles in a northwesterly direction to the northeast corner of Missing Link Lake; thence in a westerly direction along the northern shore of Missing Link Lake to the portage to Round Lake; thence in a northeasterly direction along said portage to Round Lake; thence in a northwesterly direction along the southwest shore of Round Lake to the flowage to West Round Lake; thence in a westerly direction across said flowage, along all streams, and through West Round, Edith, Brant, then in a northerly

direction through Gotter, Flying, Bingshack, and Honker Lakes to the center of the north shore of Honker Lake; thence overland for approximately 0.3 miles in a northerly direction to a swamp flowing northerly to Squat Lake; thence in a northerly direction through said swamp to Squat Lake; thence in a northeasterly direction through Squat Lake to the outlet to the unnamed lake in the Northeast Quarter of Section 19 of Township 65 North, Range 4 West (T. 65N, R. 4W); thence in a northerly direction along said outlet to said unnamed lake; thence in a northerly direction through said unnamed lake and along all streams and ponds to the north shore of the unnamed pond in the Northwest Quarter of the Southwest Quarter of Section 18, T. 65N, R. 4W; thence overland for approximately 200 feet in a northerly direction to Arc Lake; thence in a northeasterly direction to the northern end of Arc Lake; thence overland for approximately 0.3 miles in a northerly direction to an unnamed stream to Sea Gull Lake; thence in a northerly direction along said stream to the south shore of Sea Gull Lake; thence along the southeastern, eastern, and northeastern shores of Sea Gull Lake to Gull Lake; thence in a northerly direction through Gull Lake and along Sea Gull River to Saganaga Lake; thence along the east shore of Saganaga Lake to Saganaga Falls in section 4 of Township 66 North, Range 4 West; thence in an easterly direction to the United States/Canada international boundary; thence in easterly and southerly directions along the international boundary through Saganaga, Maraboeuf, Gneiss, Granite, Clove, Magnetic, Gunflint, Little Gunflint, North, South, Rat, and Rose Lakes to the east end of Rose and South Lakes to the point in South Lake north of the stream connecting to Mucker Lake; thence south to said stream; thence in a southerly direction through said stream to Mucker Lake; thence in a southerly direction across Mucker Lake to the stream connecting to Hoat Lake; thence in a southerly direction through said stream to Hoat Lake; thence southeasterly across Hoat Lake to a swamp and stream connecting to East Otter Lake; thence in an easterly direction through said swamp and stream to East Otter Lake; thence in an easterly direction across East Otter Lake to a stream connecting to Duncan Lake; thence in an easterly direction through said stream to Duncan Lake; thence in an easterly direction along the south shore of Duncan Lake to the portage to West Bearskin Lake; thence in a southeasterly direction along the stream leading across said portage to West Bearskin Lake; thence in an easterly direction along the north shore of West Bearskin Lake to the portage to Daniels Lake; thence in a southwesterly northerly direction across said portage to Daniels Lake; thence in an easterly direction through along the south shore of Daniels Lake to an unnumbered road bed in the Northwest Quarter of the Northwest Quarter of Section 35, T. 65N, R. 1W; thence in an easterly direction along said unnumbered road bed to CSAH 66, Cook County; thence

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overland in an easterly direction across CSAH 66, Cook County, for approximately 100 yards to Clearwater Lake; thence in an easterly direction through Clearwater Lake to the portage to Caribou Lake; thence along the southwest shore of Caribou Lake to the portage to Deer Lake; thence in a southerly direction along said portage to Deer Lake; thence in a southwesterly direction to the south shore of Deer Lake; thence in a southeasterly direction overland approximately 1,000 feet to Moon Lake; thence along the western shore of Moon Lake to the stream to Flour Lake; thence in a westerly direction along said stream to Flour Lake; thence along the eastern shore of Flour Lake to the portage trail to East Bearskin Lake; thence in a southerly direction along said portage to East Bearskin Lake; thence in a westerly direction through East Bearskin Lake to the public access and Forest Road 146; thence along Forest Road 146 to the point of beginning.

[For text of subps 39 to 44, see M.R.]

6232.4700 DEER AND BEAR REGISTRATION BLOCKS.

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

Subp. 2. **Registration Block 104.** ~~Deer And Bear~~ Registration Block 104 consists of that portion of the state lying within the following described boundary:

Beginning on the north boundary of the state at State Trunk Highway (STH) 72; thence along the north boundary of the state to a point due north of the intersection of STH 11 and County State-Aid Highway (CSAH) 32, ~~Koochiching County~~; ~~thence due south to CSAH 32; thence along CSAH 32 to the Hay Creek-Indian Pine Forest Road; thence along the Hay Creek-Indian Pine Forest Road to CSAH 82, Lake of the Woods County; thence along CSAH 82 1, Koochiching County; thence along CSAH 1 to CSAH 13, Koochiching County; thence along CSAH 13 to STH 6; thence along STH 6 to CSAH 14, Itasca County; thence along CSAH 14 to CSAH 29, Itasca County; thence along CSAH 29 to CSAH 26, Itasca County; thence along CSAH 26 to CSAH 31, Itasca County; thence along CSAH 31 to CSAH 26, Itasca County; thence along CSAH 26 to CSAH 26, Koochiching County; thence along CSAH 26 to STH 1; thence along STH 1 to CSAH 6, Koochiching County; thence along CSAH 6 to CSAH 25, Koochiching County; thence along CSAH 25 to U.S. Highway 71; thence along U.S. Highway 71 to CSAH 36, Koochiching County; thence along CSAH 36 to CSAH 36, Beltrami County; thence along CSAH 36 to CSAH 34, Beltrami County; thence along CSAH 34 to Beltrami County Road (CR) 104; thence along CR 104 to the east boundary of Red Lake Indian Reservation; thence along said boundary to the south shore of Upper Red Lake; thence along the south and east shores of said lake to the mouth of the Tamarac River; thence along the south shore of said river to STH 72; thence along STH 72 to the point of beginning.~~

Subp. 3. [See repealer.]

Subp. 4. [See repealer.]

Subp. 5. **Registration Block 107.** ~~Deer And Bear~~ Registration Block 107 consists of that portion of the state lying within the following described boundary:

Beginning on the north boundary of the state at a point due north of the junction of State Trunk Highway (STH) 11 and County State-Aid Highway (CSAH) 1, Koochiching County; thence along the north boundary of the state to the west boundary of Voyageurs National Park; thence along the west boundary of the park to the public access to Lake Kabetogama at Gappa's Landing; thence along County Highway 523, St. Louis County, to CSAH 123, St. Louis County; thence along CSAH 123 to CSAH 122, St. Louis County; thence along CSAH 122 to U.S. Highway 53; thence along U.S. Highway 53 to the Lost River; thence along the Lost River to the east boundary of the Nett Lake Indian Reservation; thence along the east, north, and west boundaries of the reservation to STH 65; thence along STH 65 to CSAH 31, Koochiching County; thence along CSAH 31 to U.S. Highway 71; thence along U.S. Highway 71 to STH 1; thence along STH 1 to STH 6; thence along STH 6 to CSAH 13, Koochiching County; thence along CSAH 13 to CSAH 1, Koochiching County; thence along CSAH 1 to the point of beginning.

Subp. 6. [See repealer.]

Subp. 7. [See repealer.]

Subp. 8. **Registration Block 110.** ~~Deer And Bear~~ Registration Block 110 consists of that portion of the state lying within the following described boundary:

Beginning at the junction of State Trunk Highway (STH) 1 and STH 72; thence along STH 1 to the east boundary of the Red Lake Indian Reservation; thence along said boundary to the south shore of Upper Red Lake; thence along the south and east shores of said lake to the mouth of the Tamarac River; thence along the south shore of said river to STH 72; thence along STH 72 to Beltrami County Road (CR) 104; thence along CR 104 to County State-Aid Highway (CSAH) 34, Beltrami County; thence along CSAH 34 to CSAH 36, Koochiching County; thence along CSAH 36 to CSAH 36, Beltrami County; thence along CSAH 36 to U.S. Highway 71; thence along U.S. Highway 71 to CSAH 25, Koochiching County; thence along CSAH 25 to CSAH 6, Koochiching County; thence along CSAH 6 to STH 1; thence along STH 1 to U.S. Highway 71; thence along U.S. Highway 71 to STH 72; thence along STH 72 to the point of beginning.

Subp. 9. **Registration Block 115.** ~~Deer And Bear~~ Registration Block 115 consists of that portion of the state ~~within the boundaries of Voyageurs National Park;~~ lying within the following described boundary:

Beginning at the intersection of Voyageurs National Park and the northern boundary of the state; thence along the west boundary of the park to the public access to Lake Kabetogama at Gappa's Landing; thence along County Highway 523, St. Louis County, to County State-Aid Highway (CSAH) 123, St. Louis County; thence along CSAH 123 to CSAH 122, St. Louis County; thence along CSAH 122 to U.S. Highway 53; thence along U.S. Highway 53 to State Trunk Highway (STH) 1; thence easterly along STH 1 to CSAH 128, St. Louis County; thence along CSAH 128 to the north boundary of Bear Head Lake State Park; thence along the north, east, and south sides of said park to St. Louis County Road (CR) 360; thence along CR 360 to CSAH 21, St. Louis County; thence along CSAH 21 to CSAH 70, St. Louis County; thence along

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CSAH 70 to CSAH 112, St. Louis County; thence along CSAH 112 to St. Louis CR 623; thence along CR 623 to Forest Road (FR) 424; thence along FR 424 to STH 1; thence along STH 1 to CSAH 88, St. Louis County; thence along CSAH 88 to CSAH 116, St. Louis County; thence along CSAH 116 to the Bass Lake portage; thence along said portage to Bass Lake; thence through Bass Lake and along the flowage to Low Lake; thence follow the Range River through Range Lake to Sandpit Lake; thence across the portage to Horse Lake, through Horse Lake; thence along the Horse River to the Basswood River on the Canadian border to the point of beginning.

Subp. 10. **Registration Block 116.** ~~Deer And Bear~~ Registration Block 116 consists of that portion of the state lying within the following described boundary:

Beginning at the intersection of the boundary of the ~~Boundary Waters Canoe Area (BWCA) and Horse and Basswood Rivers~~ on the north boundary of the state at ~~Little Vermillion Lake, St. Louis County; thence along the west and south boundaries of the BWCA to Moose Lake, Lake County; thence along the east shores of Moose, Newfound, and Sucker Lakes; thence along the Horse River to Horse Lake; thence through Horse Lake; thence across the portage to Sandpit Lake; thence to Range Lake; thence follow the Range River to Low Lake; thence along all flowages to Bass Lake; thence across Bass Lake to the portage to County State-Aid Highway (CSAH) 116, St. Louis County; thence along CSAH 116 to CSAH 88, St. Louis County; thence along CSAH 88 to State Trunk Highway (STH) 1; thence along STH 1 to Forest Road (FR) 377; thence along FR 377 to the boundary of the Boundary Waters Canoe Area Wilderness (BWCAW); thence along the BWCAW boundary to the North Brule River; thence easterly along the North Brule River to CSAH 12 (Gunflint Trail), Cook County; thence northerly along CSAH 12 (Gunflint Trail) to Trap Creek; thence northeasterly along Trap Creek to the BWCAW boundary; thence southeasterly along the BWCAW boundary to the north boundary of the state; thence along the north boundary of the state to the point of beginning.~~

Subp. 11. [See repealer.]

Subp. 12. [See repealer.]

Subp. 13. [See repealer.]

Subp. 14. [See repealer.]

Subp. 15. [See repealer.]

Subp. 16. **Registration Block 122.** ~~Deer And Bear~~ Registration Block 122 consists of that portion of the state lying within the following described boundary:

Beginning at the intersection of State Trunk Highway (STH) 1 and STH 135; thence along STH 1 to County State Aid Highway (CSAH) 120, St. Louis County; thence along CSAH 120 to CSAH 21, St. Louis County; thence along CSAH 21 to CSAH 70, St. Louis County; thence along CSAH 70 to National Forest Route (NFR) 112; thence along NFR 112 to Erie Mining Company Railroad in Section 9, Township 60 North, Range 12 West; thence south and west along said railroad to its junction with the Duluth, Missabe and Iron Range Railroad (DM&IR); thence north along said railroad to CSAH 21, St.

Louis County; thence along CSAH 21 to STH 135; thence along STH 135 County State-Aid Highway (CSAH) 2, Lake County; thence southerly along CSAH 2 to the Duluth, Missabe and Iron Range Railroad (DM&IR); thence southerly and westerly along the DM&IR to St. Louis County Road (CR) 547 at Brimson; thence westerly along CR 547 to CSAH 4, St. Louis County; thence northerly along CSAH 4 to CSAH 16, St. Louis County; thence easterly along CSAH 16 to Forest Road (FR) 130 (Moose Line Road); thence along FR 130 (Moose Line Road) to CSAH 110; thence northerly and easterly to the DM&IR; thence along the DM&IR to the LTV/Erie Railroad; thence along the LTV/Erie Railroad to FR 424; thence along FR 424 to STH 1; thence along STH 1 southerly to the point of beginning.

Subp. 17. [See repealer.]

Subp. 18. [See repealer.]

Subp. 19. [See repealer.]

Subp. 20. **Registration Block 126.** ~~Deer And Bear~~ Registration Block 126 consists of that portion of the state lying within the following described boundary:

Beginning at the intersection of the Reserve Erie Mining Company Railroad and State Trunk Highway (STH) 2; thence along STH 2 to the Erie Mining Company Railroad; thence along the Erie Mining Company Railroad County State-Aid Highway (CSAH) 7, Lake County; thence along CSAH 7 to Forest Road (FR) 170; thence along FR 170 to CSAH 2, Cook County; thence along CSAH 2 to the Boundary Waters Canoe Area Wilderness (BWCAW) boundary; thence along the BWCAW boundary to the North Brule River; thence easterly along the North Brule River to CSAH 12 (Gunflint Trail), Cook County; thence northerly along CSAH 12 (Gunflint Trail) to Trap Creek; thence northeasterly along Trap Creek to the BWCAW boundary; thence southeasterly along the BWCAW boundary to the northern boundary of the state; thence along the northern boundary of the state to the shore of Lake Superior; thence along the shore of Lake Superior to Silver Bay; thence along the Reserve the east shore of the Manitou River; thence along the east shore of the Manitou River to the Erie Mining Company Railroad; thence along the Erie Mining Company Railroad to the point of beginning.

Subp. 21. **Registration Block 127.** ~~Deer And Bear~~ Registration Block 127 consists of that portion of the state lying within the following described boundary:

Beginning at the intersection of State Trunk Highway (STH) 1 and National Forest Route (NFR) 173, Lake County; thence along NFR 173 to the Snake River; thence along the Snake River to the south boundary of the Boundary Waters Canoe Area (BWCA); thence along the south boundary of the BWCA to Alton Lake; thence along the east shore of Alton Lake to the portage to Sawbill Lake; thence across the portage to Sawbill Lake; thence along the west and south shores of Sawbill Lake to the Sawbill Lake public access; thence south along the Sawbill Trail (Lake County Road 2) to Forest Road (FR) 170; thence along FR 170 to FR 346; thence along FR 346 to FR 357; thence along FR 357 to County State

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~~Aid Highway (CSAH) 7, Lake County; thence along CSAH 7 to the Erie Mining Company Railroad; thence along the Erie Mining Company Railroad to STH 2; thence along STH 2 County State-Aid Highway (CSAH) 2, Lake County; thence along CSAH 2 to Lake County Road (CR) 15; thence along CR 15 to the Stony River Forest Road (FR); thence along the Stony River FR to FR 104; thence along FR 104 to the Erie Mining Company Railroad; thence along the Erie Mining Company Railroad to CSAH 7, Lake County; thence along CSAH 7 to FR 170; thence along FR 170 to CSAH 2, Cook County; thence along CSAH 2 to the Boundary Waters Canoe Area Wilderness (BWCAW) boundary; thence along said boundary to FR 377; thence along FR 377 to STH 1; thence along STH 1 to the point of beginning.~~

Subp. 22. [See repealer.]

Subp. 23. [See repealer.]

Subp. 24. [See repealer.]

Subp. 25. **Registration Block 152.** ~~Deer And Bear~~ Registration Block 152 consists of public lands within that portion of the state ~~known posted~~ as the Mille Lacs Wildlife Area.

Subp. 26. **Registration Block 154.** ~~Deer And Bear~~ Registration Block 154 consists of that portion of the state lying within the following described boundary:

Beginning at the intersection of State Trunk Highway (STH) 210 and STH 6 at Deerwood; thence along ~~STH 210 to STH 47;~~ thence along STH 47 to STH 18 at Malmo; thence due west to the shore of Mille Lacs Lake; thence to the center of Mille Lacs Lake; thence STH 6 to County State-Aid Highway (CSAH) 1, Crow Wing County; thence along CSAH 1 to CSAH 3, Aitkin County; thence along CSAH 3 to U.S. Highway 169; thence along U.S. Highway 169 to STH 210; thence along STH 210 to STH 65; thence along STH 65 to STH 18; thence along STH 18 to STH 47; thence due west to the east shore of Mille Lacs Lake; thence along the east shore of Mille Lacs Lake to a point on the shore of Mille Lacs Lake due east of the junction of U.S. Highway 169 and STH 18 at Garrison; thence due west to the junction of U.S. Highway 169 and STH 18; thence along STH 18 to STH 6; thence along STH 6 to the point of beginning.

Subp. 27. [See repealer.]

Subp. 28. **Registration Block 156.** ~~Deer And Bear~~ Registration Block 156 consists of that portion of the state lying within the following described boundary:

Beginning at the intersection of State Trunk Highway (STH) 210 and STH 65; thence along STH 210 to ~~STH 73; thence along STH 73 to~~ Interstate Highway 35 (I-35); thence along I-35 to STH 23; thence along STH 23 to STH 18; thence along STH 18 to STH 65; thence along STH 65 to the point of beginning.

Subp. 29. **Registration Block 157.** ~~Deer And Bear~~ Registration Block 157 consists of that portion of the state lying within the following described boundary, except that part comprising Block 152:

Beginning on the east shore of Mille Lacs Lake at a point due west of the intersection of State Trunk Highway (STH) 47 and STH 18; thence due east to said intersection; thence along STH 18 to ~~STH 65; thence along STH 65~~ Interstate Highway 35 (I-35); thence along I-35 to STH 70; thence along STH 70 to STH 65; thence along STH 65 to STH 23;

thence along STH 23 to U.S. Highway 169; thence along U.S. Highway 169 to a junction with County State-Aid Highway (CSAH) 35, Mille Lacs County; thence from said junction due north to the shore of Mille Lacs Lake; thence ~~to the center~~ along the east shore of Mille Lacs Lake; ~~thence~~ to the point of beginning.

Subp. 30. [See repealer.]

[For text of subp 31, see M.R.]

Subp. 32. **Registration Block 167.** ~~Deer And Bear~~ Registration Block 167 consists of that portion of the state lying within the following described boundary:

Beginning at the intersection of State Trunk Highway (STH) 1 and STH 72; ~~thence along STH 1 to STH 46; thence along STH 46 to the north boundary of the Leech Lake Indian Reservation; thence along the north and west boundaries of said reservation to County State Aid Highway (CSAH) 39, Beltrami County; thence along CSAH 39 to U.S. Highway 71; thence along U.S. Highway 71 to STH 72; thence along STH 72 U.S. Highway 71; thence along U.S. Highway 71 to County State-Aid Highway (CSAH) 39, Beltrami County; thence along CSAH 39 to the north boundary of the Leech Lake Indian Reservation; thence along the north boundary of said reservation to CSAH 133, Itasca County; thence along CSAH 133 to STH 6; thence along STH 6 to CSAH 14, Itasca County; thence along CSAH 14 to CSAH 29, Itasca County; thence along CSAH 29 to CSAH 26, Itasca County; thence along CSAH 26 to CSAH 31, Itasca County; thence along CSAH 31 to CSAH 26, Itasca County; thence along CSAH 26 to CSAH 26, Koochiching County; thence along CSAH 26 to STH 1; thence along STH 1~~ to the point of beginning.

Subp. 33. **Registration Block 168.** ~~Deer And Bear~~ Registration Block 168 consists of that portion of the state lying within the following described boundary:

Beginning at the intersection of State Trunk Highway (STH) 1 and STH 46; ~~thence along STH 1 to 65; thence along STH 65 to County State-Aid Highway (CSAH) 56, Itasca County; thence along CSAH 56 to CSAH 8, Itasca County; thence along CSAH 8 to CSAH 7, Itasca County; thence along CSAH 7 to CSAH 59, Itasca County; thence along CSAH 59 to CSAH 49, Itasca County; thence along CSAH 49 to CSAH 60, Itasca County; thence along CSAH 60 to STH 38; thence along STH 38 to County State Aid Highway (CSAH) 19, Itasca County; thence along CSAH 19 to the east boundary of the Leech Lake Indian Reservation; thence along the east ~~and north~~ boundaries boundary of said reservation to CSAH 133, Itasca County; thence along CSAH 133 to STH 6; thence along STH 6 to STH 46; thence along STH 46 1; thence along STH 1~~ to the point of beginning.

[For text of subp 33a, see 27 SR 348]

Subp. 34. [See repealer.]

Subp. 35. **Registration Block 170.** ~~Deer And Bear~~ Registration Block 170 consists of that portion of the state lying within the following described boundary:

Beginning at the intersection of U.S. Highway 2 and State Trunk Highway (STH) 6 at Deer River; thence along STH 6 to County State-Aid Highway (CSAH) 19, Itasca County; thence along CSAH 19 to STH 38; thence along STH 38 to CSAH 60;

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Itasca County; thence along CSAH 60 to CSAH 49, Itasca County; thence along CSAH 49 to CSAH 59, Itasca County; thence along CSAH 59 to CSAH 7, Itasca County; thence along CSAH 7 to CSAH 57, Itasca County; thence along CSAH 57 to CSAH 8, Itasca County; thence along CSAH 8 CSAH 60, Itasca County; thence along CSAH 60 to CSAH 49, Itasca County; thence along CSAH 49 to CSAH 59, Itasca County; thence along CSAH 59 to CSAH 7, Itasca County; thence along CSAH 7 to CSAH 8, Itasca County; thence along CSAH 8 to CSAH 56, Itasca County; thence along CSAH 56 to STH 65; thence along STH 65 to STH 200; thence along STH 200 to U.S. Highway 169; thence along U.S. Highway 169 to CSAH 3, Aitkin County; thence along CSAH 3 to CSAH 1, Crow Wing County; thence along CSAH 1 to STH 6; thence along STH 6 to STH 200; thence along STH 200 to the east boundary of the Leech Lake Indian Reservation; thence along said boundary to U.S. Highway 2; thence along U.S. Highway 2 to the point of beginning.

Subp. 36. [See repealer.]

[For text of subp 37, see M.R.]

Subp. 38. [See repealer.]

Subp. 39. **Registration Block 174.** ~~Deer And Bear~~ Registration Block 174 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) 200; thence along STH 200 to STH 65; thence along STH 65 to U.S. Highway 2; thence along U.S. Highway 2 to STH 73; thence along STH 73 to STH 210; thence along STH 210 to U.S. Highway 169; thence along U.S. Highway 169 to the point of beginning.

Subp. 40. **Registration Block 175.** ~~Deer And Bear~~ Registration Block 175 consists of that portion of the state lying within the following described boundary:

Beginning at the intersection of State Trunk Highway (STH) 1 and STH 65; thence easterly along STH 1 to U.S. Highway County State-Aid Highway (CSAH) 128, St. Louis County; thence along CSAH 128 to the north boundary of Bear Head Lake State Park; thence along the north, east, and south sides of said park to St. Louis County Road (CR) 360; thence along CR 360 to CSAH 21, St. Louis County; thence along CSAH 21 to CSAH 70, St. Louis County; thence along CSAH 70 to CSAH 112, St. Louis County; thence along CSAH 112 to St. Louis CR 623; thence along CR 623 to the LTV/Erie Railroad; thence along the LTV/Erie Railroad to the Duluth, Missabe and Iron Range Railroad (DM&IR); thence along the DM&IR to CSAH 110, St. Louis County; thence along CSAH 110 to CSAH 100, St. Louis County; thence along CSAH 100 to CSAH 135, St. Louis County; thence westerly along CSAH 135 to STH 53; thence along U.S. Highway STH 53 to U.S. Highway STH 169; thence westerly along U.S. Highway STH 169 to STH 65; thence northerly along STH 65 to the point of beginning.

Subp. 41. [See repealer.]

Subp. 42. [See repealer.]

Subp. 43. **Registration Block 178.** ~~Deer And Bear~~ Registration Block 178 consists of that portion of the state lying within the following described boundary:

Beginning at the intersection of U.S. State Trunk Highway (STH) 169 and U.S. Highway STH 53 at Virginia; thence along U.S. Highway STH 53 to County State-Aid Highway (CSAH) 133, St. Louis County; thence along CSAH 133 to CSAH 5, St. Louis County; thence along CSAH 5 135, St. Louis County; thence easterly along CSAH 135 to CSAH 100, St. Louis County; thence along CSAH 100 to CSAH 110, St. Louis County; thence along CSAH 110 to Forest Road (FR) 130 (Moose Line Road); thence along FR 130 (Moose Line Road) to CSAH 16, St. Louis County; thence westerly along CSAH 16 to CSAH 4, St. Louis County; thence southerly along CSAH 4 to CSAH 49, St. Louis County; thence westerly along CSAH 49 to STH 53; thence southerly along STH 53 to CSAH 133, St. Louis County; thence along CSAH 133 to CSAH 25, Itasca County; thence along CSAH 25 to STH 2; thence along STH 2 to STH 65; thence northerly along STH 65 to U.S. Highway STH 169; thence along U.S. Highway STH 169 to the point of beginning.

Subp. 44. [See repealer.]

Subp. 45. **Registration Block 180.** ~~Deer And Bear~~ Registration Block 180 consists of that portion of the state lying within the following described boundary:

Beginning at the intersection of U.S. Interstate Highway 53 535 (I-535) and the east boundary of the state at Duluth; thence along U.S. Highway 53 I-535 to County State Aid Highway (CSAH) 49; thence along CSAH 49 to CSAH 4, St. Louis County; thence along CSAH 4 to CSAH 547, St. Louis County; thence along CSAH 547 to the Duluth, Missabe and Iron Range Railroad (DM&IR); thence along the DM&IR Interstate Highway 35 (I-35); thence along I-35 to Mesaba Avenue; thence along Mesaba Avenue to County State-Aid Highway (CSAH) 194, St. Louis County; thence along CSAH 194 to CSAH 4, St. Louis County; thence along CSAH 4 to St. Louis County Road (CR) 547; thence along CR 547 to the Duluth, Missabe and Iron Range Railroad (DM&IR); thence along the DM&IR to CSAH 2, Lake County; thence along CSAH 2 to Lake CR 15; thence along CR 15 to the Stony River Forest Road (FR); thence along the Stony River FR to FR 104; thence along FR 104 to the Erie Mining Company Railroad; thence along the Erie Mining Company Railroad to the east bank of the Manitou River; thence along the east bank of the Manitou River to the shore of Lake Superior; thence due south to the east boundary of the state; thence along the east boundary of the state to the point of beginning.

Subp. 46. **Registration Block 181.** ~~Deer And Bear~~ Registration Block 181 consists of that portion of the state lying within the following described boundary, except that portion known as the Fond du Lac Indian Reservation:

Beginning at the intersection of State Trunk Highway (STH) 73 and STH 210; thence along STH 73 to U.S. Highway 2; thence along U.S. Highway 2 to County State-Aid Highway (CSAH) 25, Itasca County; thence along CSAH 25 to CSAH 133, St. Louis County; thence along CSAH 133 to U.S. Highway 53; thence along U.S. Highway 53 to U.S. Highway 61; thence along U.S. Highway 61 CSAH 49, St. Louis County; thence along CSAH 49 to CSAH 4, St. Louis County; thence along

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CSAH 4 to CSAH 194, St. Louis County; thence along CSAH 194 to Mesaba Avenue; thence along Mesaba Avenue to Interstate Highway 35 (I-35); thence along I-35 to STH 210; thence along STH 210 to the point of beginning.

Subp. 47. [See repealer.]

Subp. 48. **Registration Block 183.** ~~Deer-And-Bear~~ Registration Block 183 consists of that portion of the state lying within the following described boundary:

Beginning at the intersection of State Trunk Highway (STH) 210 and STH 73; thence along STH 210 to U.S. Highway 61; thence along U.S. Highway 61 to U.S. Highway 53; thence along U.S. Highway 53 Interstate Highway 35 (I-35) and Interstate Highway 535 (I-535); thence along I-535 to the east boundary of the state; thence along the east boundary of the state to County State-Aid Highway (CSAH) 8, Carlton County; thence along CSAH 8 to STH 23; thence along STH 23 to CSAH 22, Pine County; thence along CSAH 22 to CSAH 32, Pine County; thence along CSAH 32 to STH State Trunk Highway (STH) 23; thence along STH 23 to U.S. Highway 61; thence along U.S. Highway 61 to STH 27; thence along STH 27 to STH 73; thence along STH 73 I-35; thence along I-35 to the point of beginning.

Subp. 49. [See repealer.]

Subp. 50. [See repealer.]

Subp. 51. [See repealer.]

Subp. 52. **Registration Block 197.** ~~Deer-And-Bear~~ Registration Block 197 consists of that portion of the state lying within the following described boundary:

Beginning at the intersection of the north boundary of the Leech Lake Indian Reservation and County State-Aid Highway (CSAH) 39, Beltrami County; thence along CSAH 39 to CSAH 20, Beltrami County; thence along CSAH 20 to CSAH 53 27, Beltrami County; thence along CSAH 53 27 to CSAH 12, Beltrami County; thence along CSAH 12 to CSAH 54 27, Beltrami County; thence along CSAH 54 27 to CSAH 8, Beltrami County; thence along CSAH 8 to CSAH 25, Beltrami County; thence along CSAH 25 to CSAH 4, Beltrami County; thence along CSAH 4 to CSAH 46, Hubbard County; thence along CSAH 46 to U.S. Highway 2; thence along U.S. Highway 2 to CSAH 45, Hubbard County; thence along CSAH 45 to CSAH 9, Hubbard County; thence along CSAH 9 to CSAH 69, Cass County; thence along CSAH 69 to CSAH 5, Hubbard County; thence along CSAH 5 to CSAH 39, Hubbard County; thence along CSAH 39 to County Road (CR) 94, Hubbard County; thence along CR 94 to CSAH 31, Hubbard County; thence along CSAH 31 to State Trunk Highway (STH) 200; thence along STH 200 to U.S. Highway 371; thence along U.S. Highway 371 to the south boundary of the Leech Lake Indian Reservation; thence along the south and east boundaries of the reservation to the intersection with U.S. Highway 2; thence east along U.S. Highway 2 to the east boundary of the Leech Lake Indian Reservation; thence along the east and north boundaries of the reservation to the point of beginning.

Subp. 53. [See repealer.]

[For text of subs 54 to 58, see M.R.]

Subp. 59. **Registration Block 205.** ~~Deer-And-Bear~~ Registration Block 205 consists of that portion of the state lying within the

following described boundary:

Beginning at the intersection of State Trunk Highway (STH) 310 with the ~~north boundary of the state~~ 49th parallel of north latitude; thence east along the ~~north boundary of the state~~ (49th parallel of north latitude) to the east ~~boundary of the state~~ Ontario border (on Lake of the Woods); thence southeasterly along the east ~~north~~ boundary of the state to ~~STH 72~~; ~~thence along STH 72 to STH 11~~ the point due north of the junction of STH 72 and STH 11; ~~thence due south to said junction~~; thence along STH 11 to County State-Aid Highway (CSAH) 1, Lake of the Woods County; thence along CSAH 1 to CSAH 3, Lake of the Woods County; thence along CSAH 3 to CSAH 2, Lake of the Woods County; thence along CSAH 2 to STH 11; thence along STH 11 to ~~the southeast corner of Section 36, Township 162 North, Range 35 West~~; ~~thence due west~~ 670 Avenue, Roseau County; ~~thence along 670 Avenue to the Tangnes Forest Road~~; ~~thence along the Tangnes Forest Road to CSAH 5, Roseau County~~; ~~thence along CSAH 5 to the Thompson Forest Road, Roseau County~~; ~~thence along the Thompson Forest Road to the boundary of Hayes Lake State Park~~; ~~thence along the boundary of Hayes Lake State Park to CSAH 18, Roseau County~~; ~~thence along CSAH 18 to CSAH 9, Roseau County~~; ~~thence along CSAH 9 to CSAH 2, Roseau County~~; thence along CSAH 2 to STH 89; thence along STH 89 to STH 310; thence along STH 310 to the point of beginning.

[For text of subs 60 to 64, see M.R.]

Subp. 65. **Registration Block 211.** ~~Deer And Bear~~ Registration Block 211 consists of that portion of the state lying within the following described boundary:

Beginning at the intersection of State Trunk Highway (STH) 72 and STH 11; thence along STH 72 to ~~County State-Aid Highway (CSAH) 77, Lake of the Woods county~~; thence along ~~CSAH 77 to the Rapid River Forest Road~~; thence along the Rapid River Forest Road to the south branch of the Rapid river; thence along the north shore of the river to the ~~Faunce Butterfield Forest Road~~; thence along the ~~Faunce Butterfield Forest Road to Dick's Parkway Forest Road~~; thence along ~~Dick's Parkway Forest Road to the Winner Forest Road~~; thence along the Winner Forest Road to CSAH 18, Roseau county; thence along ~~CSAH 18~~ the Tamarac River; thence along the south shore of the Tamarac River to Upper Red Lake; thence along the north shore of Upper Red Lake to the boundary of the Red Lake Indian Reservation; thence along the north boundary of the reservation to the west boundary of Beltrami County; thence due west to County State-Aid Highway (CSAH) 54, Marshall County; thence north along CSAH 54 to CSAH 9, Roseau County; thence along CSAH 9 to CSAH 2 18, Roseau County; thence along CSAH 2 18 to the southeast corner of Section 36, Township 162 North, Range 36 West; ~~thence due east to an intersection with the boundary of Hayes Lake State Park~~; thence along the boundary of Hayes Lake State Park to the Thompson Forest Road; thence along the Thompson Forest Road to CSAH 5, Roseau County; thence along CSAH 5 to the Tangnes Forest

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Road; thence along the Tangnes Forest Road to 670 Avenue;
thence along 670 Avenue to STH 11; thence along STH 11 to
CSAH 2, Lake of the Woods County; thence along CSAH 2 to
CSAH 3, Lake of the Woods County; thence along CSAH 3 to
CSAH 1, Lake of the Woods County; thence along CSAH 1 to
STH 11; thence along STH 11 to the point of beginning.

Subp. 66. [See repealer.]

[For text of subs 67 and 68, see M.R.]

Subp. 69. **Registration Block 221.** ~~Deer-And-Bear~~ Registration Block 221 consists of that portion of the state lying within the following described boundary:

Beginning at the intersection of State Trunk Highway (STH)
27 and County State-Aid Highway (CSAH) ~~40 8~~, Morrison
County; thence along CSAH ~~40 8~~ to CSAH 39, Morrison County;
thence along CSAH 39 to CSAH 33, Morrison County; thence
along CSAH 33 to CSAH 26, Morrison County; thence along
CSAH 26 to CSAH 30, Morrison County; thence along CSAH 30
to CSAH 3, Benton County; thence along CSAH 3 to STH 25;
thence along STH 25 to STH 95; thence along STH 95 to STH
23; thence along STH 23 to the Mississippi River; thence
along the east shore of the Mississippi River to a point
due west of the junction of CSAH 48, Morrison County, and
STH 371; thence due east to said junction; thence along
CSAH 48 to STH 25; thence along STH 25 to STH 27; thence
along STH 27 to the point of beginning.

Subp. 70. **Registration Block 222.** ~~Deer-And-Bear~~ Registration Block 222 consists of that portion of the state lying within the following described boundary:

Beginning at the intersection of State Trunk Highway (STH)
27 and U.S. Highway 169; thence along U.S. Highway 169 to
STH 95; thence along STH 95 to STH 25; thence along STH 25
to County State-Aid Highway (CSAH) 3, Benton County; thence
along CSAH 3 to CSAH 30, Morrison County; thence along CSAH
30 to CSAH 26, Morrison County; thence along CSAH 26 to
CSAH 33, Morrison County; thence along CSAH 33 to CSAH 39,
Morrison County; thence along CSAH 39 to CSAH ~~40 8~~,
Morrison County; thence along CSAH ~~40 8~~ to STH 27; thence
along STH 27 to the point of beginning.

[For text of subs 71 and 72, see M.R.]

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

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

Subp. 74. [See repealer.]

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 County State-Aid Highway (CSAH) ~~17~~ 18, 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.

[For text of subs 75a to 77, see M.R.]

Subp. 77a. Registration Block 242. Registration Block 242 consists of that portion of the state lying within the following described boundary:

Beginning at the intersection of State Trunk Highway (STH) 371 and STH 84; thence along STH 371 to County State-Aid Highway (CSAH) 29, Crow Wing County; thence along CSAH 29 to the city limits of Lakeshore, Cass County; thence along the north, west, and south city limits of Lakeshore to County Road 107, Cass County; thence along County Road 107 to CSAH 15, Cass County; thence along CSAH 15 to CSAH 77, Cass County; thence along CSAH 77 to CSAH 18, Cass County; thence along CSAH 18 to STH 210; thence west along STH 210 to CSAH 36, Cass County; thence along CSAH 36 to the Crow Wing River; thence along the north shore of the Crow Wing River to its confluence with the Mississippi River; thence along the west shore of the Mississippi River to STH 210; thence along STH 210 to CSAH 3, Crow Wing County; thence along CSAH 3 to CSAH 1, Crow Wing County; thence along CSAH 1 to CSAH 2, Cass County; thence along CSAH 2 to STH 84; thence along STH 84 to the point of beginning.

Subp. 77b. Registration Block 243. Registration Block 243 consists of that portion of the state lying within the following described boundary:

Beginning at the intersection of U.S. Highway 10 and U.S. Highway 71; thence along U.S. Highway 71 to County State-Aid Highway (CSAH) 17, Wadena County; thence along CSAH 17 to CSAH 23, Wadena County; thence along CSAH 23 to CSAH 15, Wadena County; thence along CSAH 15 to the west bank of the Crow Wing River; thence along the west bank of the Crow Wing River to CSAH 34, Wadena County; thence along CSAH 34 to CSAH 83, Todd County; thence along CSAH 83 to U.S. Highway 10; thence along U.S. Highway 10 to the point of beginning.

[For text of subs 78 and 79, see M.R.]

Subp. 80. Registration Block 246. ~~Deer And Bear~~ Registration Block 246 consists of that portion of the state lying within the following described boundary:

Beginning at the intersection of U.S. Highway 71 and State Trunk Highway (STH) 87; thence along STH 87 to STH 371; thence along STH 371 to County State-Aid Highway (CSAH) ~~17~~ 29, Crow Wing County; thence along CSAH ~~17~~ 29 to the city limits of Lakeshore, Cass County; thence along the north, west, and south city limits of Lakeshore to County Road 107, Cass County; thence along County Road 107 to CSAH ~~17~~ 15, Cass County; thence along CSAH ~~17~~ 15 to CSAH ~~17~~ 77, Cass County; thence along CSAH ~~17~~ 77 to CSAH 18, Cass County; thence along CSAH 18 to STH 210; thence along STH 210 to

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U.S. Highway 10; thence along U.S. Highway 10 to CSAH 83, Todd County; thence along CSAH 83 to CSAH 34, Wadena County; thence along CSAH 34 to the west bank of the Crow Wing River; thence along the west bank of the Crow Wing River to CSAH 15, Wadena County; thence along CSAH 15 to CSAH 23, Wadena County; thence along CSAH 23 to CSAH 17, Wadena County; thence along CSAH 17 to U.S. Highway 71; thence along U.S. Highway 71 to the point of beginning.

Subp. 81. **Registration Block 247.** ~~Deer And Bear~~ Registration Block 247 consists of that portion of the state lying within the following described boundary:

~~Beginning at the intersection of State Trunk Highway (STH) 371 and STH 84; thence along STH 371 to County State Aid Highway (CSAH) 11, Crow Wing County; thence along CSAH 11 to CSAH 17, Cass County; thence along CSAH 17 to CSAH 1, Cass County; thence along CSAH 1 to the Crow Wing River; thence along the north shore of the Crow Wing River to its confluence with the Mississippi River; thence along the west shore of the Mississippi River to STH 210; thence along STH 210 to STH 25; thence along STH 25 to STH 18; thence along STH 18 to STH 6; thence along STH 6 to CSAH 1, Crow Wing County; thence along CSAH 1 to CSAH 2, Cass County; thence along CSAH 2 to STH 84; thence along STH 84 County State-Aid Highway (CSAH) 1 and CSAH 3, Crow Wing County; thence along CSAH 3 to STH 25; thence along STH 25 to STH 18; thence along STH 18 to STH 6; thence along STH 6 to CSAH 1, Crow Wing County; thence along CSAH 1 to the point of beginning.~~

[For text of subp 82, see M.R.]

Subp. 83. **Registration Block 249.** ~~Deer And Bear~~ Registration Block 249 consists of that portion of the state lying within the following described boundary:

~~Beginning at the intersection of the Mississippi River and State Trunk Highway (STH) 210 in Brainerd; thence along STH 210 to STH 25; thence along STH 25 to STH 18; thence along STH 18 to its junction with U.S. Highway 169; thence due east from said junction to the shore of Mille Lacs Lake; thence to the center of Mille Lacs Lake; thence to the along the west, north, east, and south shore of Mille Lacs Lake to a point due north of the junction of U.S. Highway 169 and County State-Aid Highway (CSAH) 35, Mille Lacs County; thence due south to said junction; thence along U.S. Highway 169 to STH 27; thence along STH 27 to STH 25; thence along STH 25 to CSAH 48, Morrison County; thence along CSAH 48 to a junction with STH 371; thence due west to the Mississippi River; thence along the west bank of the river to the point of beginning.~~

[For text of subp 84, see M.R.]

Subp. 84a. **Registration Block 283.** Registration Block 283 consists of that portion of the state lying within the following described boundary:

Beginning at the intersection of State Trunk Highway (STH) 1 and the east boundary of the Red Lake Indian Reservation; thence along STH 1 to STH 72; thence along STH 72 to County State-Aid Highway (CSAH) 32, Beltrami County; thence along CSAH 32 to CSAH 15, Beltrami County; thence along CSAH 15 to the south boundary of the Red Lake Indian Reservation;

thence along the south and east sides of the Red Lake Indian Reservation to the point of beginning.

Subp. 85. **Registration Block 284.** ~~Deer And Bear~~ Registration Block 284 consists of that portion of the state lying within the following described boundary:

Beginning at the intersection of State Trunk Highway (STH) 89 and U.S. Highway 2; thence along STH 89 to the south boundary of the Red Lake Indian Reservation; thence along the south and east boundaries of said reservation to the southeast corner of Section 21, Township 151 North, Range 32 West; thence due east to STH 1; thence along STH 1 to STH 72; thence along STH 72 to U. S. Highway 71; thence along U.S. Highway 71 to County State Aid Highway (CSAH) 39, Beltrami County; thence along CSAH 39 to CSAH 20, Beltrami County; thence along CSAH 20 to CSAH 53, Beltrami County; thence along CSAH 53 to CSAH 12, Beltrami County; thence along CSAH 12 to CSAH 51, Beltrami County; thence along CSAH 51 to CSAH 8, Beltrami County; thence along CSAH 8 to CSAH 25, Beltrami County; thence along CSAH 25 to CSAH 4, Beltrami County; thence along CSAH 4 to CSAH 46, Hubbard County; thence along CSAH 46 and the line between Range 37 West and Range 38 West; thence south along said range line to State Trunk Highway (STH) 113; thence along STH 113 to the west boundary of Itasca State Park; thence along the west, north, and east boundaries of said park to STH 200; thence along STH 200 to County State-Aid Highway (CSAH) 31, Hubbard County; thence along CSAH 31 to Hubbard County Road (CR) 94; thence along CR 94 to CSAH 39, Hubbard County; thence along CSAH 39 to CSAH 5, Hubbard County; thence along CSAH 5 to CSAH 69, Cass County; thence along CSAH 69 to CSAH 9, Hubbard County; thence along CSAH 9 to CSAH 45, Hubbard County; thence along CSAH 45 to CSAH 46, Hubbard County; thence along CSAH 46 to CSAH 4, Beltrami County; thence along CSAH 4 to CSAH 25, Beltrami County; thence along CSAH 25 to CSAH 8, Beltrami County; thence along CSAH 8 to CSAH 27, Beltrami County; thence along CSAH 27 to CSAH 12, Beltrami County; thence along CSAH 12 to CSAH 27, Beltrami County; thence along CSAH 27 to CSAH 20, Beltrami County; thence along CSAH 20 to CSAH 39, Beltrami County; thence along CSAH 39 to STH 72; thence along STH 72 to CSAH 32, Beltrami County; thence along CSAH 32 to CSAH 15, Beltrami County; thence along CSAH 15 to the south boundary of the Red Lake Indian Reservation; thence along said reservation boundary to the Sandy River; thence along the Sandy River to CSAH 32, Beltrami County; thence west to CSAH 4, Clearwater County; thence along CSAH 4 to CSAH 14, Clearwater County; thence along CSAH 14 to CSAH 23, Clearwater County; thence along CSAH 23 to U.S. Highway 2; thence along U.S. Highway 2 to the point of beginning.

Subp. 86. **Registration Block 285.** ~~Deer And Bear~~ Registration Block 285 consists of that portion of the state lying within the following described boundary:

Beginning at the intersection of State Trunk Highway (STH) 92 and U.S. Highway 2; thence along STH 92 to County State-Aid Highway (CSAH) 5, Clearwater County; thence along CSAH 5 to the south boundary of the Red Lake Indian

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Reservation; thence along the south boundary of said reservation to ~~STH 89; thence along STH 89 the Sandy River;~~ thence along the Sandy River to CSAH 32, Beltrami County; thence west to CSAH 4, Clearwater County; thence along CSAH 4 to CSAH 14, Clearwater County; thence along CSAH 14 to CSAH 23, Clearwater County; thence along CSAH 23 to U.S. Highway 2; thence along U.S. Highway 2 to the point of beginning.

Subp. 87. [See repealer.]

[For text of subp 88, see M.R.]

Subp. 89. **Registration Block 297.** ~~Deer And Bear~~ Registration Block 297 consists of that portion of the state lying within the following described boundary:

Beginning on County State-Aid Highway (CSAH) 3, Mahnomen County, at the north boundary of Mahnomen County; thence along CSAH 3 to State Trunk Highway (STH) 113; thence along STH 113 to CSAH 13, Mahnomen County; thence along CSAH 13 to CSAH ~~34 21~~, Becker County; thence along CSAH ~~34 21~~ to STH 224; thence along STH 224 to CSAH ~~23 21~~, Becker County; thence along CSAH ~~23 21~~ to the south boundary of the White Earth Indian Reservation; thence along the south, west, and north boundaries of said reservation to the point of beginning.

Subp. 90. **Registration Block 298.** ~~Deer And Bear~~ Registration Block 298 consists of that portion of the state lying within the following described boundary:

Beginning on County State-Aid Highway (CSAH) 3, Mahnomen County, at the north boundary of Mahnomen County; thence along CSAH 3 to State Trunk Highway (STH) 113; thence along STH 113 to CSAH 13, Mahnomen County; thence along CSAH 13 to CSAH ~~34 21~~, Becker County; thence along CSAH ~~34 21~~ to STH 224; thence along STH 224 to CSAH 23, Becker County; thence along CSAH 23 to the south boundary of the White Earth Indian Reservation; thence along said boundary to the west boundary of the Tamarac National Wildlife Refuge; thence along the west, north, and east boundaries of said refuge to the south boundary of the White Earth Indian Reservation; thence along the south and east boundaries of said reservation to STH 113; thence along STH 113 to the boundary line between Range 37 West and Range 38 West; thence along said range line to the north boundary of the White Earth Indian Reservation; thence along the north boundary of said reservation to the point of beginning.

[For text of subs 91 to 157, see M.R.]

6234.0300 TAKING SHARP-TAILED GROUSE.

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

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

Beginning on U.S. Highway 2 at the west boundary of the state; thence along U.S. Highway 2 to U.S. Highway 71; thence northeast along U.S. Highway 71 to State Trunk Highway (STH) 1; thence east along STH 1 to STH 73; thence south along STH 73 to U.S. Highway 2; thence west on U.S. Highway 2 to STH 200; thence west on STH 200 to STH 6; thence south on STH 6 to STH 18; thence east on STH 18 to

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STH 65; thence south on STH 65 to STH 70; thence east on STH 70 to the east boundary of the state; thence along the east, south, and west boundary of the state to the point of beginning.

In addition, a person with a valid prairie chicken license may take sharp-tailed grouse in an open prairie chicken permit area where the person is licensed to take prairie chickens during the time the license is valid. The taking of sharp-tailed grouse by a licensed prairie chicken hunter is subject to all other restrictions for taking sharp-tailed grouse and the person must meet small game hunting license requirements to take sharp-tailed grouse.

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

6234.0400 TAKING PHEASANTS.

Subpart 1. **Open season.** Only cock (male) pheasants may be taken by firearm or bow and arrow from the Saturday on or nearest October 13 to ~~the Sunday on or nearest~~ December ~~16~~ 31 from 9:00 a.m. to sunset each day.

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

6234.0800 HUNTING BY FALCONRY.

Subpart 1. **Bag limits.** A person may not take more than three small game animals per day in the aggregate or possess more than six small game animals in the aggregate, other than rabbits and squirrels. A person may take and possess the limits of rabbits and squirrels allowed under parts 6234.0600 and 6234.0700.

[For text of subs 2 to 4, see M.R.]

6234.1200 TAKING RACCOON.

Subpart 1. **Open season.** Raccoons may be taken statewide; ~~continuously;~~ with legal firearms, bow and arrow, and by trapping from 9:00 a.m. on the Saturday nearest October 22 to March 15.

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

6234.1300 TAKING RED FOX AND GRAY FOX.

Subpart 1. **Open season.** Gray ~~and red~~ fox may be taken statewide with legal firearms, bow and arrow, and by trapping from 9:00 a.m. on the Saturday nearest ~~September 16~~ October 22 to March 15. ~~Red fox may be taken statewide, continuously, with legal firearms, bow and arrow, and by trapping.~~

[For text of subs 2 and 4, see M.R.]

6234.1400 TAKING BADGER AND OPOSSUM.

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

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

6234.1600 TAKING BOBCAT.

Subpart 1. **Open season.** Bobcats may be taken with legal firearms, bow and arrow, and by trapping from the first Saturday nearest ~~December 1~~ following Thanksgiving to the Sunday nearest January 6.

[For text of subs 2 to 4, see M.R.]

6234.1700 TAKING FISHER AND PINE MARTEN.

Subpart 1. **Open season.** Fisher ~~and pine marten~~ may be taken by trapping from the first Saturday nearest ~~December 1~~ following Thanksgiving to the Sunday nearest December ~~16~~ 12.

Subp. 2. **Bag limits.** The combined limit for fisher and pine marten is ~~four~~ five per season, in aggregate. A person may not take more than ~~two~~ five fisher ~~and pine marten, combined,~~ per season or possess more than ~~two~~ five fisher ~~and pine marten, combined,~~ at a time, except that a person may possess additional pelts that the person lawfully took, tagged, and registered during previous seasons.

Subp. 3. **Tagging.** Each fisher pelt ~~must be tagged by the person taking it at the time and place where taken with a locking possession tag issued by the state. These tags must be obtained prior to the season according to the procedure provided by part 6234.2600. Tags will not be issued to persons under five years of age. Tags must be fastened to fisher pelts in the manner provided by part 6234.2600.~~ Pelts and skinned carcasses of fisher and pine marten are subject to the provisions of part 6234.2600.

Subp. 4. **Open area.** Fisher ~~and pine marten~~ may be taken only in that area of the state lying north of Interstate Highway 94 (I-94) beginning at the west boundary of the state; thence along I-94 to U.S. Highway 10; and thence along U.S. Highway 10 to the east boundary

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of the state.

6234.2000 TAKING OTTER.

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

Subp. 4. **Tagging otter.** Each otter or pelt must be tagged by the person taking it at the time and place where taken with a locking possession tag issued by the state. These tags must be obtained according to the procedure provided by part 6234.2600. Tags will not be issued to a person under five years of age. Tags must be fastened to otter or their pelts in the manner provided by part 6234.2600. Pelts are subject to the provisions of part 6234.2600.

6234.2100 SPECIAL PROVISIONS FOR TAKING BEAVER AND OTTER.

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

Subp. 2. **Damage to beaver house or dam.** A person may not damage a beaver house or dam, except as otherwise authorized by law or permit or by employees of the department in the performance of their official duties.

[For text of subs 3 to 6, see M.R.]

6234.2300 GENERAL RESTRICTIONS ON USE OF SNARES.

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

Subp. 2. **Snaring fox.** ~~Snares may not be used for taking fox in the Farmland Furbearer Zone.~~ Snares may be used for taking fox ~~in the Forest Furbearer Zone~~ by permit issued by a conservation officer. Permits are effective during the regular fox trapping season and are valid until revoked.

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

6234.2400 SPECIAL RESTRICTIONS ON USE OF SNARES.

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

Subp. 2. **Watersets in Farmland Furbearer Zone restrictions.** In the Farmland Furbearer Zone, a person may use snares as follows:
A. from April 1 to November 30, a person may not set, place, or operate any snare except as a waterset;
B. from December 1 to March 31, a person may not set, place, or operate any snare on public lands, on road rights-of-way, or in fencelines along road rights-of-way, except as a waterset.

[For text of subs 3 to 10, see M.R.]

6234.2600 PELT TAGGING AND REGISTRATION.

Subpart 1. [See repealer.]

Subp. 2. [See repealer.]

Subp. 3. **Registration of pelts.** The pelt of each bobcat, fisher, pine marten, and otter and the whole carcass of each bobcat must be presented, by the person taking it, to a ~~conservation officer~~ state wildlife manager designee for registration before the pelt is sold and before the pelt is transported out of the state, but in no event more than 48 hours after the season closes for each species, respectively. The entire carcass of bobcat and the entire head of pine marten must be surrendered to the ~~conservation officer~~ state wildlife manager designee. The pelt of bobcat, otter, fisher, and pine marten must have been removed from the carcass.

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

Subp. 5. **Requirement for tags and seals to remain affixed.**
~~Possession and~~ Registration tags or seals must remain affixed to the raw pelt until the pelt is tanned or mounted.

6234.2800 PAYMENT OF PELTING FEES.

If a person recovers, treats, preserves, or transports the pelt of any furbearing animal that was accidentally killed, or lawfully killed while causing or threatening injury or damage, the person may be entitled to a pelting fee equal to 50 percent of the average value of a pelt in the lot of fur in which the pelt was sold or 50 percent of the proceeds of the sale of the pelt if not sold in a lot of fur, not to exceed \$25 per pelt. A pelting fee will not be paid on muskrats.

6236.0300 TURKEY HUNT DRAWING.

Subpart 1. **License application drawings.** Applications for all hunts must be made according to this part and according to application instructions provided by the commissioner. Each person must apply at an electronic license system agent or the Department of Natural Resources License Center. Drawings will be conducted by the department to determine persons who will be eligible to purchase licenses for each season. The drawings will be subject to the quotas established by the commissioner. Preference in the respective drawings is given to applicants based upon the number of times they have correctly applied for a license for that hunt but have been unsuccessful. A person

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selected by the drawings is eligible to purchase a license to hunt turkey. Upon issuance of a turkey license for the spring or fall season, all accumulated preference for that season is lost, except as provided in subpart 6.

Subp. 2. Participation in application drawings.

Applicants may complete an application ~~form~~ for either the spring or fall turkey hunt or both. A person may not apply more than once for a hunt, whether as an individual or as a member of a group. Qualifying individuals may apply for the resident landowner-tenant turkey drawing. All of the information in items A to G must be supplied on the application forms.

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

D. An applicant must ~~choose one~~ select a first choice of the wild turkey permit ~~areas and one of the area and time periods~~ period and may select a second choice of wild turkey permit area in specified time periods as authorized by the commissioner.

E. Up to four persons desiring to hunt together as a group may apply ~~by submitting their drawing applications in one envelope. Applications by a group must all be for the same wild turkey permit area and time period. The person within a group with the lowest preference rating will determine the preference rating of the group. Properly completed applications which are submitted in one envelope will either all be selected or none selected. Mixing landowner-tenant applications with general applications will not be permitted for purposes of applying as a group. Group applications shall either all be selected or none selected. All group members must apply for the same wild turkey permit areas and time periods. The preference rating of applicants who apply as a group shall be determined by the individual in the group with the lowest preference. Group applications may be made up of all general or all landowner-tenant applications, but not both.~~

F. A person who ~~makes a faulty application or who~~ applies as a landowner or tenant but does not meet the definition as provided by this part will be ineligible for that season's drawings.

G. Application deadlines are as follows:

- (1) spring season: the first Friday in December; and
- (2) fall season: the last Friday ~~nearest June 29 in July.~~

Subp. 3. Landowner-tenant drawing. A landowner-tenant license application drawing will be held subject to the restrictions in items A to F.

A. An applicant must meet all eligibility requirements and must provide a complete and accurate description of the qualifying land.

B. An applicant must be a landowner, tenant, or a member of the landowner's or tenant's immediate family. Family members include those related by blood, marriage, or adoption.

C. For each wild turkey permit area and time period, no more than 20 percent of the successful participants will be drawn from the special landowner-tenant applications.

D. An individual participant in the landowner-tenant drawing may submit only one application and only for the turkey wild turkey permit area in which the participant resides.

E. Applicants unsuccessful in the landowner-tenant drawing will be included in the general drawing.

F. Landowner-tenant licensees must allow turkey hunting as provided by *Minnesota Statutes*, section 97A.435, and the commissioner will provide make descriptions of these lands available to licensed turkey hunters.

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

Subp. 5. Drawing application fee. An applicant must ~~submit, along with the application, a cashier's check, money order, or personal check payable to the Minnesota Department of Natural Resources; pay a fee as provided by statute at the time of application at the electronic license system~~ point of sale (ELS-POS) agent. Any check that is returned to the department for nonpayment will invalidate the application and the check will be destroyed. Refunds of application fees will not be made for any reason.

Subp. 6. Undersubscribed wild turkey permit areas. ~~A second preference drawing may be held for undersubscribed time periods. All unsuccessful applicants for the wild turkey permit area that includes the undersubscribed time period will be eligible for the second drawing. In permit areas and time periods with fewer applicants than available licenses, the remaining available licenses may be first offered to unsuccessful applicants for other permit areas or time periods on a first-come, first-served basis. An eligible person must apply individually and in person at an ELS-POS (point-of-sale) agent location or individually through the ELS-Internet or ELS-Telephone system to obtain a remaining available license. Any remaining available licenses not purchased by unsuccessful applicants may then be issued to any eligible person on a first-come, first-served basis. Individuals who purchase these remaining available licenses retain their accumulated preference.~~

6236.0600 SPRING TURKEY SEASON.

Subpart 1. Open dates. The spring turkey season opens the Wednesday nearest April 15 and consists of ~~seven~~ six consecutive five-day periods followed by two consecutive seven-day periods.

Subp. 2. Shooting hours. Shooting hours for turkeys during the spring season are from one-half hour before sunrise to ~~12 noon~~ 5:00 p.m.

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

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Subp. 4. **Open areas.** Wild turkey permit areas are open for the spring turkey season as prescribed by the commissioner. Turkey licenses are valid for taking turkeys only in the wild turkey permit area specified on the license, except for archery-only licenses issued under Minnesota Statutes, section 97A.435, subdivision 5, paragraph (a).

Subp. 5. **Registration.** Turkeys must be registered ~~no later than 2:00 p.m. of the day taken~~ within 24 hours after being taken during the spring turkey season.

6236.0700 FALL TURKEY SEASON.

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

Subp. 4. **Open areas.** Wild turkey permit areas are open for the fall turkey season as prescribed by the commissioner. Turkey licenses are valid for taking turkeys only in the wild turkey permit area specified on the license.

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

6236.0810 WILD TURKEY PERMIT AREA DESCRIPTIONS.

Wild turkey permit areas are comprised of ~~partial, single, or grouped deer and bear registration blocks~~ with the same numbers, as established in part 6232.4700, ~~and are described as follows:~~

A. ~~Wild turkey permit areas in Zone 1:~~

- ~~(1) wild turkey permit area 152 consists of registration block 152;~~
- ~~(2) wild turkey permit area 157 consists of registration block 157;~~
- ~~(3) wild turkey permit area 158 consists of registration block 158; and~~
- ~~(4) wild turkey permit area 159 consists of registration block 159;~~

B. ~~Wild turkey permit areas in Zone 2:~~

- ~~(1) wild turkey permit area 221 consists of registration block 221;~~
- ~~(2) wild turkey permit area 222 consists of registration block 222;~~
- ~~(3) wild turkey permit area 223 consists of registration block 223;~~
- ~~(4) wild turkey permit area 224 consists of registration block 224;~~
- ~~(5) wild turkey permit area 225 consists of registration block 225;~~
- ~~(6) wild turkey permit area 226 consists of registration block 226;~~
- ~~(7) wild turkey permit area 227 consists of registration block 227;~~
- ~~(8) wild turkey permit area 228 consists of registration block 228;~~
- ~~(9) wild turkey permit area 235 consists of registration block 235;~~
- ~~(10) wild turkey permit area 236 consists of registration block 236;~~
- ~~(11) wild turkey permit area 244 consists of registration block 244;~~
- ~~(12) wild turkey permit area 251 consists of registration block 251;~~
- ~~(13) wild turkey permit area 286 consists of registration block 286; and~~
- ~~(14) wild turkey permit area 297-298 consists of registration blocks 297 and 298;~~

C. ~~Wild turkey permit areas in Zone 3:~~

- ~~(1) wild turkey permit area 337-338 consists of registration blocks 337 and 338;~~
- ~~(2) wild turkey permit area 341-342 consists of registration blocks 341 and 342;~~
- ~~(3) wild turkey permit area 343-347 consists of registration blocks 343 and 347;~~
- ~~(4) wild turkey permit area 344 consist of registration block 344;~~
- ~~(5) wild turkey permit area 345-348 consists of registration blocks 345 and 348;~~
- ~~(6) wild turkey permit area 346 consists of registration block 346; and~~
- ~~(7) wild turkey permit area 349 consists of registration block 349;~~

D. ~~Wild turkey permit areas in Zone 4:~~

- ~~(1) wild turkey permit area 402 consists of registration block 402;~~
- ~~(2) wild turkey permit area 405 consists of registration block 405;~~
- ~~(3) wild turkey permit area 406 consists of registration block 406;~~
- ~~(4) wild turkey permit area 407 consists of registration block 407;~~
- ~~(5) wild turkey permit area 408 consists of registration block 408;~~
- ~~(6) wild turkey permit area 409 consists of registration block 409;~~
- ~~(7) wild turkey permit area 410 consists of registration block 410;~~
- ~~(8) wild turkey permit area 411 consists of those portions of registration block 411 described as follows:~~

~~Beginning at the intersection of State Trunk Highway (STH)~~

~~78 and STH 210; thence along STH 210 in an easterly~~

direction to STH 29; thence along STH 29 in a southerly direction to STH 235; thence along STH 235 in a westerly direction to County State Aid Highway (CSAH) 38; thence along CSAH 38 to the intersection of STH 78; thence along STH 78 in a northerly direction to the point of beginning;

(9) wild turkey permit area 412 consists of registration block 412;

(10) wild turkey permit area 413 consists of registration block 413;

(11) wild turkey permit area 414 consists of registration block 414;

(12) wild turkey permit area 415 consists of those portions of registration block 415 described as follows:

Beginning at the intersection of Interstate Highway 94

(I-94) and State Trunk Highway (STH) 28; thence along STH

28 in a northeasterly direction to County State Aid Highway

(CSAH) 2; thence along CSAH 2 in an easterly direction to

STH 238; thence along STH 238 to CSAH 26; thence along CSAH

26 to the Mississippi river; thence along the Mississippi

river in a southerly direction to STH 23; thence along STH

23 to the intersection of CSAH 75; thence along CSAH 75 to

the intersection of I-94; thence along I-94 in a westerly

direction to the point of beginning;

(13) wild turkey permit area 416 consists of registration block 416;

(14) wild turkey permit area 417 consists of those portions of registration block 417 described as follows:

Beginning at the intersection of State Trunk Highway (STH)

55 and STH 4; thence along STH 4 in a southerly direction

to U.S. Highway 12; thence along U.S. Highway 12 to County

State Aid Highway (CSAH) 104, Swift county; thence

northerly on CSAH 104 to STH 55, Douglas county; thence

along STH 55 in a southeasterly direction to the point of

beginning;

(15) wild turkey permit area 418 consists of those portions of registration block 418 described as follows:

Beginning at the intersection of Interstate Highway 94 and

County State Aid Highway (CSAH) 10; thence along CSAH 10 in

a southerly direction to State Trunk Highway (STH) 23;

thence along STH 23 to STH 55, Stearns County; thence along

STH 55 to STH 15; thence along STH 15 to Interstate Highway

94; thence along Interstate Highway 94 to the point of

beginning;

(16) wild turkey permit area 419 consists of registration block 419;

(17) wild turkey permit area 420 consists of registration block 420;

(18) wild turkey permit area 421 consists of registration block 421;

(19) wild turkey permit area 422 consists of registration block 422;

(20) wild turkey permit area 423 consists of registration block 423;

(21) wild turkey permit area 424 consists of registration block 424;

(22) wild turkey permit area 425 consists of registration block 425;

(23) wild turkey permit area 426 consists of registration block 426;

(24) wild turkey permit area 427 consists of registration block 427;

(25) wild turkey permit area 428 consists of registration block 428;

(26) wild turkey permit area 429 consists of registration block 429;

(27) wild turkey permit area 431 consists of registration block 431;

(28) wild turkey permit area 433-446-447 consists of registration blocks 433, 446, and 447;

(29) wild turkey permit area 435 consists of registration block 435;

(30) wild turkey permit area 440 consists of registration block 440;

(31) wild turkey permit area 442 consists of registration block 442;

(32) wild turkey permit area 443 consists of registration block 443;

(33) wild turkey permit area 448-449-451 consists of registration blocks 448, 449, and 451;

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- (34) wild turkey permit area 450 consists of registration block 450;
 - (35) wild turkey permit area 452 consists of registration block 452;
 - (36) wild turkey permit area 453 consists of registration block 453;
 - (37) wild turkey permit area 454-455-456-458 consists of registration blocks 454, 455, 456, and 458;
 - (38) wild turkey permit area 457 consists of registration block 457;
 - (39) wild turkey permit area 459 consists of registration block 459;
 - (40) wild turkey permit area 461 consists of registration block 461;
 - (41) wild turkey permit area 463 consists of registration block 463;
 - (42) wild turkey permit area 464-465 consists of registration blocks 464 and 465; and
 - (43) wild turkey permit area 466-467 consists of registration blocks 466 and 467; and
- E. ~~Wild turkey permit area 339-462 consists of registration blocks 339 and 462 in Zones 3 and 4.~~

6236.0900 SPECIAL PROVISIONS FOR TAKING TURKEYS.

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

Subp. 2. **Electronic devices.** Turkeys may not be taken with the aid of any electronic device, except that a hearing aid or other device designed to enhance hearing may be used and except that electronic sights that self-illuminate but that do not cast rays of light may be used.

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

Subp. 4. **Game refuges open to taking turkeys.** The Lost Lake Refuge in Fillmore County, the Whitewater State Game Refuge in Winona County, ~~the Minnetonka game refuge in Carver and Hennepin counties;~~ the Albert Lea and Moscow State Game Refuges in Freeborn County, the Linn Lake State Game Refuge in Chisago County, the Rochester State Game Refuge in Olmsted County, the Stearns County State Game Refuge in Stearns County, the Claremont State Game Refuge in Dodge County, the Nerstrand State Game Refuge in Dodge County, and the St. Croix River and Stillwater Game Refuges in Washington County are open for the taking of turkeys during open wild turkey seasons in the zones in which they are located.

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

6236.1070 YOUTH WILD TURKEY SPECIAL HUNTS.

Subpart 1. **Requirements.** Persons participating in youth wild turkey hunts must be at least 12 years of age and under 18 years of age by the beginning hunt date. A valid wild turkey license and firearms safety certificate must be obtained prior to being issued a permit. All participants must be accompanied by a parent or legal guardian who is at least 18 years of age. The accompanying parent or guardian may not hunt, but may assist during the hunt. All participants and their accompanying parent or guardian must attend a prehunt orientation offered by the hunt sponsors. Participating youth hunters must be sponsored and selected by a sponsoring nonprofit or selected by lottery.

Subp. 2. **Open areas.** Youth hunt permittees may hunt in open areas and special seasons as designated by the commissioner.

6237.0100 PRAIRIE CHICKEN LICENSE ELIGIBILITY.

To be eligible for a prairie chicken license, a person must not have any small game hunting privileges revoked.

6237.0200 PRAIRIE CHICKEN HUNT DRAWING.

Subpart 1. **License application drawings.** Applications for all hunts must be made according to this part and according to application instructions provided by the commissioner. Each person must apply at an electronic license system agent or the Department of Natural Resources License Center. Drawings shall be conducted by the department to determine persons who are eligible to purchase licenses for the season. The drawings are subject to the quotas established by the commissioner. Preference in the respective drawings is given to applicants based upon the number of times they have correctly applied for a license for the hunt but have been unsuccessful. A person selected by the drawings is eligible to purchase a license to hunt prairie chicken. Upon issuance of a prairie chicken license, all accumulated preference for prairie chicken hunting is lost.

Subp. 2. **Participation in application drawings.**

A. Applicants must complete an application for the prairie chicken hunt. A person may not apply more than once as an individual or as a member of a group. Qualifying individuals may apply for the resident landowner-tenant prairie chicken drawing.

B. A resident applicant must provide the applicant's individual Minnesota driver's license number of 13 characters, a 13-character firearm safety number, or an official state identification number of 13 characters issued by the Department of Public Safety.

C. An applicant must choose one of the prairie chicken permit areas and one of the time periods.

D. Up to four persons desiring to hunt together as a group may apply as a group. Group applications shall either be all selected or none selected. Applications by a group must all be for the same prairie chicken permit area and time period. The preference rating of applicants who apply as a group shall be based on the individual in the group with the lowest preference. Group applications must be made up of

either all general or all landowner-tenant applications.

E. A person who applies as a landowner or tenant but does not meet the definition as provided in this chapter is ineligible for that season's drawings.

F. The application deadline is the last Friday in July.

Subp. 3. Landowner-tenant drawing.

A. For purposes of this chapter, "landowner or tenant" means a person who is an owner or tenant of at least 40 acres of prairie or grassland within the zone being applied for. A landowner-tenant license application drawing shall be held subject to the restrictions in items B to G.

B. An applicant must meet all eligibility requirements and must provide a complete and accurate description of the qualifying land.

C. An applicant must be a landowner or tenant or a member of the landowner's or tenant's immediate family. Family members include those related by blood, marriage, or adoption.

D. For each prairie chicken permit area and time period, no more than 20 percent of the successful participants shall be drawn from the special landowner-tenant applications.

E. An individual participant in the landowner-tenant drawing may submit only one application and only for the prairie chicken permit area in which the participant's qualifying property is located.

F. Landowners or tenants unsuccessful in the landowner-tenant drawing shall be included in the general drawing.

G. Landowner-tenant licensees must allow public prairie chicken hunting on their land during that prairie chicken season and the commissioner shall provide descriptions of these lands to licensed prairie chicken hunters.

Subp. 4. Modification of quota numbers for group applications. The quota of licenses or permits for a drawing may be increased to accommodate group members if the last applicant to be selected is a member of a group.

Subp. 5. Drawing application fee. An applicant must pay a fee as prescribed by statute at time of application at the electronic license system-point of sale (ELS-POS). Refunds of application fees shall not be made for any reason.

Subp. 6. Undersubscribed prairie chicken permit areas. In permit areas with fewer applicants than available licenses, the remaining available licenses may be first offered to unsuccessful applicants for other permit areas on a first-come, first-served basis. An eligible person must apply individually and in person at an ELS-POS agent location or individually through the ELS-Internet or ELS-Telephone system to obtain a remaining available license. Any remaining available licenses not purchased by unsuccessful applicants may then be issued as prescribed by the commissioner to any eligible person on a first-come, first-served basis. Individuals who purchase these remaining available licenses retain their accumulated preference.

6237.0300 OBTAINING A LICENSE.

Subpart 1. Notification. Only successful applicants shall be notified.

Subp. 2. Obtaining licenses. Successful applicants shall receive instructions from the commissioner on how to obtain their license through the electronic license system.

6237.0400 TAKING PRAIRIE CHICKENS.

Subpart 1. Open season and methods. Prairie chickens may be taken during the five-day period beginning on the Saturday nearest October 20.

Subp. 2. Arms restrictions. Prairie chickens may be taken by shotgun or bow and arrow. A person may not take prairie chickens with a rifle or handgun.

Subp. 3. Bag limit. A person may not take more than two prairie chickens per season or possess more than two prairie chickens.

Subp. 4. Open areas. Prairie chicken permit areas are open for the prairie chicken season as prescribed by the commissioner. Prairie chicken licenses are valid only in the prairie chicken permit area specified on the license.

Subp. 5. Game refuges open to taking prairie chickens. The Clay County Game Refuge in Clay County is open for the taking of prairie chickens during open prairie chicken seasons in the zone in which it is located.

6237.0500 PRAIRIE CHICKEN PERMIT AREA DESCRIPTION.

Subpart 1. Generally. Prairie chicken permit areas are comprised of partial, single, or grouped registration blocks, as established in part 6232.4700, and are described according to this part.

Subp. 2. Area 405A. Prairie chicken permit area 405A consists of those portions of registration block 405 described as follows:

Beginning at the intersection of U. S. Highway 2 and State

Trunk Highway (STH) 9; thence along U. S. Highway 2 to STH

32; thence along STH 32 to STH 102; thence along STH 102 to

STH 9; thence along STH 9 to point of beginning.

Subp. 3. Area 407A. Prairie chicken permit area 407A consists of those portions of registration block 407 described as follows:

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Beginning at the intersection of State Trunk Highway (STH) 9 and STH 102; thence along STH 102 to STH 32; thence along STH 32 to STH 200; thence along STH 200 or STH 9; thence along STH 9 to point of beginning.

Subp. 4. **Area 407B.** Prairie chicken permit area 407B consists of those portions of registration block 407 described as follows:

Beginning at the intersection of State Trunk Highway (STH) 9 and STH 200; thence along STH 200 to STH 32; thence along STH 32 to County State-Aid Highway (CSAH) 34, Clay County; thence along CSAH 34 to STH 9; thence along STH 9 to point of beginning.

Subp. 5. **Area 407C.** Prairie chicken permit area 407C consists of those portions of registration block 407 described as follows:

Beginning at the intersection of State Trunk Highway (STH) 9 and County State-Aid Highway (CSAH) 34, Clay County; thence along CSAH 34 to STH 32; thence along STH 32 to U. S. Highway 10; thence along U. S. Highway 10 to STH 9; thence along STH 9 to point of beginning.

Subp. 6. **Area 420A.** Prairie chicken permit area 420A consists of those portions of registration block 420 described as follows:

Beginning at the intersection of State Trunk Highway (STH) 9 and U. S. Highway 10; thence along U. S. Highway 10 to STH 32; thence along STH 32 to STH 34; thence along STH 34 to Interstate Highway 94 (I-94); thence along I-94 to STH 9; thence along STH 9 to point of beginning.

Subp. 7. **Area 420B.** Prairie chicken permit area 420B consists of those portions of registration block 420 described as follows:

Beginning at the intersection of State Trunk Highway (STH) 9 and Interstate Highway 94 (I-94); thence along I-94 to County State-Aid Highway (CSAH) 26, Wilkin County; thence along CSAH 26 to STH 9; thence along STH 9 to point of beginning.

Subp. 8. **Area 421A.** Prairie chicken permit area 421A consists of those portions of registration block 421 described as follows:

Beginning at the intersection of State Trunk Highway (STH) 9 and County State-Aid Highway (CSAH) 26, Wilkin County; thence along CSAH 26 to Interstate Highway 94 (I-94); thence along I-94 to STH 210; thence along STH 210 to STH 9; thence along STH 9 to point of beginning.

6237.0600 TAGGING PRAIRIE CHICKENS.

Immediately after taking a prairie chicken, a hunter must validate the tag as prescribed by the commissioner and must attach a tag provided with the license to the prairie chicken as specified by the commissioner. The tag must remain attached to the prairie chicken during transit.

6237.0700 PRAIRIE CHICKEN REGISTRATION.

Prairie chickens must be registered no later than 24 hours after the close of the season.

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

Subpart 1. **Shooting hours.** Shooting hours for migratory ~~game birds~~ waterfowl, coots, gallinules, rails, and snipe are onehalf hour before sunrise to sunset, except as follows:

A. on the opening day of the duck season, shooting hours ~~for all migratory game birds, except woodcock, are 12:00 noon to 4:00 p.m. begin at 9:00 a.m.;~~ and

B. from the opening day of the ~~migratory waterfowl season to the Friday nearest October 19~~ duck season to the Saturday nearest October 8, shooting hours end at 4:00 p.m.

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

6240.0610 YOUTH WATERFOWL HUNTING DAYS.

Subpart 1. **Dates, eligibility, and license requirements.** Ducks, mergansers, coots, moorhens, and Canada geese may be taken

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statewide on special youth waterfowl hunting days by hunters 15 years of age or younger. An adult mentor 18 years of age or older, who is authorized by the youth's parent or guardian, must accompany the youth hunter at all times during the hunt. The accompanying adult may not hunt. No hunting license or waterfowl stamps are required.

Subp. 2. **Shooting hours.** Shooting hours are one-half hour before sunrise to 4:00 p.m.

Subp. 3. **Bag limits.** The daily bag limit for ducks, mergansers, coots, and moorhens is as allowed by federal rule. The daily bag limit for geese is five Canada geese, except in those areas where taking Canada geese near water is restricted under part 6240.1200, subpart 1, item A, where the daily bag limit is one Canada goose.

6240.1000 TAKING GEESE IN SOUTHEAST GOOSE ZONE.

Subpart 1. **Zone.** The Southeast Goose Zone is comprised of Isanti, Chisago, Washington, Anoka, Hennepin, Carver, Scott, Ramsey, Dakota, Rice, Goodhue, Wabasha, Winona, Olmsted, Dodge, Steele, Freeborn, Mower, Fillmore, and Houston counties; that part of the state within the following described boundaries:

Beginning at the intersection of U.S. Highway 52 and the south boundary of the Twin Cities Metro Canada Goose Zone; thence southerly along U.S. Highway 52 to State Trunk Highway (STH) 57; thence southerly along STH 57 to U.S. Highway 14; thence along U.S. Highway 14 to County State-Aid Highway (CSAH) 13, Dodge County; thence southerly along CSAH 13 to STH 30; thence easterly along STH 30 to U.S. Highway 63; thence southerly along U.S. Highway 63 to the south boundary of the state; thence along the south and east boundaries of the state to the south boundary of the Twin Cities Metro Canada Goose Zone; thence along said boundary to the point of beginning.

Subp. 2. [See repealer.]

6240.1100 TAKING CANADA GEESE IN REMAINDER OF STATE.

Subpart 1. **Zone and season.** The remainder of the state consists of all areas not within the Southeast, Northwest, West Central, and West Goose Zones. Canada and white-fronted geese and brant may be taken in the remainder of the state during the 70-day period beginning the Saturday on or nearest October 1.

Subp. 2. **Daily limit.** A person may not take more than two Canada geese each day in the remainder of the state.

6240.1150 TAKING SNOW, BLUE, AND ROSS', AND WHITE-FRONTED GEESE AND BRANT.

Subpart 1. **Seasons.** Snow, blue, and Ross', and white-fronted geese and brant may be taken statewide during the ~~80-day~~ 86-day period beginning the Saturday on or nearest October 1; ~~except that the season in the Lac qui Parle Goose Zone will be closed when the season for Canada and white-fronted geese is closed.~~

Subp. 2. **Daily limit.** A person may not take more than 20 snow, blue, and Ross' geese in combination; two white-fronted geese; and one brant each day.

6240.1200 SPECIAL PROVISIONS ON TAKING GEESE DURING EARLY SEASONS.

Subpart 1. **Taking near water.**

A. Taking Canada geese during the early seasons is prohibited on or within 100 yards of all surface waters, except on those described or shown on a map provided by the commissioner: in the following areas:

- (1) the Northwest, Southeast, and Twin Cities Metro Goose Zones;
- (2) all of the Carlos Avery Wildlife Management Area, including that portion outside the Twin Cities Metro Goose Zone; and
- (3) the Swan Lake area in Nicollet County, within the boundary described as follows:

Beginning at the junction of State Trunk Highway (STH) 14 and County StateAid Highway (CSAH) 12 north along CSAH 12 to CSAH 5; thence east along CSAH 5 to CSAH 13; thence south along CSAH 13 to STH 99; thence west along STH 99 to CSAH 17; thence south along CSAH 17 to STH 14; thence northwest and west along STH 14 to CSAH 12.

B. Taking Canada geese on or within 100 yards of surface waters during the early Canada goose seasons is allowed for youth hunters participating in youth waterfowl hunting days and on specific bodies of water in closed zones as described or shown on maps provided

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by the commissioner.

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

6240.1500 TAKING GEESE IN TWIN CITIES METRO CANADA GOOSE ZONE.

Subpart 1. **Open season.** ~~The open season for taking Canada geese may be taken in the Twin Cities Metro Canada Goose Zone beginning begins the first Saturday in September to September 15, except the season begins on Sunday, September 1, in any year when the first Saturday falls on September 7. The season closes on September 22, except the season closes on the first Friday before the duck season opens in years when the duck season opens on or before September 22.~~

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

6240.1600 TAKING GEESE IN FIVE GOOSE ZONE.

Subpart 1. **Open season.** ~~The open season for taking Canada geese may be taken in the Four Five Goose Zone beginning begins the first Saturday in September to September 15, except the season begins on Sunday, September 1, in any year when the first Saturday falls on September 7. The season closes on September 22, except the season closes on the first Friday before the duck season opens in years when the duck season opens on or before September 22.~~

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

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

6240.1700 TAKING GEESE IN TWO GOOSE SOUTHEAST ZONE EARLY SEASON.

Subpart 1. **Open season.** ~~The open season for taking Canada geese may be taken in the Two Goose Southeast Zone beginning begins the first Saturday in September to September 15, except the season begins on Sunday, September 1, in any year when the first Saturday falls on September 7. The season closes on September 22, except the season closes on the first Friday before the duck season opens in years when the duck season opens on or before September 22.~~

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

Subp. 3. **Zone description.** The Two Goose Zone is described as follows:

~~That part of the state lying east of Interstate Highway 35 and south of the Twin Cities Metro Canada Goose Zone as described in part 6240.1500, subpart 3 Southeast Zone is that portion of the state described in part 6240.1000.~~

6240.1750 TAKING GEESE IN NORTHWEST GOOSE ZONE.

Subpart 1. **Open season.** ~~The open season for taking Canada geese in the Northwest Goose Zone, described in part 6240.0860, begins the first Saturday in September, except the season begins on Sunday, September 1, in any year when the first Saturday falls on September 7. The season closes on September 15.~~

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

6240.1800 EARLY GOOSE HUNT APPLICATION AND PERMIT LICENSE.

Subpart 1. **Permit License required.** ~~A permit is required to take Canada geese during The early seasons described in parts 6240.1500, 6240.1600, and 6240.1700 are special seasons for purposes of the special season Canada goose license required under Minnesota Statutes, section 97B.802. A person may obtain a permit as prescribed by the commissioner.~~

Subp. 2. [See repealer.]

Subp. 3. [See repealer.]

6240.1850 GAME REFUGES OPEN TO THE TAKING OF GEESE.

~~The following refuges are open to the taking of geese, as specified:~~

A: **Subpart 1. Goose refuges.** Those portions of the Douglas County Goose Refuge in Douglas County, the Otter Tail County Goose Refuge in Otter Tail County, and the Sauk Rapids-Rice Goose Refuge in Benton County, in the respective zone or zones in which they are located, are open to goose hunting during the early, regular, and late goose seasons for those zones. All other goose hunting regulations apply in these refuges. Taking waterfowl from public roads and their rightsofway is prohibited. The Ashby Goose Refuge in Grant County is open to Canada goose hunting during the early September goose season.

B: **Subp. 2. Game refuges.** The Fox Lake Game Refuge in Martin County and the Saint James Game Refuge in Watonwan County are open to goose hunting during the first three days of the regular goose season in the respective zones in which they are located. The Fox Lake Game Refuge is ~~also~~ open to goose hunting from the Saturday on or nearest November 20 26 to the end of the goose season in the zone in which it is located, except there is no goose hunting within 100 yards of Fox and Temperence Lakes.

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~~C. Subp. 3. Waterfowl refuges.~~ The Harstad Slough Waterfowl Refuge in Stevens County is open to Canada goose hunting during the early September goose season. The Mud-Bardwell Waterfowl Refuge in Martin County is open to Canada goose hunting from ~~November 1~~ the Saturday on or nearest October 30 to the end of the ~~regular~~ regular goose season in the zone in which it is located, except there is no goose hunting within 100 yards of Mud and Bardwell Lakes. ~~The Rickert Lake Waterfowl Refuge in Steele County is open to Canada goose hunting during the early September goose season. The waterfowl sanctuary within this refuge is closed to hunting and trespass, as posted.~~

6240.1900 LATE SEASON SEASONS FOR TAKING CANADA GEESE.

Subpart 1. **Daily limit.** A person may not take more than ~~two~~ five Canada geese per day during the late ~~season~~ seasons, ~~except that no more than two Canada geese per day may be taken in the Southeast Goose Zone.~~

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

Subp. 3. **Seasons.** Canada geese may be taken ~~in the Twin Cities Metro Canada Goose Zone and the Fergus Falls/Alexandria Goose Zone and in Olmsted County during the ten-day period beginning the second Saturday in December statewide during the late seasons, except in the West Central Goose Zone. Taking Canada geese on or within 100 yards of all surface waters, excluding ice, is prohibited in the Twin Cities Metro Canada Goose Zone during the late season.~~

Subp. 4. **Special season Canada goose license required.** The late seasons established in this part are special seasons for purposes of the special season Canada goose license required under Minnesota Statutes, section 97B.802.

6240.2000 MIGRATORY WATERFOWL FEEDING AND RESTING AREA RESTRICTIONS.

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

Subp. 4. **Use of electric motors.** On the lakes listed in items A to I J, a person may use an electric motor of less than 30 pounds thrust within the designated migratory waterfowl feeding and resting area during the open waterfowl season:

- A. Beltrami County: Puposky Lake, Little Puposky Lake;
- B. Carver County: Tiger Lake;
- C. Faribault and Blue Earth Counties: Minnesota Lake;
- D. Freeborn County: Bear Lake;
- ~~E. E.~~ Jackson County: South Heron Lake, North Heron Lake;
- ~~D. F.~~ Kandiyohi County: Wagonga Lake, Lake Lillian;
- ~~E. G.~~ McLeod County: Bakers Lake, Unnamed Lake, in T.114 N., R. 29W, S. 28;
- ~~F. H.~~ Polk County: Turtle Lake; ~~and~~
- I. Pope County: Nelson Lake; and
- ~~G. J.~~ Traverse County: Mud Lake.

6240.2100 DESIGNATED MIGRATORY WATERFOWL FEEDING AND RESTING AREAS.

Subpart 1. **Designation of entire lakes.** The following lakes are designated as migratory waterfowl feeding and resting areas:

Name	Location	County
A. Bakers Lake	T.114N; R.29W	McLeod
B. Bear Lake	T.101N; R.22W	Freeborn
C. Big Rice Lake	T.140, 141N; R.26W	Cass
D. Cottonwood Lake	T.106N; R.25W	Blue Earth
E. Diamond Lake	T.110N; R.23W	Le Sueur
F. Dora Lake	T.110N; R.23W	Le Sueur
G. Lake Johanna	T.123N; R.36W	Pope
H. Lake Lillian	T.117N; R.33, 34W	Kandiyohi
I. Little Puposky Lake	T.149N; R.33, 34W	Beltrami
J. Mud Lake	T.131N; R.43W	Otter Tail
K. Mud Lake	T.114N; R.26W	Sibley
L. Nelson Lake	T.124N; R.38W	Pope
M. Oakleaf Lake	T.110N; R.26W	Nicollet
N. Pleasant Lake	T.113N; R.23W	Scott
O. Puposky Lake	T.149N; R.33, 34W	Beltrami
P. Rice Lake	T.148, 149N; R.27W	Itasca
Q. <u>Rice Lake</u>	<u>T.111N; R.23W</u>	<u>Le Sueur</u>
R. Sanborn Lake	T.112N; R.23W	Le Sueur

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R. <u>S.</u> Scotch Lake	T.110N; R.25W	Le Sueur
S. <u>T.</u> Squaw Lake	T.148, 149N; R.27W	Itasca
F. <u>U.</u> Tiger Lake	T.115N; R.26W	Carver
U. <u>V.</u> Turtle Lake	T.148N; R.39W	Polk
V. <u>W.</u> Unnamed Lake	T.114N; R.29W; S.28	McLeod
W. <u>X.</u> Upper Rice Lake	T.145N; R.36, 37W	Clearwater
X. <u>Y.</u> Wagonga Lake	T.118, 119N; R.34, 35W	Kandiyohi
Y. <u>Z.</u> Washington Lake	T.114N; R.26W	Sibley

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

Subp. 9. Minnesota Lake, Faribault and Blue Earth Counties. All that portion of Minnesota Lake in Faribault and Blue Earth Counties within the area posted by signs or buoys and identified as a migratory waterfowl feeding and resting area is designated as a migratory waterfowl feeding and resting area.

6240.2600 TAKING COMMON CROWS IN WATERFOWL PRODUCTION AREAS, GAME REFUGES, AND WILDLIFE MANAGEMENT AREAS.

Common crows may be taken on wildlife management areas and federal waterfowl production areas that are open to hunting. Common crows may also be taken within state game refuges open to small game hunting, except those refuges closed to waterfowl hunting. ~~Common~~ crows may be taken during the open season between September 1 and the last day of February within wildlife management areas, unless otherwise closed to hunting.

TERM CHANGE. The term “deer and bear registration block” is changed to “registration block” wherever the term appears in parts 6232.4700 and 6236.0100.

REPEALER. *Minnesota Rules*, parts 6230.0400, subpart 29; 6230.0800, subpart 3; 6232.0200, subparts 3 and 5a; 6232.1100, subpart 5; 6232.1200; 6232.1900; 6232.2450; 6232.3800, subpart 2; 6232.4700, subparts 3, 4, 6, 7, 11, 12, 13, 14, 15, 17, 18, 19, 22, 23, 24, 27, 30, 34, 36, 38, 41, 42, 44, 47, 49, 50, 51, 53, 66, 74, and 87; 6234.1800; 6234.2600, subparts 1 and 2; 6240.1000, subpart 2; and 6240.1800, subparts 2 and 3, are repealed.

The expedited emergency amendments to *Minnesota Rules*, parts 6232.2900, subpart 2, published in the *State Register*, volume 28, page 1213, April 5, 2004; 6236.0300, subparts 1, 2, and 6, and 6232.0600, subparts 1, 2, 4, and 5, published in the *State Register*, volume 29, page 597, November 22, 2004; and 6236.0810, published in the *State Register*, volume 28, page 609, November 10, 2003, are repealed.

EFFECTIVE PERIOD. The amendments to *Minnesota Rules*, part 6234.1200, subpart 1, are effective October 22, 2005.

Pollution Control Agency Municipal Division

Proposed Permanent Rules Relating to Solid Waste Transfer Facilities

DUAL NOTICE: Notice of Intent to Adopt Rules Without a Public Hearing Unless 25 or More Persons Request a Hearing, And Notice of Hearing If 25 or More Requests For Hearing Are Received

Proposed Amendments to Rules Governing Solid Waste Management for Transfer Facilities, *Minnesota Rules* Chapters 7001, 7011, and 7035 and Proposed Repeal of Rules Governing Solid Waste Transfer Facilities, *Minnesota Rules*, 7035.2865

Introduction. The Minnesota Pollution Control Agency (MPCA) initially proposed transfer facility rules on August 16, 2004, in a dual notice. No hearing was required due to an insufficient number of hearing requests. Following cancellation of the hearing, the MPCA became aware that issues pertaining to small container sites in rural areas were not fully considered. As a result, the MPCA decided to make amendments to and renote the transfer facility rules to respond to the concerns of rural operators, make other minor changes, and preserve the rights of all stakeholders to participate in the rule revision process. The MPCA is therefore renoting the rules, which replace those initially proposed. In addition, the MPCA has also revised the associated Statement of Need and Reasonableness (SONAR). Comments and requests for hearings that were submitted within the deadlines published in the August 16, 2004, notice will be carried forward.

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The MPCA intends to adopt rules without a public hearing following the procedures set forth in the rules of the Office of Administrative Hearings, *Minnesota Rules*, parts 1400.2300 to 1400.2310, and the Administrative Procedure Act, *Minnesota Statutes*, sections 14.22 to 14.28. If, however, 25 or more persons submit a written request for a hearing on the rules by 4:30 p.m., on June 23, 2005, a public hearing will be held in the Board Room, Minnesota Pollution Control Agency, 520 Lafayette Road North, St. Paul, Minnesota 55155, starting at 1:00 p.m., on Wednesday, July 13, 2005. To find out whether the rules will be adopted without a hearing or if the hearing will be held, you should contact the MPCA contact person after June 23, 2005, and before July 13, 2005.

MPCA Contact Person. Comments or questions on the rules and written requests for a public hearing on the rules must be submitted to the MPCA contact person. The MPCA contact person is:

Yolanda Letnes
Minnesota Pollution Control Agency
520 Lafayette Road North
St. Paul, Minnesota 55155-4194
Phone: (651) 296-7214
Fax: (651) 297-8676
Email: yolanda.letnes@pca.state.mn.us
TTY users may call the MPCA at TTY (651) 292-5332 or 1-800-657-3864

Subject of Rules. The MPCA is proposing to amend its solid waste management and permitting rules. The amendments will affect existing and planned solid waste transfer facilities. The proposed amendments allow facilities that have received MPCA permits in the past to continue to operate under those permits without repermitting unless a major modification is planned or other circumstances exist—such as non-compliance that make repermitting necessary. The MPCA also proposes to amend the permit rule to require municipality approval of solid waste transfer facilities prior to MPCA permitting. In addition, the MPCA proposes to amend the requirements for “permit-by-rule” facilities and to create three categories of unpermitted operation to allow more facilities with limited waste handling activities to operate without going through MPCA’s formal permitting process. The MPCA also plans to update technical and operation standards applicable to all transfer facilities. Finally, the proposed amendments address housekeeping issues in affected sections, such as references to repealed rules.

Statutory Authority. *Minnesota Statutes*, section 116.07, authorizes the MPCA to adopt standards for the control of the collection, transportation, storage, processing, and disposal of solid waste.

Rule Availability. The proposed changes to *Minnesota Rules* chapters 7001, 7011, and 7035 are published after this notice in the State Register or they can be viewed on the MPCA Web site at <http://www.pca.state.mn.us/news/index.html>. A free copy of the proposed rules is available upon request by contacting Karen Barenz at (651) 296-7902. Only one copy will be sent per request.

Comments. You have until 4:30 p.m., on Thursday, June 23, 2005, to submit written comments in support of or in opposition to the proposed rules or any part or subpart of the rules. Your comment must be in writing, and received by the MPCA contact person by the due date. Comments are encouraged. Your comments should identify the portion of the proposed rules addressed, the reason for the comment, and any change proposed. You are encouraged to propose any change desired. Any comments that you would like to make on the legality of the proposed rules must also be made during this comment period. Comments submitted within the timelines established by the August 16, 2004, public notice may be amended during the comment period associated with this subsequent public notice.

Request for a Hearing. In addition to submitting comments, you may also request that a hearing be held on the rules. Your request for a public hearing must be in writing and must be received by the MPCA contact person by 4:30 p.m., on Thursday, June 23, 2005. Your written request for a public hearing must include your name and address. You must identify the portion of the proposed rules to which you object or state that you oppose the entire set of rules. Any request that does not comply with these requirements is not valid and cannot be counted by the MPCA when determining whether a public hearing must be held. You are also encouraged to state the reason for the request and any changes you want made to the proposed rules.

Withdrawal of Requests. If 25 or more persons submit a valid written request for a hearing, a public hearing will be held unless a sufficient number withdraw their requests in writing. If enough requests for hearing are withdrawn to reduce the number below 25, the MPCA must give written notice of this to all persons who requested a hearing, explain the actions the MPCA took to effect the withdrawal, and ask for written comments on this action. If a public hearing is required, the MPCA will follow the procedures in *Minnesota Statutes*, sections 14.131 to 14.20.

Alternative Format/Accommodation. Upon request, this Notice can be made available in an alternative format, such as large print, Braille, or cassette tape. To make such a request or if you need an accommodation to make this hearing accessible, please contact the MPCA contact person at the address or telephone number listed above.

Modifications. The proposed rules may be modified, either as a result of public comment or as a result of the rule hearing process. Modifications must be supported by data and views submitted to the MPCA or presented at the hearing and the adopted rules may not be substantially different than these proposed rules, unless the procedure under *Minnesota Rules*, part 1400.2110, has been followed. If

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the proposed rules affect you in any way, you are encouraged to participate in the rulemaking process.

Cancellation of Hearing. The hearing scheduled for July 13, 2005, will be canceled if the MPCA does not receive requests from 25 or more persons that a hearing be held on the rules. If you requested a public hearing, the MPCA will notify you before the scheduled hearing whether or not the hearing will be held. You may also call the MPCA contact person at (651) 296-7214 after June 23, 2005, to find out whether the hearing will be held.

Notice of Hearing. If 25 or more persons submit valid written requests for a public hearing on the rules, a hearing will be held following the procedures in *Minnesota Statutes*, sections 14.131 to 14.20. The hearing will be held on the date and at the time and place listed above. The hearing will continue until all interested persons have been heard. Administrative Law Judge Kathleen D. Sheehy is assigned to conduct the hearing. Judge Sheehy can be reached at the Office of Administrative Hearings, 100 Washington Square, Suite 1700, Minneapolis, Minnesota 55401-2138, telephone (612) 341-7602, and fax number (612) 349-2665.

Hearing Procedure. If a hearing is held, you and all interested or affected persons, including representatives of associations or other interested groups, will have an opportunity to participate. You may present your views either orally at the hearing, or in writing at any time before the close of the hearing record. All evidence presented should relate to the proposed rules. 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 rebuttal period during which the MPCA and any interested person may respond in writing to any new information submitted. No additional evidence may be submitted during the five-day rebuttal 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. This rule hearing procedure is governed by *Minnesota Rules*, parts 1400.2000 to 1400.2240, and *Minnesota Statutes*, sections 14.131 to 14.20. Questions about procedure may be directed to the Administrative Law Judge.

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

Statement of Need and Reasonableness. The MPCA has prepared a Statement of Need and Reasonableness (SONAR). This SONAR contains a summary of the justification for the proposed rules, including a description of who will be affected by the proposed rules and an estimate of the probable cost of the proposed rules. The SONAR is now available for viewing in the MPCA library in the St. Paul office, 520 Lafayette Road North, St. Paul, Minnesota 55155. The SONAR is also available on the MPCA's Web site at:

<http://www.pca.state.mn.us/waste/swrules-transfer.html>.

Documents cited in the SONAR are available for review in the MPCA library; certain documents are available for review with the SONAR as published on the MPCA's Web site. You may obtain a copy of the SONAR from the MPCA for the cost of reproduction by contacting the MPCA contact person.

Lobbyist Registration. *Minnesota Statutes*, chapter 10A, requires each lobbyist to register with the State Campaign Finance and Public Disclosure Board. Questions regarding this requirement may be directed to the Campaign Finance and Public Disclosure Board at: Suite 190, Centennial Building, 658 Cedar Street, St. Paul, Minnesota 55155, telephone number (651) 296-5148 or 1-800-657-3889.

Adoption Procedure if No Hearing. If no hearing is required, the MPCA may adopt the rules after the end of the comment period. The rules and supporting documents will then be submitted to the Office of Administrative Hearings for review for legality. You may ask to be notified of the date the rules are submitted to the office. If you want to be so notified, or want to receive a copy of the adopted rules, or want to register with the MPCA to receive notice of future rule proceedings, submit your request to the MPCA contact person listed above.

Adoption Procedure After a Hearing. If a hearing is held, after the close of the hearing record, the Administrative Law Judge will issue a report on the proposed rules. You may ask to be notified of the date when the Administrative Law 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 MPCA adopts the rules and the rules are filed with the Secretary of State, and can make this request at the hearing or in writing to the MPCA contact person stated above.

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

Dated: April 21, 2005

Sheryl A. Corrigan
Commissioner

7001.0010 DEFINITIONS.

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

Subp. 5. Notification. “Notification” means the notification required by part 7001.3410.

7001.0140 FINAL DETERMINATION.

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

Subp. 2. **Agency findings.** The following findings by the agency constitute justification for the agency to refuse to issue a new or modified permit, to refuse permit reissuance, or to revoke a permit without reissuance:

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

F. that with respect to the facility or activity to be permitted, the proposed permittee has not complied with any requirement under parts 7002.0210 to 7002.0310 or chapter 7046 to pay fees; ~~or~~

G. that with respect to the facility or activity to be permitted, the proposed permittee has failed to pay a penalty owed under Minnesota Statutes, section 116.072; ~~or~~

H. for a solid waste transfer facility, that the permittee has received an agency permit but has failed to build and operate the permitted facility within the term of the permit.

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

7001.3050 PERMIT REQUIREMENTS.

Subpart 1. **Permit required.** Except as provided in subpart 2, a solid waste management facility permit or permit modification is required to:

A. treat, store, process, transfer, or dispose of solid waste;

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

Subp. 2. **Exclusions.** A solid waste management facility permit is not required:

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

E. for disposal of solid waste on the same property on which it was discovered, when a person has made a request to the commissioner for review, investigation, and oversight under *Minnesota Statutes*, section 115B.17, subdivision 14, and is conducting response actions in accordance with a plan approved by the commissioner under *Minnesota Statutes*, section 115B.175; ~~or~~

F. when the commissioner has granted an exemption to allow operation without a permit to expedite the proper management of solid waste and to prevent, abate, or control pollution if the commissioner determines that such an exemption is necessary as an immediate response to an emergency. A permit application must be submitted within 90 days after such an exemption is granted; ~~or~~

G. for a transfer facility that moves from location to location and receives solid waste directly from other vehicles for consolidation prior to subsequent transport, disposal, or processing, provided it is not located in an area for more than 12 hours, all waste is delivered vehicle to vehicle and is not dumped and reloaded;

H. for a temporary community cleanup event transfer facility provided:

(1) municipality sponsorship or approval of the community cleanup event is obtained;

(2) the community cleanup event is open to the public residing in the targeted community;

(3) the community cleanup event occurs no more than twice a year; and

(4) the community cleanup event, including removal of wastes, lasts no more than seven days; ~~or~~

I. for a limited solid waste collection services transfer facility that directly accepts waste from individual residents that selfhaul, provided the county where the facility is located has determined that the facility is necessary due to limited availability of solid waste collection services, and:

(1) all waste is managed and stored in containers or roll off boxes constructed of impervious material;

(2) no more than 40 cubic yards of waste are stored on site at any given time;

(3) no more than 40 cubic yards of waste are managed on site per day; and

(4) removal of waste occurs when the capacity of the container is reached or more often as necessary to prevent nuisance conditions.

Subp. 3. **Permits byrule.** The owner or operator of ~~the following facilities~~ a facility described in items A to H is deemed to have obtained a solid waste management facility permit without making application for it, ~~unless the commissioner finds that the facility is not in compliance with the listed part.~~

A. transfer facilities designed for less than 30 cubic yards capacity in compliance with parts 7035.2525 to 7035.2655, 7035.2855, and 7035.2865; A transfer facility where all waste is managed and stored in containers or rolloff boxes constructed of impervious material or in a fully enclosed building that meets the standards in part 7035.2870, subpart 4, or where the commissioner has determined that the current design is adequate as provided in part 7035.2870, subpart 3, provided that in either case:

(1) no more than 120 cubic yards of waste are stored on site at any given time;

(2) no more than 120 cubic yards of waste are managed on site per day;

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(3) the owner or operator maintains the facility in compliance with part 7035.2870, subpart 5; and

(4) the owner or operator submits a written notice to the commissioner that includes the facility location, responsible party and telephone number, facility size, copies of the plans and schedules required under part 7035.2525, subpart 2, item H, and type of waste no later than 180 days following the effective date of this part for existing facilities and no later than ten working days before accepting waste for new facilities. Thereafter, new and existing facilities must submit the notice required under this unit every five years.

For the purposes of this item, "site" includes all property contiguous to the property where the containers or building are located that is controlled by the same person or related business entities. For the purposes of this item, source-separated recyclable materials received at the facility and stored on site do not count towards the volume limitations in subitems (1) and (2), and recyclable materials recovered from the waste on the site and stored on site do not count towards the volume limitations in subitem (1).

B. Demolition debris land disposal facilities designed for less than 15,000 cubic yards total capacity and operating less than a total of 12 consecutive months, not located adjacent to another demolition debris permit by rule facility, and in compliance with parts 7035.2525 to 7035.2655, 7035.2825, and 7035.2855;

C. Compost facilities receiving yard waste only and in compliance with part 7035.2836, subparts 2 and 3;

D. Recycling facilities in compliance with part 7035.2845;

E. Energy recovery facilities governed by chapters 7007, 7009, and 7011, except that facilities processing refusederived fuel onsite prior to incineration and energy recovery at the site, must be permitted in accordance with parts 7001.0010 to 7001.0210 and 7001.3000 to 7001.3550;

F. Storage sites for nonsludge wood waste generated from the wood preparation phase prior to processing or water treatment lime sludge and in compliance with part 7035.2855;

G. Facilities receiving solid waste from the exploration, mining, milling, smelting, and refining of ores and minerals provided that:

(1) the owner or operator does not accept waste for storage, processing, or disposal other than solid waste generated from the exploration, mining, milling, smelting, and refining of ores and minerals;

(2) the owner or operator has obtained a permit in accordance with part 7001.0020, item D; and

(3) the owner or operator is operating the facility in compliance with chapter 6130-~~08~~.

H. Facilities receiving five tons or less of municipal solid waste combustor ash for the purpose of researching in a laboratory ash treatment or utilization provided that ash is stored in compliance with part 7035.2855 and disposed of in compliance with part 7035.2885 or used in accordance with agency approvals, and provided that the facility owner or operator notifies the commissioner of the source and quantity of ash and the proposed method for managing the ash after research is complete; notification must also include a description of the research methods and intent, and must be received by the commissioner before ash is received at the facility.

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

7001.3075 SOLID WASTE MANAGEMENT FACILITY PERMIT APPLICATION.

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

Subp. 3. Transfer facilities extended permit term.

A. For transfer facilities that have operated under an existing permit issued under parts 7001.0010 to 7001.0200, no application is required for permit reissuance upon the expiration date of the permit and the term of the permit shall be extended indefinitely unless (1) the commissioner requires the facility to be repermited as provided in part 7001.3410, subpart 3, or (2) the owner or operator of the facility plans to make a major modification to the facility. In either of these cases, the owner and operator shall submit an application for reissuance or modification of the permit as provided in this chapter. This application shall be approved or denied following the procedures in this chapter. As used in this part, "operated" means to have accepted waste at levels constituting normal expected volumes for facilities for a minimum of one year during the most recent fiveyear term of the permit, such that the agency can reasonably conclude that the facility is operating in compliance with applicable rules and its permit. For purposes of this part, a "major modification" means a change in the type of waste managed at the facility, an increase beyond the original permitted capacity, or a change that could significantly affect compliance with the design or operation standards of part 7035.2870, subparts 4 and 5. The owner or operator may request, in writing, that the agency make a written determination as to whether any planned changes significantly affect compliance with design or operation standards.

B. Owners and operators of transfer facilities operating under an extended permit may make minor modifications as listed in part 7001.3550, subpart 3, at any time, provided that notice of the minor modification is given to the agency as provided in part 7001.3410, subparts 1 and 2. Owners of facilities operating under an extended permit must follow the requirements in part 7001.0190, subpart 2, before transferring ownership and control of the facility. Transfer facilities operating under an extended permit, as provided in this subpart, must submit to the agency the notification required by part 7001.3410, and the annual report required under part 7035.2585.

7001.3400 FINAL PERMIT APPLICATION INFORMATION REQUIREMENTS FOR TRANSFER FACILITIES.

The application for a transfer facility permit must include the following information in addition to the information required by part

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7001.3300:

A. detailed plans and an engineering report specifying how the facility will be constructed and operated including:

[For text of subitems (1) to (12), see M.R.]

(13) the operating procedures to ensure the facility is maintained in compliance with part ~~7035.2865~~ 7035.2870;

(14) any recycling or composting to be done at the site and how it will be conducted; and

(15) the safety and emergency procedures for the site operators;

B. ~~any additional information necessary to meet the requirements of part 7035.2865; information demonstrating that the facility will meet the design standards in part 7035.2870, subpart 4, or that the facility qualifies under part 7035.2870, subpart 3, and information demonstrating that the facility will meet the operations standard in part 7035.2870, subpart 5; and~~

C. ~~evidence that the owner and operator have obtained all necessary municipality approvals. The owner or operator must submit a copy of any approvals obtained. If the facility is located in an area where no municipality approval is required, the owner or operator shall submit a signed written statement indicating that no municipality approval is required.~~

7001.3410 EXTENDED PERMIT NOTIFICATION AND TERMINATION PROCEDURES.

Subpart 1. Notification contents. Owners or operators of transfer facilities operating under an extended permit shall submit to the agency, upon the anniversary of the expiration date of the permit, or five years after the effective date of this part, whichever is sooner, and every five years thereafter, a notification containing the following information:

A. the facility name, address, mailing address, and facility contact name and telephone number;

B. the permit number;

C. any minor modifications that have been made at the facility since permit issuance or the date of last notification;

D. a summary of annual updates, if any, to the industrial solid waste management plan required by part 7035.2535, subpart 5; the contingency action plan required by part 7035.2615; the emergency response plan required by part 7035.2595, subpart 5; the operations and maintenance plan required by part 7001.3300, item P; the inspection schedule required by part 7035.2535, subpart 4; the storm water pollution prevention plan if required under parts 7001.1000 to 7001.1100; and the closure plan as provided under part 7035.2625; and

E. signatures and certifications in accordance with parts 7001.0060, 7001.0070, and 7001.3150.

Subp. 2. Updates in the annual report. For any minor modifications and for any changes to the plans and schedules listed under subpart 1, item D, the owner or operator shall include a description of any changes in the annual report submitted under part 7035.2585, item L. These changes are considered approved upon receipt by the agency, but the owner or operator must amend the plans or schedules if, at any time, the agency notifies the owner or operator that the plans or schedules are deficient.

Subp. 3. Termination of extended permit operation as allowed under part 7001.3075. The agency shall notify the owner or operator of a transfer facility operating under an extended permit that the transfer facility is no longer eligible to operate under an extended permit and must be repermited under chapter 7001 under any of the following conditions:

A. the transfer facility has unresolved noncompliance or has not been operated substantially in accordance with applicable standards;

B. the owner or operator has made changes to the facility that require a major modification as described in part 7001.3075, subpart 3, without filing a permit application;

C. the owner or operator has failed to update required plans or schedules or has submitted reports that contain material deficiencies and has not corrected those deficiencies; or

D. the owner or operator has failed to submit the notification or the annual report required under part 7035.2585.

In the termination notice, the agency shall state the reasons why the agency proposes to require repermited of the facility and shall provide the owner or operator with 30 days to respond to the notice. Following receipt of the response, if any, the agency shall make a final determination and shall notify the owner and operator of that decision. Upon receipt of this final determination, the owner or operator may elect to seek to continue the operation of the transfer facility by submitting a permit application, or may close the facility. If the owner or operator elects to continue the operation, the owner or operator shall submit a permit application within 30 days of receipt of the final determination. This application will be approved or denied following the procedures in chapter 7001. If the owner or operator elects to close the facility, the owner or operator must notify the agency and initiate closure procedures within 30 days of receipt of the final determination.

7001.3500 TERMS AND CONDITIONS OF SOLID WASTE MANAGEMENT FACILITY PERMITS.

Subpart 1. Terms of permit. Except as modified by part 7001.3075, subpart 3, a solid waste management facility permit is effective for a fixed term not to exceed five years as determined by the agency.

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

7011.1245 GENERAL WASTE COMBUSTOR FACILITY REQUIREMENTS.

The owner or operator of a waste combustor shall design, construct, and operate the facility in compliance with the solid waste

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management requirements as set forth in items A to H. Plans required in the items in this part shall identify those required portions of the plan which are not applicable.

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

G. solid waste transfer facility requirements as required in part ~~7035.2865~~ 7035.2870; and

H. for waste combustors accepting infectious wastes, infectious waste management requirements of parts 7035.9100 to 7035.9150.

7035.0300 DEFINITIONS.

[For text of subps 1 to 110, see M.R.]

Subp. 110a. Tipping floor. “Tipping floor” means an area onto which solid waste is unloaded and staged for reloading into processing equipment or transport vehicles, or for removal of recyclable materials. Tipping floor includes containers or trucks when used to consolidate waste for future transport.

[For text of subps 111 to 121, see M.R.]

7035.0800 COLLECTION AND TRANSPORTATION OF SOLID WASTE.

Subpart 1. **Owner’s or occupant’s duty.** The owner and occupant of any premises, business establishment, or industry and/or the refuse collection service are responsible for the satisfactory collection and transportation of all solid waste accumulated at a premise, business establishment, or industry to a solid waste disposal, transfer, or processing facility ~~for which a permit has been issued by the agency, unless otherwise provided in these parts that is authorized to accept the waste.~~

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

7035.2525 SOLID WASTE MANAGEMENT FACILITIES GOVERNED.

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

Subp. 2. **Exceptions.** Parts 7035.2525 to 7035.2915 do not apply to the following solid waste management facilities or persons, except as indicated:

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

F. industrial solid waste land disposal facilities; ~~and~~

G. solid waste from the extraction, beneficiation, and processing, of ores and minerals stored, collected, transferred, transported, utilized, processed, and disposed of or reclaimed, provided the facility is permitted for such use under part 7001.0020, item D, and chapter 6130;

H. permitbyrule transfer facilities in compliance with part 7001.3050, subpart 3, item A, must only comply with parts 7035.2535, subparts 1, 2, 3, 4, items A, B, D, and E, and 5; 7035.2545; 7035.2555; 7035.2565, subparts 1, 3, and 4; 7035.2575, subparts 1 and 2; 7035.2585; 7035.2595; 7035.2605; 7035.2625; 7035.2635; 7035.2855; and 7035.2870, subparts 2 and 5;

I. mobile transfer facilities in compliance with part 7001.3050, subpart 2, item G, must only comply with parts 7035.2535, subpart 1; 7035.2565, subparts 1, 3, and 4; and 7035.2870, subpart 2;

J. temporary community cleanup event transfer facilities in compliance with part 7001.3050, subpart 2, item H, must only comply with parts 7035.2535, subpart 1; 7035.2565, subparts 1, 3, and 4; and 7035.2870, subpart 2; and

K. limited collection transfer facilities in compliance with part 7001.3050, subpart 2, item I, must only comply with parts 7035.2535, subpart 1; 7035.2555; 7035.2565, subparts 1, 3, and 4; and 7035.2870, subpart 2.

7035.2535 GENERAL SOLID WASTE MANAGEMENT FACILITY REQUIREMENTS.

Subpart 1. **Unacceptable wastes.** The owner or operator of a solid waste management facility must not accept the following wastes for treatment, storage, processing, transfer, or disposal:

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

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

7035.2565 GROUNDWATER QUALITY, SURFACE WATER QUALITY, AND AIR QUALITY AND SOIL PROTECTION.

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

Subp. 3. **Air quality protection.** A person who operates or maintains a solid waste management facility or permits the use of property for such, must operate and maintain the site in conformance with the agency air pollution control rules. Open burning is prohibited, unless a permit is obtained as provided in parts ~~7028.0010 to 7028.0150~~ Minnesota Statutes, section 88.17, and the material to be burned complies with Minnesota Statutes, section 88.171.

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

7035.2585 ANNUAL REPORT.

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The owner or operator of a solid waste management facility shall prepare and submit a single copy of an annual report to the commissioner no later than February 1 for the preceding calendar year. A report form and instructions may be obtained from the commissioner. The annual report must cover all facility activities during the previous calendar year and must include the following information:

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

J. the personnel training information required by part 7035.2545, subpart 1; ~~and~~

K. a certification by the owner or operator of the solid waste management facility; and

L. for transfer facilities operating under an extended permit term, the information required in part 7001.3410, subpart 2. Waste facilities that do not dispose of waste need not include items D, H, and I.

7035.2625 CLOSURE.

Subpart 1. **Closure.** The owner or operator of a solid waste management facility must cease to accept waste and must immediately close the facility in compliance with this part and parts 7035.2635 and 7035.2815 to 7035.2915, when:

For text of items A to G, see M.R.

H. the required financial assurance for closure, postclosure care, or corrective actions is not maintained with the proper payment or substitute instrument; ~~or~~

I. the facility is unpermitted, is not a land disposal site, or is required to be permitted under parts 7001.0010 to 7001.1220; and 7001.1400 to 7001.3550; ~~and 7023.9000 to 7023.9050~~ and the owner or operator has not applied for a permit within 180 days after November 15, 1988; or

J. the facility is a transfer facility operating under an extended permit term and was required by the agency to apply for a permit and failed to do so or applied for the permit as required by the agency and was denied.

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

Subp. 3. **Submittal and contents of closure plan.** The owner or operator of a solid waste management facility shall submit a closure plan with the permit application, or as required by a closure document, or in order to establish financial assurance mechanisms in accordance with part 7035.2695. For unpermitted land disposal sites, the owner or operator shall submit a closure plan within 90 days after November 15, 1988. The agency shall approve the closure plan as part of the permit issuance procedure or as part of a submittal required by a closure document or other enforcement action. Compliance with the approved closure plan must be a condition of any permit, order, closure document, or stipulation agreement issued for the facility. ~~Before approving the closure plan, the agency must ensure that~~ The closure plan is must be consistent with subparts 2, 4, and 5, part 7035.2635, and the applicable closure requirements of parts 7035.2665; 7035.2815, subpart 16; and 7035.2825 to 7035.2915.

A copy of the approved closure plan, and all revisions to the plan, must be kept at the facility until closure is completed and certified under part 7035.2635. ~~At the time of closure~~ Except for transfer facilities and other facilities that will not have waste present following closure, the agency will issue a closure document in accordance with part 7001.3055. The plan must identify steps needed to close each fill phase, if appropriate, and the entire site at the end of its operating life. The closure plan must include:

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

Subp. 4. **Amendment of plan.** The owner or operator may amend the closure plan any time during the life of the facility. The owner or operator must amend the plan whenever changes in the operating plan or facility design affect the closure procedures needed and whenever the expected year of closure changes. If a permit modification as authorized in part 7001.3550 is needed, the owner or operator shall submit an amended closure plan with the modification request. In all other cases, the owner or operator must request a modification of the plan, or, for transfer facilities operated under an extended permit term, make a modification to the plan as provided under part 7001.3410, subparts 1, item D, and 2, within 60 days of any change or event that affects the closure plan.

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

7035.2635 CLOSURE PROCEDURES.

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

Subp. 3. **Certification of closure.** For solid waste disposal facilities, when the final facility or fill phase closure is completed, the owner shall submit to the commissioner certification by the owner and an engineer registered in Minnesota that the facility or phase has been closed in accordance with subpart 2. The certification must contain: a completed and signed Site Closure Record and asbuilt plans showing changes from the original design plans; testing results indicating compliance with final cover, waste removal, equipment decontamination, and other closure requirements; and other forms of documentation such as pictures showing the construction techniques used during closure. The final facility closure certification must include a copy of the notation filed with the county recorder and carrying the recorder's seal. For all other facilities, the owner or operator shall submit to the commissioner a document including certification under part 7001.0070, demonstrating that all steps in the closure plan have been completed.

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7035.2645 POSTCLOSURE.

Subpart 1. **Submittal of postclosure plan.** The landowner and the owner of a solid waste ~~management disposal~~ facility shall submit a postclosure plan with the permit application. The agency must approve the plan in accordance with part 7001.3055 as part of the permit issuance procedure or as a submittal required by a closure document, stipulation agreement, or other enforcement action. Compliance with the approved postclosure plan shall be a condition of any permit or closure document issued.

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

7035.2655 POSTCLOSURE CARE AND USE OF PROPERTY.

Subpart 1. **Postclosure care requirements.** Postclosure care requirements apply to solid waste disposal facilities and are as follows:

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

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

7035.2870 SOLID WASTE TRANSFER FACILITIES.

Subpart 1. **Scope.** The requirements of this part apply to the owners or operators of transfer facilities operating under a permit or in extended permit status, or as otherwise provided in this chapter or chapter 7001. In addition, permitted facilities must comply with the conditions in their permits. Nothing in this part relieves the owner or operator of the duty to comply with other applicable requirements, including, but not limited to, local ordinances or codes.

Subp. 2. **Delivery of solid waste.** No waste may be transported from a transfer facility unless the owner or operator has reasonable belief that the person or facility receiving the waste may lawfully do so under applicable federal, state, or local rules. Reasonable belief means that the owner or operator has verified that the person or facility receiving the waste holds a valid license, permit, or other approval, or that no such approval is required.

Subp. 3. **Applicability.** This part applies to the applicability of design requirements for transfer facilities operating and accepting waste under a permit issued under parts 7001.0010 to 7001.0200 prior to the effective date of this part. The design requirements of subpart 4 do not apply to a facility constructed prior to the effective date of this part, unless the owner or operator intends to make a major modification to the facility. In that case, the design requirements in subpart 4 apply to all modified portions of the facility, unless otherwise provided in the agency permit. The commissioner shall require compliance with the design requirements in subpart 4 unless the owner or operator demonstrates that the existing facility design is adequately protective of the environment considering the change in waste volume, type, or other operating parameters.

Subp. 4. **Design standards.** An owner or operator of a permitted transfer facility must ensure that all buildings and roads are designed and constructed in accordance with this subpart, unless exempt under subpart 3.

A. The waste transfer or tipping floor area must have adequate capacity for the projected throughput and storage of waste and other materials, including recyclables and unacceptable materials. The area must be adequate to support activities related to the segregation of recyclable, processable, and unacceptable materials from waste.

B. Intrafacility roads must be allweather and suitable for the volume and types of collection vehicles or other transportation equipment that will be used to move waste from the entrance gate to loading and unloading areas. The vehicle and equipment traffic areas must bear the expected frequency and weight of vehicles and equipment navigating the surface without failure. Downward sloped vehicle ramps must be less than a ten percent grade, and upward sloped vehicle ramps shall be less than a six percent grade, unless the commissioner approves an alternative design in the permit. The commissioner shall approve an alternative design if the owner or operator demonstrates that fully loaded vehicles can utilize the ramps without compromising safety. Roadway widths, number of lanes, and turning radii must be adequate considering the design traffic volume and vehicle types expected to use the facility.

C. The facility must include an area designed for the storage of bulky items such as mattresses and large appliances, if accepted. The facility must also include an area where unacceptable materials may be safely stored in compliance with applicable standards prior to removal from the facility.

D. If the facility will use walls, pushwalls, or barriers for the management or containment of waste, the structures must be designed so that failure will not occur, taking into account the type of waste, bearing pressure, and the method of operation, including the equipment that will be used to move waste at the facility.

E. The facility must be designed to control litter.

F. The facility must include access control structures such as gates to prevent unauthorized access during hours when the facility is not open.

G. Noncontainerized waste stored outdoors must be stored in an area that meets the solid waste storage standards in part 7035.2855.

H. If waste management activities will take place within a structure, the structure must meet the following criteria:

(1) the minimum interior clearance height must be 28 feet, unless the commissioner approves a different height based on the equipment that is anticipated to be used at the facility during its expected life;

(2) the building door must be a minimum width of 16 feet and a minimum height of 25 feet to allow safe passage of traffic exiting or

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entering the facility in the unloaded position, unless the commissioner approves a different dimension based on the equipment that is anticipated to be used at the facility during its expected life;

(3) the facility must include floors constructed of high strength concrete capable of bearing 5,000 pounds per square inch as verified by ASTM C 107498, ASTM C 39/C 39M01, or an equivalent test method, unless the commissioner approves an alternative design in the permit. The commissioner shall approve a floor consisting of lower strength concrete provided the owner and operator demonstrate that its durability is consistent with the operational goals of the facility;

(4) the facility floor must include floor joints adequate to prevent cracking of the slab, but floor joints using compressible filler must be minimized and located so as to prevent joint deterioration and release of leachate through the compressible filler. The floor must be treated to increase durability and extend wear life by using a concrete hardener or other accepted methods that decrease water absorption and increase compressive strength and curing time (see ASTM C 64297, ASTM C 14002a, and ASTM C 30998a);

(5) all surfaces coming into contact with waste must be constructed of a material that is readily cleanable;

(6) if a periodic facility washdown is specified or identified under the facility's approved operation and maintenance plan, the facility floor must include a trap to collect solids and a sump that has been adequately sized to collect and contain liquids at the facility;

(7) all floors must be sloped such that free moisture from the waste operations is confined to the tipping floor and liquids applied to the surface for cleaning purposes can be collected for treatment or disposal from the tipping floor or from the sump, if present; and

(8) storm water must be routed away from the structure through the use of a leakproof roof, adequate gutters and down spouts, and the building apron must be graded to promote positive drainage away from the building.

American Society of Testing and Materials (ASTM) methods C 107498, C 39/C 39M01, C 64297, C 14002a, and C 30998a, as amended, are incorporated by reference in this subpart. These methods are published in the Annual Book of ASTM Standards: Section 4, Construction, Volume 04.02, Concrete and Aggregates, 2003 Edition and Volume 04.05, Chemical Resistant Nonmetallic Materials; Vitrified Clay Pipe; Concrete Pipe; Fiber Reinforced Cement Products; Mortars and Grouts; Masonry; 2003 Edition. This publication is available through the Minitex interlibrary loan system or through ASTM International, 100 Barr Harbor Drive, PO Box C700, West Conshohocken, PA 194282959, and the methods are not subject to frequent change.

Subp. 5. Operation standards. The owner or operator of a permitted transfer facility or a transfer facility operating under a permit by rule as provided in part 7001.3050, subpart 3, item A, must comply with the operational standards in this subpart. For existing transfer facilities subject to this subpart, the owner or operator must comply with this subpart no later than 180 days after the effective date of this part. The owner or operator of a new facility subject to this subpart must comply before accepting waste. The following are the operational standards:

A. roads, gates, doors, and tipping floor areas must be clear of obstructions at all times;

B. an employee who has received training as required by part 7035.2545 must be on duty at all times the facility is open for the purposes of receiving waste;

C. all industrial waste or mixed municipal solid waste at the facility must be transferred or stored in (1) a completely enclosed structure, (2) containers constructed of impervious materials and designed to prevent leakage, or (3) in a designated solid waste storage area meeting the storage standards of part 7035.2855;

D. if the facility has operating doors, they must remain closed except when vehicles are expected to be entering or leaving the facility, and as necessary to minimize odors, noise, and litter;

E. all equipment and the facility must be maintained in good working condition. Routine maintenance must be conducted in accordance with the operations and maintenance plan submitted with the permit application under part 7001.3400 or amendments submitted with the notification under part 7001.3410, subparts 1 and 2. The owner or operator must keep records of maintenance performed at the facility or on facility equipment;

F. all solid waste shall be confined within the tipping floor area or other designated processing and storage areas;

G. all separated salvageable and recyclable materials must be containerized or stored in a designated area where they will not be contaminated by solid waste or other materials. All separated salvageable and recyclable materials must be removed from the facility when the capacity of the container or designated area is reached;

H. if the facility accepts putrescible industrial waste or mixed municipal solid waste, the tipping floor and storage areas must be cleared of waste and cleaned at least once every seven days unless no waste has been received at the facility during the preceding seven day period. For facilities that do not accept putrescible industrial waste or mixed municipal solid waste, the tipping floor and waste storage areas must be cleared and cleaned at least once every 30 days;

I. a sign must be posted that is visible to persons using the facility prior to entry that lists the wastes that are or are not accepted at the facility, its hours of operation, and a number to call for assistance with disposal of items that are not accepted at the facility;

J. the facility grounds and immediately adjacent property shall be free of litter stemming from facility operations. If litter is found on adjacent property, the operation of the facility shall be modified as necessary to prevent further litter generation by making physical or operational changes. The facility grounds shall be cleared of all litter at least once every seven days;

K. the facility must be managed in compliance with:

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(1) the National Pollutant Discharge Elimination System permit requirements located in parts 7001.1000 to 7001.1100; and

(2) part 7011.0150 to prevent particulate matter from becoming airborne;

L. in the event of breakdowns or malfunctions in facility equipment or structures, the owner or operator shall purchase or lease replacement equipment or make repairs as necessary to ensure compliance with this subpart;

M. the owner or operator shall post local fire and police department contact information and arrangements listed in the emergency response plan required under part 7035.2595 in a conspicuous area of the facility accessible by all employees;

N. the plans and schedules listed under part 7001.3410, subpart 1, item D, including all updates as required in part 7001.3410, subpart 2, shall be maintained at the facility site so they are available for employees and inspectors;

O. free liquids that have contacted waste may not be discharged as storm water and must be managed in accordance with law. Acceptable management methods for free liquids that have contacted waste include recapture and redeposit in the waste being managed at the facility provided that the free liquid will be reabsorbed by the waste, absorption of the free liquids using an absorbent material and disposal of that absorbent material with the waste, or discharge to a sanitary sewer if authorized by a publicly owned treatment works as defined by part 7001.1020, subpart 27. If a building is equipped with a trap, the trap must be cleaned of waste each time the facility tipping floors and storage areas are cleaned. If a building is equipped with a sump, the liquid must be removed from the sump before reaching capacity, or more often as necessary to prevent odors;

P. all unacceptable waste inadvertently received at the facility must be properly managed in accordance with applicable standards; and

Q. once a facility is no longer open for the purposes of receiving waste during an operating day, all putrescible waste remaining at the facility must be:

(1) properly disposed of;

(2) stored in an enclosed structure; or

(3) stored in containers constructed of impervious materials and designed to prevent leakage and to prevent precipitation, insects, and other vectors from coming into contact with the waste.

INSTRUCTION; DELETION OF REPEALED REFERENCES. The revisor of statutes shall make the following changes, with appropriate grammatical corrections in *Minnesota Rules*:

A. in part 7001.0190, subpart 3, item D, delete “and 7023.9050;” and

B. in parts 7035.2805, subpart 7; and 7035.9140, subpart 8, item B, delete “7023.9000 to 7023.9050”.

REPEALER. *Minnesota Rules*, part 7035.2865, is repealed.

Adopted Rules

A rule becomes effective after the requirements of *Minnesota Statutes* §§ 14.05-14.28 have been met and five working days after the rule is published in the *State Register*, unless a later date is required by statute or specified in the rule. If an adopted rule is identical to its proposed form as previously published, a notice of adoption and a 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.

KEY: Proposed Rules - Underlining indicates additions to existing rule language. **Strikeouts** indicate deletions from existing rule language. If a proposed rule is totally new, it is designated “all new material.” **Adopted Rules** - Underlining indicates additions to proposed rule language. **Strikeout** indicates deletions from proposed rule language.

Office of Administrative Hearings

Adopted Permanent Rules Relating to Workers' Compensation Litigation Procedures in the Office of Administrative Hearings

The rules proposed and published at *State Register*, Volume 29, Number 21, pages 549560, November 22, 2004 (29 SR 549), are adopted with the following modifications:

1420.1800 SETTLEMENT CONFERENCES.

Subp. 3. **Preconference demand and offer.** The petitioner shall provide a claims summary and settlement demand to the opposing parties one week in advance of a settlement conference. The respondent shall provide respond to the opposing parties with an offer of settlement or response at least one working day before the settlement conference.

1420.1850 RESOLUTION OF CLAIMS WITH INTERVENORS; HEARINGS.

Subpart 1. **Stipulations without agreement of all intervenors or potential intervenors.** A stipulation for settlement that does not include the agreement of all intervenors or that seeks to preclude rights of potential intervenors must meet the requirements of this subpart.

A. Where a potential intervenor has been excluded from the settlement for failure to timely file a petition to intervene, a statement to that effect must be made in the stipulation for settlement and the stipulation must be accompanied by a copy of the notice given to the potential intervenor under part 1415.1100 and an affidavit of service. If the judge finds a potential intervenor had proper notice or actual notice of the right to intervene within a reasonable period of time before a case was finally concluded but failed to act, the judge may order extinguishment of the potential intervenor's interest under *Minnesota Statutes*, section 176.361.

B. Where other parties have reached an agreement to settle a claim but have been unable to reach agreement with an intervenor, the requirements of subitem (1) or (2) must be met.

(2) If the stipulation, or a letter of agreement attached to the stipulation, is not signed by the intervenor, the stipulation must include a statement that the parties were unable to obtain a response from the intervenor despite good faith efforts, or were unable to reach agreement with the intervenor despite the belief that the parties negotiated with the intervenor in good faith and made a reasonable offer to settle the intervention claim. At the time the stipulation is filed for approval, a copy of the stipulation must be served on the intervenor. An affidavit of service of the stipulation must accompany the stipulation when it is filed for approval.

Subp. 2. **Initial hearing on partial settlement.**

C. If the judge finds that the stipulation for settlement does not preclude the intervenor from pursuing its claim and the stipulation for settlement is otherwise in accordance with the law, the stipulation will be approved. An intervenor claim of exclusion from the settlement negotiations or entitlement on the merits of the claim will be scheduled for hearing at a later date as provided in subpart 3. If the judge finds a potential intervenor had proper notice or actual notice within a reasonable period of time before a case was finally concluded but failed to act, and the employee's claim does not include the potential intervenor's claim, the judge may order extinguishment of the potential intervenor's claim.

1420.1900 PRETRIAL PROCEDURES.

Subp. 3. **Pretrial statements; conference procedures.** At the pretrial conference, the parties shall be prepared to state the claims and defenses with specificity; identify witnesses; identify anticipated exhibits; disclose any photographs, videotapes, or other documentary evidence intended to be used at the hearing; and identify any additional potential intervenors. A pretrial statement must be served and filed prior to a pretrial conference or delivered to the parties and the office at the pretrial conference. In cases not expedited under part 1420.2150 and not scheduled for a pretrial, the pretrial statement must be filed 30 days before the hearing. Pretrial statements may be amended up to seven days before the hearing in response to an opposing party's statement. The pretrial statement must include answers to the questions asked in the pretrial order or, if no pretrial order was issued, to the questions in the standard pretrial order maintained by the office, including whether or not security or an interpreter is needed. Pretrial statements are not required in expedited cases unless specifically ordered by a judge.

1420.2050 SETTLEMENT AGREEMENTS.

Subp. 2. **Filing.** A stipulation for settlement must be filed within 45 days of the date the parties reached an agreement. If the stipulation is not timely filed, and good cause for the delay is not shown after notice to the parties, the judge ~~may~~ **shall** reinstate the matter on the active trial calendar, ~~strike or dismiss the matter, or schedule the matter for another proceeding.~~ The office ~~may~~ **shall** schedule a settlement conference ~~upon request to~~ **shall** assist the parties in finalizing and filing a stipulation for settlement.

1420.2200 DISCOVERY.

Subp. 6. **Protective orders.** When a party is asked to reveal material which that party considers proprietary or privileged information, trade secrets, or sensitive medical data, the party may bring the matter to the attention of the judge, who ~~may~~ **shall** issue a protective order as is reasonable and necessary or as otherwise provided by law.

Subp. 7. **Employer's expert medical examinations.** If an employee claims that the employee's ability to earn has been substantially reduced because of the injury in combination with other factors, the employee must submit to a physical and verbal examination by the employer's or insurer's expert under *Minnesota Statutes*, section 176.155, subdivision 1, if requested by the employer or insurer. Expert reports must be provided, upon demand, to adverse parties. A party who objects to the scope of the requested examination may bring a motion for protection. The motion must be served as provided in part 1420.2250. The judge may issue an order allowed by Rule 26.03 of the *Rules of Civil Procedure* for the district courts. An insurer seeking to require attendance for the requested examination may file a motion to compel attendance under part 1420.2250.

1420.2400 PETITIONS FOR CONTRIBUTION OR REIMBURSEMENT.

Subpart 1. **Contents.** Petitions for contribution or reimbursement in cases pending before the office must describe in detail the basis of

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a claim for contribution or reimbursement against the additional employer, insurer, or the special compensation fund. The petition must be supported by medical evidence and signed by the petitioner. If a claim petition is currently pending, and the party from whom contribution or reimbursement is sought is not a party, the petition for contribution or reimbursement must be accompanied by either a petition for joinder of the party from whom reimbursement or contribution is sought, or a petition for consolidation under part 1420.2500. The two actions may be combined on a joint petition.

1420.2600 REASSIGNMENT AND DISQUALIFICATION.

Subp. 2. **Disqualification by a party.** A party or the party's attorney may file an affidavit of prejudice and motion to disqualify a judge if the party reasonably believes that a hearing before the assigned judge cannot be fair due to the judge's prejudice or bias. The affidavit must be served on opposing parties and filed with the chief judge not more than ten days after the filing party has received notice of the assigned judge or has knowledge of the grounds for disqualification, whichever occurs last. ~~Each party is allowed one filing per case under this subpart and Minnesota Statutes, section 176.312.~~ Upon filing of the motion and affidavit of prejudice, the chief judge or designee shall issue an order and assign the case to another judge if appropriate. ~~For purposes of this part, "case" means the initial assignment of a judge for hearing and all subsequent hearings regarding the same parties with the same judge. If the parties to the claim subsequently change, only the new parties may request reassignment under subpart 3.~~

A party or the party's attorney may file a motion to disqualify a judge for a cause other than or in addition to that described in an affidavit of prejudice. The motion must be supported by an affidavit detailing the facts establishing the grounds for disqualification and filed with the chief judge not more than ten days after the moving party has received notice of the assigned judge or has knowledge of the grounds for disqualification, whichever occurs last. The motion will be decided by the chief judge or a designee.

Subp. 3. **Reassignment.** A request for reassignment under *Minnesota Statutes*, section 176.312, is subject to the same procedures set forth in ~~subparts subpart 2, 4, and 5,~~ except that an affidavit of prejudice is not required. ~~Each party is allowed one filing per case under this subpart and Minnesota Statutes, section 176.312. For purposes of this part, "case" means the initial assignment of a judge for hearing and all subsequent hearings regarding the same parties with the same judge. If the parties to the claim subsequently change, only the new parties may request reassignment.~~ If a judge assignment is made just prior to a hearing, a party may request reassignment orally and then file the written request for reassignment on or before the hearing date. If a judge assignment is made just before the hearing, the written petition for reassignment may be faxed to the office or filed in person on or before the date of hearing. The chief judge may reassign a case or a particular hearing to a different judge as necessary when the assigned judge is unavailable to hear the case as scheduled.

1420.2900 HEARING.

Subp. 2. **Availability of witnesses.** As soon as the parties know the hearing date, they shall immediately notify all witnesses in writing and arrange for the witnesses to be present or for the taking of a deposition under part 1420.2200. A party calling a witness for whom an interpreter is required shall advise the office in advance of the need for an interpreter.

Subp. 3. **Medical evidence.** Rules governing medical evidence are as follows:

B. If medical evidence is submitted in the form of written reports, rather than by oral testimony, under *Minnesota Statutes*, section 176.155, subdivision 5, the reports must should include:

C. Medical reports to be used at the hearing must be served on the parties and filed with the office, with an affidavit of service, sufficiently in advance of the hearing to allow other parties the opportunity to crossexamine the health care provider, if desired, unless the delay in filing the report was caused by a failure of the employee to report for an adverse medical examination or to provide medical support for the claim on a timely basis, or other good cause. If the report is filed too late to allow the crossexamination, the record will be held open to allow other parties to either crossexamine the health care provider after the hearing or provide a followup report from an expert of the other parties.

1420.3150 AMENDED FINDINGS; APPEALS.

Subp. 2. **Filing fee for appeal.** When findings and orders are appealed under *Minnesota Statutes*, section 176.421 or 176.442, each appellant must submit a \$25 filing fee payable to the state treasurer, office of administrative hearings account.

Office of Administrative Hearings, and the Department of Labor and Industry Adopted Joint Permanent Rules Relating to Workers' Compensation Litigation Procedures

The rules proposed and published at *State Register*, Volume 29, Number 21, pages 560-571, November 22, 2004 (29 SR 560), are adopted with the following modifications:

1415.0600 EXAMINATION OF WORKERS' COMPENSATION FILES.

Persons desiring to examine a file maintained by the division or office shall present a written authorization to inspect the file to designated personnel of the division or office. Files are generally reviewed at the division, except when the file is in paper form only and located at the office. Files examined at the division are subject to the requirements of part 5220.2880. The authorization must be signed and dated by a party to the claim who is either the employee, the employer, the insurer, a dependent in death cases, or a legal guardian in cases of mental or physical incapacity. The authorization must specify the person or party authorized to review the file. The authorization is placed in and becomes part of the file.

This part does not grant greater access to the files than that given by the Minnesota Data Privacy Act or the Workers' Compensation Act.

1415.0700 SERVICE AND FILING.

Subp. 4. Filing with state.

C. Because documents are destroyed after imaging, a party shall retain an original document and file a copy with the division except when filing a notice of appeal, or where the ~~department~~ division has notified the party that an original must be filed because the quality or authenticity of a document is at issue. The original notice of appeal under *Minnesota Statutes*, section 176.421, must be filed with the office and copied to the division. This filing must be by mail or in person. A filing by facsimile or electronic transmission is not effective.

1415.1100 NOTICE TO POTENTIAL INTERVENORS.

Subp. 2. **Notice to potential intervenors.** If inquiry discloses the existence of a potential intervenor, the attorney must promptly serve the potential intervenor with written notice of its right to petition for intervention and reimbursement pursuant to subpart 3. Notice to potential intervenors under *Minnesota Statutes*, section 176.361, may not be given before a proceeding at the office or division has been commenced. The attorney shall attach to the notice a copy of all pleadings in the case, and a copy of all notices and orders served in the case to date. The notice need not be filed with the division except as required by part 1420.1850. If a party files the notice to potential intervenors, the party shall omit the attachments in the copy filed with the division unless directly relevant to a dispute. The notice must specifically advise:

D. that the failure of a potential intervenor to file a motion for intervention within 60 days of service of the notice or within 30 days of notice of an administrative conference or expedited hearing ~~may~~ shall result in a denial of the claim for reimbursement unless otherwise provided by law;

1415.3200 ATTORNEY FEES.

Subp. 7. **Genuinely disputed portions of claims.** This subpart provides the applicable principles for the commissioner, compensation judge, or Workers' Compensation Court of Appeals to determine whether the benefit paid or payable was genuinely disputed for the purpose of calculation of a contingent fee under *Minnesota Statutes*, section 176.081, subdivision 1.

The statement of attorney fees or petition for excess attorney fees must include, for each benefit paid or awarded for which an attorney fee is sought, sufficient information to allow the fee determiner to apply the principles contained in this subpart.

The principles applicable to determine whether a benefit was genuinely disputed are as follows:

1415.3700 ADMINISTRATIVE CONFERENCES.

Subp. 2. **Notice.** Unless the issue will be decided on the basis of written submissions, or unless the parties agree on a shorter notice period, the division or office must notify the parties and intervenors or potential intervenors under *Minnesota Statutes*, section 176.361, of the date, time, and place of the conference at least 14 days before the conference ~~date~~ under *Minnesota Statutes*, section 176.106, and at least ten days before the conference under *Minnesota Statutes*, section 176.239. The qualified rehabilitation consultant, if one is assigned, must be notified of a rehabilitation conference. The special compensation fund must be notified of all administrative conferences where the fund is reimbursing benefits to an insurer or selfinsurer under *Minnesota Statutes* 1990, section 176.131, or *Minnesota Statutes* 1994, section 176.132, or a claim has been made under the above referenced statutes against the fund for benefits by any of the parties, or the fund is paying benefits under *Minnesota Statutes*, section 176.191. The notice must include the statutory authority to hold the conference and indicate whether issues from another petition or request form have been joined for consideration at the conference. ~~Telephone notice of the conference at least three working days before the conference date is sufficient for a discontinuance or other expedited conference if timely service of notice by mail cannot be made.~~

1415.3800 MEDICAL DISPUTES.

Subp. 2. **Medical claim, request.** To request an administrative conference under *Minnesota Statutes*, section 176.106, on a medical dispute, an employee or, insurer may initiate a medical claim by filing, or health care provider as defined by *Minnesota Statutes*, section 176.011, subdivision 24, must file a medical request form with the division. A medical request form may be filed by a health care provider as defined by *Minnesota Statutes*, section 176.011, subdivision 24, only where the insurer has denied payment on the basis that a charge

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is excessive under *Minnesota Statutes*, section 176.136, subdivision 2. For purposes of filing by a health care provider, a claim is not considered denied based on excessiveness where the insurer asserts that the injury did not arise out of and in the course of employment or where the disputed treatment is for a condition which the insurer asserts is not wholly or partly casually related to the work injury. The requesting party shall serve the medical request form and attachments pursuant to part 1415.0700 and shall serve potential intervenors. The requesting party shall specify the medical disputes and attach supporting documents. A health care provider filing a medical request form must attach evidence of the insurer's denial of payment based on excessiveness, an itemized statement of charges, and the appropriate record as defined in part 5221.0100, subpart 1a. The requesting party must also specify the name and address of any potential intervenor, and the claim or policy number, if known.

1415.3900 DISCONTINUANCE CONFERENCES.

Subp. 2. **Request.** The employee may request that the office schedule an administrative conference to discuss a proposed discontinuance of benefits. If the proposed discontinuance is based on a reason other than a return to work, the employee's request for a conference must be personally delivered or received by the division or office no later than 12 ~~calendar~~ days from the date a notice of intention to discontinue benefits, which was served on the employee and the employee's attorney, was filed. The employee shall direct a written request for a discontinuance conference to the division or a telephone request to the office. If the proposed discontinuance is based on a return to work, the employee's request must be received by the division or office within 30 days of the reported date of the employee's return to work. Allowance will be made, if appropriate, for nonreceipt or delay under *Minnesota Statutes*, section 176.285.

If the insurer discontinues, reduces, or suspends benefits without properly serving and filing a notice of intention to discontinue benefits and with the required attachments in a situation in which a notice of intention to discontinue benefits was required under part 5220.2630 and *Minnesota Statutes*, section 176.238, the employee may request an administrative conference within 40 days after the employee received the last payment but no later than 12 days after a notice of intention to discontinue benefits is properly served and filed, or 30 days after the employee returned to work if the notice is properly served and filed within 14 days after the insurer has notice of the employee's return to work.

Subp. 4. **Scheduling.** Subject to part 1415.3700, subpart 6, a discontinuance conference must be set within the time limits set by this subpart. Following a notice of intention to discontinue benefits, the office shall schedule an administrative conference no later than ten ~~calendar~~ days after receipt of a timely request for a conference. If no notice of intention to discontinue benefits was filed as required by part 5220.2630 and the employee requests a conference, the office shall schedule a conference no later than ten ~~calendar~~ days after the division's receipt of the employee's request if the conference request is received within 40 days from the date the employee's last benefit payment was received.

Board of Assessors

Adopted Permanent Rules Relating to Licensure, Education, and Conduct of Assessors

The rules proposed and published at *State Register*, Volume 29, Number 33, pages 943-946, February 14, 2005 (29 SR 943), are adopted as proposed.

Minnesota Department of Revenue

Adopted Permanent Rules Governing the Sales and Use Tax on Petroleum Products

The rules proposed and published at *State Register*, Volume 29, Number 34, pages 983-985, February 22, 2005 (29 SR 983), are adopted as proposed.

Exempt Rules

Exempt rules are excluded from the normal rulemaking procedures (*Minnesota Statutes* §§ 14.386 and 14.388). They are most often of two kinds. One kind is specifically exempted by the Legislature from rulemaking procedures, but approved for form by the Revisor of Statutes, reviewed for legality by the Office of Administrative Hearings, and then published in the *State Register*. These exempt rules are effective for two years only.

The second kind of exempt rule is one adopted where an agency for good cause finds that the rulemaking provisions of *Minnesota Statutes*, Chapter 14 are unnecessary, impracticable, or contrary to the public interest. This exemption can be used only where the rules:

- (1) address a serious and immediate threat to the public health, safety, or welfare, or
- (2) comply with a court order or a requirement in federal law in a manner that does not allow for compliance with *Minnesota Statutes* Sections 14.14-14.28, or
- (3) incorporate specific changes set forth in applicable statutes when no interpretation of law is required, or
- (4) make changes that do not alter the sense, meaning, or effect of the rules.

These exempt rules are also reviewed for form by the Revisor of Statutes, for legality by the Office of Administrative Hearings and then published in the *State Register*. In addition, the Office of Administrative Hearings must determine whether the agency has provided adequate justification for the use of this exemption. Rules adopted under clauses (1) or (2) above are effective for two years only. The Legislature may also exempt an agency from the normal rulemaking procedures and establish other procedural and substantive requirements unique to that exemption.

KEY: Proposed Rules - Underlining indicates additions to existing rule language. ~~Strikeouts~~ indicate deletions from existing rule language. If a proposed rule is totally new, it is designated "all new material." **Adopted Rules** - Underlining indicates additions to proposed rule language. ~~Strikeout~~ indicates deletions from proposed rule language.

Department of Labor and Industry

Adopted Exempt Permanent Rules Relating to Occupational Safety and Health; Adoption of Federal Standards by Reference

The rules proposed and published at *State Register*, Volume 29, Number 39, pages 1123-1124, March 28, 2005 (29 SR 1123), are adopted as proposed

Expedited Emergency Rules

Provisions exist for the Commissioners of some state agencies to adopt expedited emergency rules when conditions exist that do not allow the Commissioner to comply with the requirements for emergency rules. The Commissioner must submit the rule to the attorney general for review and must publish a notice of adoption that includes a copy of the rule and the emergency conditions. Expedited emergency rules are effective upon publication in the *State Register*, and may be effective up to seven days before publication under certain emergency conditions.

Expedited emergency rules are effective for the period stated or up to 18 months. Specific *Minnesota Statute* citations accompanying these expedited emergency rules detail the agency's rulemaking authority.

KEY: Proposed Rules - Underlining indicates additions to existing rule language. ~~Strikeouts~~ indicate deletions from existing rule language. If a proposed rule is totally new, it is designated "all new material." **Adopted Rules** - Underlining indicates additions to proposed rule language. ~~Strikeout~~ indicates deletions from proposed rule language.

Department of Natural Resources

Adopted Expedited Emergency Game and Fish Rules: 2005 Moose Season Quota; 2005 Elk Season Quotas and Dates

6232.3855 QUOTAS FOR TAKING MOOSE.

The number of available licenses for the 2005 moose hunting season is 284. Licenses are distributed by zone as follows:

- A. Moose Zone 20: 25;
- B. Moose Zone 21: 6;
- C. Moose Zone 22: 9;
- D. Moose Zone 23: 5;
- E. Moose Zone 24: 8;

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F. Moose Zone 25: 5;
G. Moose Zone 26: 10;
H. Moose Zone 27: 10;
I. Moose Zone 28: 6;
J. Moose Zone 29: 7;
K. Moose Zone 30: 10;
L. Moose Zone 31: 16;
M. Moose Zone 32: 7;
N. Moose Zone 33: 8;
O. Moose Zone 34: 9;
P. Moose Zone 35: 5;
Q. Moose Zone 36: 15;
R. Moose Zone 60: 4;
S. Moose Zone 61: 12;
T. Moose Zone 62: 17;
U. Moose Zone 63: 7;
V. Moose Zone 64: 25;
W. Moose Zone 70: 6;
X. Moose Zone 72: 8;
Y. Moose Zone 73: 8;
Z. Moose Zone 74: 8;
AA. Moose Zone 76: 9;
BB. Moose Zone 77: 10;
CC. Moose Zone 79: 6; and
DD. Moose Zone 80: 3.

6232.4300 SEASONS AND 2005 SEASON DATES AND QUOTAS FOR TAKING ELK.

Subpart 1. **General provisions.** Elk may be taken by a licensed hunter using a legal firearm or a legal bow and arrow during seasons authorized by the commissioner.

Subp. 2. **Season dates.** Licensed hunters may take elk during the following seasons:

- A. Season A: September 17 to 25, 2005; and
- B. Season B: December 3 to 11, 2005.

Subp. 3. **Quotas.** The number of available licenses for the 2005 elk hunting season is five, distributed as follows:

- A. Season A: one license valid for a legal antlered bull elk; and
- B. Season B: four licenses valid for legal antlerless elk only.

Subp. 4. **Open area.** Licenses are valid for taking elk within the primary elk zone prescribed in part 6232.4600, subpart 1.

6232.4400 GENERAL REGULATIONS FOR TAKING ELK.

Subpart 1. **License requirement.** The license is valid for a party of one or two persons and only for the season selected through the procedure described in part 6232.4500, subpart 3.

[For text of subs 2 to 7, see M.R.]

6232.4500 ELK LICENSE APPLICATION PROCEDURE.

Subpart 1. **General provisions.** The provisions in this part apply to the elk license application process.

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

E. An application fee of ~~\$20~~ as prescribed in Minnesota Statutes, section 97A.433, subdivision 3, must accompany each application. Payment must be in the form of a cashier's check, money order, or personal check made payable to the Minnesota Department of Natural Resources ~~must accompany each application of two hunters.~~ Checks returned to the department for nonpayment will invalidate the application. Refunds of application fees will not be made for any reason.

F. Successful applicants will receive instructions for obtaining their licenses.

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

Subp. 3. **Drawing procedure.** If one or more qualified landowners apply, a drawing to select one landowner shall occur first. Four more parties will then be selected in a general drawing for a total of five successful parties. From this pool of five successful parties, a second drawing will take place to determine which party will receive the single Season A bull license. The remaining four parties will be issued

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antlerless licenses for Season B. The remaining landowner parties and ten parties from the general drawing will also be selected in case successful parties decide not to purchase their permit. Alternate parties will not be notified unless they may purchase an elk license. If no qualified landowners apply, all five licenses will be drawn from the general pool of applicants.

6232.4600 ELK ZONES.

Subpart 1. **Primary Elk Zone.** The Primary Elk Zone consists of that portion of the state lying within the following described boundary:

Beginning at the intersection of State Trunk Highway (STH) 89 and Marshall County Road (CR) 145; thence along CR 145 to County State Aid Highway (CSAH) 6, Marshall County; thence along CSAH 6 to ~~CR 133, Marshall County;~~ thence ~~along CR 133~~ to the northwest corner of Section 16, Township 157 North, Range 39 West; thence north along the west line of Sections 9 and 4, Township 157 North, Range 39 West, to the Moose River; thence along the southerly shore of said river to CR 706, Beltrami County; thence along CR 706 to its intersection with the east line of Section 5, Township 157 North, Range 38 West; thence along the east line of Sections 5 and 8, Township 157 North, Range 38 West to County Highway (CH) 701, Beltrami County; thence along CH 701 to the northwest corner of Section 5, Township 156 North, Range 38 West; thence along the line between Township 156 North and Township 157 North to the northeast corner of Section 2, Township 156 North, Range 39 West; thence along an unnumbered township road, Marshall County, that coincides with the line between Township 156 North and Township 157 North, to CSAH 53, Marshall County; thence along CSAH 53 to the southeast corner of Section 31, Township 157 North, Range 39 West; thence along the line between Township 156 North and Township 157 North to STH 89; thence along STH 89 to the point of beginning.

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

EFFECTIVE PERIOD. Minnesota Rules, part 6232.3855, expires December 31, 2005. The emergency amendments to Minnesota Rules, parts 6232.4300, 6232.4400, 6232.4500, and 6232.4600 expire December 31, 2005. After the emergency amendments expire, the permanent rules as they read prior to those amendments again take effect, except as they may be amended by permanent rule.

Commissioners' Orders

Various agency commissioners are authorized to issue "commissioner's orders" on specified activities governed by their agency's enabling laws. See the *Minnesota Statutes* governing each agency to determine the specific applicable statutes. Commissioners' orders are approved by assistant attorneys general as to form and execution and published in the *State Register*. These commissioners orders are compiled in the year-end subject matter index for each volume of the *State Register*.

Minnesota Department of Transportation (Mn/DOT) Commissioner's Order No. 88522: Uniform Traffic Control Devices Manual

WHEREAS, the United States of Department of Transportation, Federal Highway Administration (FHWA) has adopted and published a Manual on Uniform Traffic Control Devices, dated November 10, 2003 (herein referred to as the Federal MUTCD) including Revision No. 1 (Change List, dated November, 2004), and List of Known Errors (dated September 21, 2004); and

WHEREAS, this Federal MUTCD has been approved by the Federal Highway Administrator as the National Standard for all highways open to public travel in accordance with Title 23, U.S.C. Sections 109(d), 315 abd 402, and 49 C.F.R. Section 1.48; and

WHEREAS, the Minnesota Department of Transportation has amended the Federal MUTCD by adding Appendices and revising or adding text and figures to make provisions for *Minnesota Statutes* and department procedures; and

NOW, THEREFORE, pursuant to authority vested in my office and as provided in *Minnesota Statutes*, Section 169.06, subd. 1 (2004), I do hereby adopt and prescribe the following as the 2005 Minnesota Manual on Uniform Traffic Control Devices (referred to as the "2005 MN MUTCD"):

1. United States Department of Transportation, Federal Highway Administration Manual on Uniform Traffic Control Devices, 2003 edition (dated January November 10, 2003), including Revision No. 1 (Change List, dated November, 2004), and List of Known Errors (dated September 21, 2004).
2. Minnesota Department of Transportation Appendices:
 - a. APPENDIX A1 Congressional Legislation
 - b. APPENDIX A2 Phasein Compliance Periods
 - c. APPENDIX A3 - Retroreflective Sheeting Identification Guide
 - d. APPENDIX B Warrants, Standards, and Guidelines for traffic Control Devices used at Senior Citizen and Handicapped Pedestrian Crossings
 - e. APPENDIX C Sign Listings & Recommended Sizes
3. State of Minnesota, Department of Transportation, additional sections, revisions, and corrections to the 2003 Federal MUTCD.

It is further ordered that the provisions of the 2005 MN MUTCD shall be implemented and applied to all traffic control devices installed on or after July 1, 2005 upon highways within this State except for those traffic control devices which conform to the 2001 edition of the MN MUTCD with its 2 revisions and are on order or under contract prior to July 1, 2005. All existing traffic control devices or installations not in conformance with standards in the 2005 MN MUTCD shall be changed to conform to the new standards herein when replacement occurs.

This Order supersedes Order No. 86252, dated April 15, 2002, which adopted and prescribed the 2001 Minnesota Manual on Uniform Traffic Control Devices along with Order 87127, dated May 22, 2003, and Order 87570, dated January 2, 2004, which amended Order 86252.

Dated at St. Paul, Minnesota, this 5th day of May, 2005

Carol Molnau
Lt. Governor/Commissioner

Official Notices

Pursuant to *Minnesota Statutes* §§ 14.101, an agency must first solicit comments from the public on the subject matter of a possible rulemaking proposal under active consideration within the agency by publishing a notice in the *State Register* at least 60 days before publication of a notice to adopt or a notice of hearing, and within 60 days of the effective date of any new statutory grant of required rulemaking.

The *State Register* also publishes other official notices of state agencies and non-state agencies, including notices of meetings and matters of public interest.

Minnesota Agricultural and Economic Development Board Notice of Public Hearing on the Proposed Project and the Issuance of Bonds Under *Minnesota Statutes* 1986, Chapter 116M and *Minnesota Statutes*, Chapter 41A on Behalf of HealthEast, a Minnesota Non-profit Corporation

NOTICE IS HEREBY GIVEN that the Minnesota Agricultural and Economic Development Board (the “Board”) or its designated representative, shall meet on June 14th, 2005, at 9:00 AM at the 1st National Bank Building, Suite E200, 332 Minnesota Street, St. Paul, Minnesota, for the purpose of conducting a public hearing on a proposed issue of bonds (the “Bonds”) and the provision of other financial assistance under *Minnesota Statutes* 1986, Chapter 116M, and *Minnesota Statutes*, Chapter 41A, as amended (the “Act”), to undertake and finance a project on behalf of HealthEast, a Minnesota non-profit corporation (the “Applicant”). Such persons as desire to be heard with reference to said issue of Bonds will be heard at this public hearing.

The project to be financed consists of the acquisition of various radiology, hospital and other medical and non-medical equipment, including information systems hardware and software which may be used by any of the following facilities of the Applicant and its affiliates:

St. John’s Hospital 1575 Beam Avenue Maplewood, MN 55109	Woodwinds Health Campus 1925 Woodwinds Drive Woodbury, MN 55125	HealthEast Midway Outpatient Center 1700 University Avenue West Saint Paul, MN 55104
St. Joseph’s Hospital 69 West Exchange Street Saint Paul, MN 55102	Bethesda Rehabilitation Hospital 559 Capitol Boulevard Saint Paul, MN 55103	HealthEast Midway Clinic 1690 University Avenue Suite 570 Saint Paul, MN 55104
HealthEast Downtown Saint Paul Clinic 17 West Exchange Street Saint Paul, MN 55102	HealthEast Vadnais Heights Clinic 1055 Centerville Circle Vadnais Heights, MN 55127	HealthEast Cottage Grove Clinic 7460 80 th Street South Cottage Grove, MN 55016
HealthEast Macalester/Groveland Family Physicians 45 North Snelling Avenue Saint Paul, MN 55104	HealthEast Maplewood Clinic 1655 Beam Avenue #202 and #302 Maplewood, MN 55109	HealthEast East Side Medical Center – Oakdale Clinic 1099 Helmo Avenue Suite 100 Oakdale, MN 55128
Salud Integral Clinic 797 East Seventh Street Saint Paul, MN 55106	HealthEast Optimum Rehabilitation 1570 Beam Avenue, #200 Maplewood, MN 55109	HealthEast Rice Street Clinic 980 Rice Street Saint Paul, MN 55117
HealthEast Optimum Rehabilitation 1099 Helmo Avenue, #110 Oakdale, MN 55128	HealthEast Optimum Rehabilitation 1825 Woodwinds Drive Woodbury, MN 55125	HealthEast Woodbury Clinic 1875 Woodwinds Drive Woodbury, MN 55125
HealthEast Optimum Rehabilitation 1690 University Ave., #430 Saint Paul, MN 55103	HealthEast Urgent Care 724 19th Avenue North South Saint Paul, MN 55075	HealthEast Roselawn Clinic 1983 Sloan Place, Suite 1 Saint Paul, MN 55117

(collectively, the “Project”).

The initial owner and operator of the Project will be the Applicant or a related or affiliated entity. It is contemplated that the Project will be used primarily for hospital, medical clinic or related facilities. The estimated amount of the Board’s proposed bond issue is an

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amount not to exceed \$16,000,000. The Bonds shall be limited obligations of the Board, the Bonds and the interest thereon shall be payable solely from the revenue pledged to the payment thereof, and a mortgage or security interest or other security arrangements to be established by or on behalf of the Applicant. Notwithstanding the foregoing, no holders of any such Bonds shall ever have the right to compel any exercise of the taxing powers of the State of Minnesota or any political subdivision thereof to pay the Bonds or the interest thereon nor to enforce payment against any property of said State or said political subdivision.

A copy of the Application to the Board for approval of the Project, together with all attachments and exhibits thereto, a copy of the Application to the Minnesota Department of Employment and Economic Development for approval of the Project, and a copy of the Board's resolution accepting the Application and accepting the Project is available for public inspection at the offices of the Board at the 1st National Bank Building, Suite E200, 332 Minnesota Street, Saint Paul, Minnesota from the date of this notice to the date of the public hearing hereinabove identified, during normal business hours.

This Notice of Public Hearing is being given pursuant to Section 147(f) of the Internal Revenue Code of 1986, as amended.

All persons interested may appear and be heard at the time and place set forth above, or may file written comments with the Executive Director prior to the date of the hearing set forth above.

Dated: May 12, 2005

BY ORDER OF THE MEMBERS OF THE
MINNESOTA AGRICULTURAL AND
ECONOMIC DEVELOPMENT BOARD
Paul Moe, Executive Director

Minnesota Board of Animal Health

REQUEST FOR COMMENTS on Possible Rules for Scrapie Eradication in Sheep and Goats, (*Minnesota Rules 1705.2700-1705.2800*) including associated rules for Importation of Sheep (*Minnesota Rules 1700.4600-1700.4800*), Importation of Goats (*Minnesota Rules 1700.1800-1700.2000*), and amendments to Rules Governing the Public Exhibition of Livestock and Poultry in Minnesota (*Minnesota Rules 1715.0110, 1715.0115, 1715.0160*)

Subject of Rules. The Minnesota Board of Animal Health requests comments on its proposed rules for scrapie eradication and the associated proposed amendments to the rules governing the importation and exhibition of sheep and goats. The Board is considering adopting these rules to facilitate implementation of the national Scrapie Eradication Program in Minnesota. The rules would require the official identification of certain classes of sheep and goats upon movement from one premises to another, including importation, exhibition, sale, and other intrastate and interstate movement. The rule would also require that persons who handle sheep and goats, including producers, dealers, markets, and sale personnel, and persons who apply official identification maintain certain records for a period of five years. Importation rules for sheep and goats would limit the importation of sheep and goats that have had exposure to scrapie and require official identification consistent with the national scrapie eradication program and the intrastate movement requirements. The exhibition rule for sheep and goats would be amended to require official identification for all sheep and goats for exhibition and would prohibit the exhibition of sheep and goats near parturition in order to eliminate the potential spread of scrapie at exhibitions. The rules and amendments are proposed in order to assure that Minnesota is consistent with the national scrapie eradication program and to facilitate the eradication of scrapie within Minnesota.

Persons Affected. The rules and associated amendments would likely affect sheep and goat producers, exhibitors, and livestock markets, dealers, and other parties who handle sheep and goats.

Statutory Authority. *Minnesota Statutes*, section 35.03 authorizes the Board to adopt rules to protect the health of the domestic animals of the state.

Public Comment. Interested persons or groups may submit comments or information on these possible rules in writing or orally until 4:30 p.m. on July 22, 2005. The Board does not contemplate appointing an advisory committee to comment on the possible rules.

Rules Drafts. The Board has prepared a draft of the possible rules and amendments.

Agency Contact Person. Written or oral comments, questions, requests to receive a draft of the rules, and requests for more information on these possible rules should be directed to: Kris Petrini at the Minnesota Board of Animal Health, 90 W Plato Blvd, St. Paul, MN 55107, (651) 296-2942 x 31, **Fax** (651) 296-7417, *kris.petrini@bah.state.mn.us*. **TTY** users may call the Board at (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.

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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. If you submitted comments during the development of the rules and you want to ensure that the Administrative Law Judge reviews the comments, you should resubmit the comments after the rules are formally proposed.

Dated: May 16, 2005

Dr. William Hartmann
Executive Director, Minnesota Board of Animal Health

Minnesota Comprehensive Health Association Notice of Meeting of the Actuarial Committee

NOTICE IS HEREBY GIVEN that a meeting of the Minnesota Comprehensive Health Association's (MCHA) Actuarial Committee will take place via conference call on Thursday, May 26, 2005, 3:30 p.m. at the MCHA Executive Office, 5775 Wayzata Blvd., Suite 910, St. Louis Park.

For additional information, please call Lynn Gruber at (952) 593-9609.

Minnesota Comprehensive Health Association Notice of Board of Director's Eligibility Work Group Planning Session

NOTICE IS HEREBY GIVEN that a strategic Planning Session of the Minnesota Comprehensive Health Association's (MCHA) Board of Directors Eligibility Work Group will be held Wednesday, June 1, 2005, 1:00 p.m. at the MCHA Executive Office, 5775 Wayzata Blvd., Suite 910, St. Louis Park.

For additional information, please call Lynn Gruber or Mary McCaffrey at (952) 593-9609.

Minnesota Higher Education Services Office (MHESO) Notice of Public Hearing Before the Minnesota Higher Education Services Office Regarding Issuance of Supplemental Student Loan Program Revenue Bonds, Series 2005 (Tax-Exempt)

The Minnesota Higher Education Services Office ("MHESO") will hold a public hearing at 9:00 a.m. in 1450 Energy Park Drive, Suite 350, St. Paul, Minnesota on the 15th day of June, 2005, on the issuance of Supplemental Student Loan Program Revenue Bonds, Series 2005 (Tax-Exempt) (the "Bonds"). The Bonds are being issued for the purpose of making loans to eligible students (the "Student Loans") under the MHESO's Supplemental Student Loan Program in accordance with the provisions of *Minnesota Statutes*, Chapter 136A, as amended, funding certain funds and paying a portion of the costs of issuance of the Bonds (the "Project"). MHESO'S principal offices are located at 1450 Energy Park Drive, Suite 350, St. Paul, Minnesota 55108. The Bonds are proposed to be issued in an amount not to exceed \$70,000,000. The Bonds shall be limited obligations of MHESO payable from and secured solely by all payments of principal of and interest on certain Student Loans and the proceeds thereof, certain funds and accounts and other collateral constituting the security as to be described in the resolution authorizing the Bonds. The Bonds will not be deemed to constitute a pledge of the faith of MHESO or the State of Minnesota, but shall be payable solely from revenues pledged by MHESO in accordance with an indenture of trust, as supplemented. Neither the faith or credit nor the taxing power of the State of Minnesota will be pledged to the payment of principal of or the interest on the Bonds. MHESO has no taxing power. The hearing shall provide the fullest opportunity for expression of opinion, for argument on the merits and for the introduction of documentary evidence pertinent to the nature of the Project and the proposed issuance of the Bonds. Written comments will be accepted by MHESO at 1450 Energy Park Drive, Suite 350, St. Paul, Minnesota 55108, but must be received on or before the date of the hearing.

Dated: May 11, 2005

BY ORDER OF THE DIRECTOR OF THE
MINNESOTA HIGHER EDUCATION
SERVICES OFFICE
Susan Heegaard, Director

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Minnesota Housing Finance Agency

Notice of Hearing on Bond Issues for Qualified Mortgage Bonds

NOTICE IS HEREBY GIVEN that the Minnesota Housing Finance Agency (the "Agency") will hold a public hearing at 10:00 a.m. on Thursday, June 9, 2005 at the Minnesota Housing Finance Agency, 400 Sibley Street, Suite 300, St. Paul, Minnesota 55101, for the purposes of taking public testimony regarding the issuance of qualified mortgage bonds, comprising one or more series, in an aggregate principal amount not exceeding \$250,000,000. The bonds will be issued as qualified mortgage bonds subject to the mortgage eligibility requirements of Section 143 of the Internal Revenue Code of 1986, as amended, and, after payment of expenses and funding of reserves, will provide approximately \$240,000,000 of mortgage loans to certain low and moderate income, first-time homebuyers of single family owner-occupied residences located throughout the State of Minnesota, which homebuyers qualify under the Agency's single family mortgage program and applicable federal tax law. The Agency's single family mortgage program is further described in the MHFA Mortgage Program Procedural Manual, a copy of which may be obtained from the Agency. Said bonds may be issued either as refunding bonds to refund certain outstanding bonds of the Agency or as "new money" bonds using a portion of the Agency's state bond volume allocation, and may be issued either as short-term bonds, subject to refunding or remarketing at a subsequent date on a long-term, fixed or variable rate basis, or as long-term, fixed or variable rate bonds on original issuance. The bonds covered by this hearing notice, up to an aggregate principal amount not exceeding \$250,000,000, are anticipated to be issued periodically to fund the Program during the calendar years 2005 and 2006, until fully utilized.

Parties wishing to comment on the financing program may appear in person at the hearing or may submit written comments to the undersigned prior to the hearing, which comments will be considered at the hearing. Parties desiring additional information should contact Ms. Sharon Bjostad of the Agency at (651) 282-2577.

Timothy E. Marx, Commissioner
Minnesota Housing Finance Agency

Department of Human Services

Health Care Administration

MinnesotaCare and State Children's Health Insurance Programs

Request for Comments on Extension of Federal §1115 Waiver to Cover

MinnesotaCare Parents and Adult Caretakers with State Children's Health Insurance Program Funds

For the past four years, Minnesota has administered a State Children's Health Insurance Program (S-CHIP) demonstration project waiver under the authority of §1115 of the Social Security Act. This waiver allows Minnesota to use federal S-CHIP funding for expenses related to MinnesotaCare enrollees who:

- are parents and adult caretakers of children,
- have income from 100 percent to 200 percent of the federal poverty level (FPL); and
- meet all other MinnesotaCare program requirements.

This group of parents and caretakers is part of MinnesotaCare, a program authorized under the Minnesota Prepaid Medical Assistance Project Plus (PMAP+) §1115 Waiver. Minnesota received federal approval for a three-year extension of the PMAP+ Waiver on May 3, 2005 and Minnesota accepted the federal Special Terms and Conditions on May 11, 2005. The PMAP+ Waiver allows for federal funding for health care expenses at the regular federal Medicaid matching rate of fifty percent for Minnesota. The S-CHIP §1115 Waiver allows the state to earn federal funding at the higher S-CHIP matching rate which is sixty-five percent.

The S-CHIP §1115 Waiver will expire June 13, 2006. To assure that the state may continue to use its S-CHIP funding for this group, the Minnesota Department of Human Services (DHS) intends to request a three-year extension of this §1115 waiver from the federal Centers for Medicare & Medicaid Services (CMS) in June 2005.

At the time of S-CHIP enactment in 1997, Minnesota had already expanded coverage for children under age 21 with income up to 275% of the federal poverty level through the Minnesota PMAP+ §1115 Medicaid waiver. The federal S-CHIP law prevented Minnesota from using S-CHIP funds for children with income at or below 275% of the federal poverty level. The federal S-CHIP law makes available to Minnesota an annual allotment of funds that the state must spend within three years. Because the federal law bars Minnesota from using S-CHIP funds for its expenditures on behalf of MinnesotaCare eligible children, we requested and obtained a S-CHIP §1115 waiver that allows the use of the S-CHIP allotment for expenditures for MinnesotaCare parents and adult caretakers. In addition, Minnesota has authority to use S-CHIP funds for two other groups of MA enrollees.

In total, Minnesota has federal approval to cover the following three groups with S-CHIP funds:

- Parents and caretakers enrolled in MinnesotaCare with income between 100% and 200% FPL starting June 2001.
- Infants up to age two in the MA Program with income between 275% and 280% FPL starting September 1998.
- Unborn children of mothers ineligible for federally-funded MA with income up to 275% of FPL starting November 2002.

The 2001 approval of the S-CHIP §1115 Waiver has enabled Minnesota to spend all of its annual federal S-CHIP allotments and to receive additional redistributed S-CHIP funds.

An opportunity for public comment will be available during a public hearing scheduled on Friday, June 10, 2005 at 10:00 am in Room 1B at the Minnesota Department of Human Services, 444 Lafayette Road, St. Paul, Minnesota 55155. DHS is also announcing a 30-day comment period on the request for a three-year extension of the S-CHIP §1115 Waiver.

To request a summary of the S-CHIP §1115 Waiver Extension Request, please contact Barb Phillip at (651) 297-8840. A copy of the summary may be found at: <http://www.dhs.state.mn.us/healthcare/waivers>

Written comments may be submitted to Pat Callaghan at the address below by the close of business Wednesday, June 22, 2005.

Department of Human Services
444 Lafayette Road
St. Paul, Minnesota 55155-3852
Telephone: (651) 215-9448
FAX: (651) 215-9453

Dated: May 23, 2005

Department of Human Services State Operated Services Division Public Notices of the Disproportionate Population Adjustment for State Regional Treatment Centers and Proposed Payment Rates for the State Regional Treatment Centers

NOTICE IS HEREBY GIVEN to recipients, providers of services under the Medical Assistance (MA) Program, and to the public, of proposed changes concerning the disproportionate population adjustment (DPA) and the payment rates for Regional Treatment Centers under the MA Program. This notice is published pursuant to 42 *United States Code* §1396a(a)(13)(A) (§1902(a)(13)(A) of the Social Security Act), which requires the Department to publish proposed payment rates for institutional providers, the methodologies underlying the establishment of such rates, and the justification of such rates.

In conjunction with the current state fiscal year's budget for Regional Treatment Centers, as appropriated by the legislature, payment rates are determined in accordance with *Minnesota Statutes*, §246.50, subdivision 5.

Effective for admissions occurring during State Fiscal Year 2006 (July 1, 2006 through June 30, 2006), the inpatient payment rate of each Regional Treatment Center will be adjusted by the indicated percentage:

DPA ADJUSTMENT	
<u>Facility</u>	<u>SFY 2006</u>
Anoka	17.84%
Brainerd	17.53%
Eveleth	21.34%
Fergus Falls	16.59%
St. Peter	15.39%
Willmar	17.32%

Due to legislative action, the following proposed MA payment rates are subject to change. Final rates for State Fiscal Year 2006 will be published prior to July 1, 2005.

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Facility	Adult Mental Illness	Mental Retardation	Psychopathic Personality	Nursing Facility
Anoka	\$474			
Anoka Transition Services	\$194			
Brainerd	\$777			
Fergus Falls	\$897			
Eveleth	\$471			
MSH ¹	\$502			
__MSH Transition __Services	\$143			
St. Peter	\$713			
Willmar	\$805			
Minnesota Extended Treatment Options		\$859		
Minnesota Sex Offender Program ²			\$291	
Ah-Gwah-Ching				\$615

¹ Minnesota Security Hospital on the St. Peter facility campus

² Moose Lake facility and the 152-bed satellite program on the St. Peter facility campus

Questions and comments may be directed to Lynn Glancey, Minnesota Department of Human Services, State Operated Services Division, 444 Lafayette Road North, St. Paul, MN 55155-3826, **Phone** (651) 582-1875 or **Email:** Lynn.Glancey@state.mn.us.

Department of Human Services Health Care Purchasing & Delivery Systems Division Public Notice Regarding Proposed Medical Assistance Rate Methodology Changes for Certain Medical Assistance Enrolled Providers for Medical Education and Research

NOTICE IS HEREBY GIVEN to recipients, providers of services under the Medical Assistance Program, and the public, of proposed Medical Assistance (Medicaid) payment rate methodology changes for certain Medical Assistance enrolled providers for medical education and research.

This notice is published pursuant to 42 *United State Code* §1396(a)(13)(A) (§1902(a)(13)(A) of the Social Security Act), which requires the Department to publish proposed facility payment rates, the methodologies underlying the establishment of such rates, and the justification for such rates. This notice is also published pursuant to title 42, part 447, section 205 (42 CFR §447.205) of the federal Medicaid regulations, which requires publication of a notice when there is a proposed change in the methods and standards for setting payment rates for Medical Assistance services.

In 1993, the Minnesota Legislature directed the Department of Health to study the costs and financing of medical education. The department researched the annual cost of medical education and research, established a percentage of the annual growth rate in the state's total health care expenditures to be allocated for the cost of medical education and research, and pooled these funds into a Medical Education and Research Trust Fund. Since 1998, pursuant to *Minnesota Statutes*, §62J.692, subdivision 4, the fund has distributed its trust proceeds to eligible accredited medical education teaching institutions, consortia and programs operating in the state.

Pursuant to *Minnesota Statutes*, §62J.692, subdivision 8, the Department of Human Services requests from the federal Centers for Medicare & Medicaid Services (CMS), U.S. Department of Health & Human Services, Medical Assistance funds for a portion of the medical education and research payments. In accordance with *Minnesota Statutes*, §62J.692, subdivision 6, the Department of Health's distributions include the federal portion.

In order to receive federal funds, the Department has provided for an annual Medical Assistance payment to certain inpatient hospitals for medical education and research. The Department agreed to CMS' request to sunset this payment methodology as of the start of State Fiscal Year 2006.

Therefore, effective July 1, 2005 (State Fiscal Year 2006), the Department is seeking CMS approval to move part of the annual payment to all the Medicaid-enrolled provider types eligible for the Department of Health's trust fund distribution (inpatient hospitals

and providers such as nursing facilities, dentists, physicians and physician group practices, rural health clinics and community mental health centers). The annual payment to each provider type will be the equivalent of the provider's medical education and research payment for the current State Fiscal Year.

The Department expects that this proposed change will cost the state \$12,300,171 in State Fiscal Year 2006.

Pursuant to 42 CFR §447.205(c)(5), the Department must provide an address where written comments may be sent and reviewed by the public. Written comments and requests for information, including the rate methodology documents submitted to CMS, should be addressed to Stephanie Schwartz, Federal Relations Unit, Minnesota Department of Human Services, 444 Lafayette Road North, St. Paul, Minnesota 55155-3852, **phone:** (651) 297-7198 or **e-mail:** stephanie.schwartz@state.mn.us

Minnesota Pollution Control Agency

Environmental Analysis and Outcomes Division

REQUEST FOR COMMENTS on Possible Amendments to Rules Governing Air Quality to be Codified in *Minnesota Rules* Chapters 7005, 7007, 7011, 7017 and 7019

Subject of Rules: The Minnesota Pollution Control Agency (MPCA) requests comments or information on its possible rule amendments governing the MPCA's air quality rules to be codified in *Minnesota Rules*, Chapters 7005, 7007, 7011, 7017 and 7019. Please note that as the MPCA develops this rulemaking it may identify portions of other chapters of the air quality rules that need to be amended, for example when one rule cross references another or shares a common definition. Such collateral amendments will be kept within the original scope of the rule. The MPCA may also establish a new rule chapter to accommodate the U.S. Environmental Protection Agency (EPA) model trading rules.

Background: On March 10, 2005, the EPA adopted new rules to address the interstate transport of air pollutants. These rules are known as the Clean Air Interstate Rules (CAIR) and regulate emissions of sulfur dioxide (SO₂) and nitrogen oxides (NO_x). On March 15, 2005, the EPA adopted rules regulating mercury emissions. These rules are known as the Clean Air Mercury Rules (CAMR).

Both the CAIR and CAMR rules impose limits known as "budgets" or "caps," on emissions that occur within state borders. Budgets are defined in terms of specific targets and dates as displayed in the following table:

		First phase		Second phase	
		Date	Allowances	Date	Allowances
SO ₂ (tons)	U.S.	2010	3,673,999	2015	2,571,795
	Minnesota	2010	49,987	2015	34,991
NO _x (tons)	U.S.	2009	1,521,707	2015	1,268,091
	Minnesota	2009	31,443	2015	26,203
Mercury (ounces)	U.S.	2010	1,216,032	2018	479,936
	Minnesota	2010	22,240	2018	8,768

CAIR applies, generally, in states that border and lie east of the Mississippi River while CAMR applies in all states.

In order for states to receive the EPA authority to conduct the programs they must submit a state plan that contains these rules and demonstrates other abilities specified by the EPA. The CAIR requires states to amend their State Implementation Plans (SIPs) within 18 months. The CAMR requires a plan prepared under § 111(d) of the Clean Air Act, 42 U.S.C. § 7511(d), which must also be submitted within 18 months.

The CAIR and CAMR allow states to meet their obligations by adopting model rules that are part of the EPA's regulations. The model rules describe cap-and-trade systems that specify emission limit "caps" or "budgets" listed in the table above and allow source operators to trade units of emissions. The EPA will administer trading systems, much as it does the current SO₂ acid rain trading system. Minnesota will have responsibility to allocate emission allowances and to enforce permitting and compliance tracking systems.

Minnesota will have limited discretion in system design. The MPCA plans to discuss its options with interested parties as the rule process continues. Also, while the MPCA anticipates that most or all of this rulemaking will proceed on the same schedule, it is possible that the CAIR and CAMR rulemaking may split into separate rulemakings if one needs to progress more quickly or if one is going to take significantly longer than the other.

People Affected: The CAIR and CAMR will limit emissions from electrical utility plants that: a) have generating capacity greater than 25 megawatts and b) produce electricity for sale. Owners, operators and employees of qualifying plants will be affected. Because the rules may affect the cost of power generation, electricity purchase prices may be slightly affected.

Statutory Authority: The MPCA's authority to adopt and implement these rule amendments is found in *Minnesota Statutes* § 116.07, *subd.* 4. This provision authorizes the MPCA to adopt rules "for the prevention, abatement, or control of air pollution." The portion of

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Minnesota Statutes § 116.07, *subd.* 4, relevant to air quality regulation reads as follows:

Subd. 4. Rules and Regulations. Pursuant and subject to the provisions of chapter 14, and the provisions hereof, the pollution control agency may adopt, amend and rescind rules and standards having the force of law relating to any purpose within the provisions of Laws 1967, chapter 882, for the prevention, abatement, or control of air pollution. Any such rule or standard may be of general application throughout the state, or may be limited as to times, places, circumstances, or conditions in order to make due allowance for variations therein. Without limitation, rules or standards may relate to sources or emissions of air contamination or air pollution, to the quality or composition of such emissions, or to the quality of or composition of the ambient air or outdoor atmosphere or to any other matter relevant to the prevention, abatement, or control of air pollution.

Public Comment: People interested may submit comments or information on these possible rule amendments in writing or orally until 4:30 p.m. on June 22, 2005. The MPCA does not anticipate appointing a formal advisory committee to comment on the possible rule amendments; however, the MPCA plans to have meetings with interested parties during 2005 and 2006 to provide additional opportunity for input on the possible rule amendments. If you wish to be included in future mailings and updates, please send your name and address to jennifer.holstad@pca.state.mn.us and indicate which rule effort, (CAIR, CAMR or both) you are interested in.

Rules Drafts: The MPCA has not yet prepared a draft of the possible rule amendments. Copies of EPA's rules documents are available at <http://www.epa.gov/interstateairquality/> for the CAIR rule and <http://www.epa.gov/air/mercuryrule/> for the CAMR rule.

Additional Information: Additional information on the MPCA's plans to amend the air quality rules can be obtained at the following MPCA Web site: <http://www.pca.state.mn.us/rulesregs/index.html>. This site will have a direct link to the EPA's rules documents for the CAIR and CAMR, other related EPA documents as well as the MPCA's proposed rules, statement of need and reasonableness and Notice of Intent to Adopt Rules when they become available.

Agency Contact Person: Written or oral comments, questions, requests to receive a draft of the rules when they are prepared, and requests for more information on these possible rule amendments should be directed to the individual listed under the specific rulemaking below:

CAMR

Anne M. Jackson
Minnesota Pollution Control Agency
520 Lafayette Road North
St. Paul, MN 55155-4194
Phone: (651) 296-7949
MN Toll Free: 1-800-657-3864
Fax: (651) 297-8676
E-mail: anne.jackson@pca.state.mn.us

CAIR

Robert J. McCarron
Minnesota Pollution Control Agency
520 Lafayette Road North
St. Paul, MN 55155-4194
Phone: (651) 296-7324
MN Toll Free: 1-800-657-3864
Fax: (651) 297-8676
E-mail: robert.mccarron@pca.state.mn.us

TTY users may call the MPCA at **TTY** (651) 282-5332 or 1-800-657-3864.

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 either of the MPCA contact persons at the address or telephone number listed above.

NOTE: Comments received in response to this notice may not necessarily be included in the formal rulemaking record when a proceeding to adopt rules is started. The MPCA is required to submit to the administrative law judge reviewing the rules only those written comments received in response to the rules after they are formally proposed for adoption in the *State Register*.

Sheryl A. Corrigan, Commissioner
Minnesota Pollution Control Agency

State Rehabilitation Council Meeting Date 2005

The State Rehabilitation Council will meet on the following date at the designated location. For more information please contact the Department of Employment and Economic Development at: **phone:** (800) 328-9095; (651) 296-5629. TTY: (800) 657-3973; (651) 296-3900. If accommodations are required, please request them no later than one week in advance.

June 22, 2005
Radisson Hotel Roseville
2540 North Cleveland Avenue
Roseville, MN 55113
9:00 a.m. to 2:00 p.m.

Department of Transportation Program Management Division Office of Investment Management Notice of Solicitation for Public Review and Comment on the Draft State Transportation Improvement Program (STIP) for State Fiscal Years 2006-2007-2008 (July 1, 2005 to June 30, 2008)

The Minnesota Department of Transportation is offering an opportunity for public review and comment on a draft State Transportation Improvement Program (STIP) for state fiscal years 2006-2007-2008 (July 1, 2005 to June 30, 2008). With uncertainties regarding funding levels at both the state and national level, this draft has been developed using Federal Highway Administration (FHWA) apportionment levels. Projects include local road and bridge projects utilizing federal funds; transit capital investments; state highway road and bridge projects; enhancement projects; congestion mitigation and air quality projects; scenic byway projects; and other projects intending to utilize federal highway funds, federal transit funds, or state trunk highway funds. The proposed *State Transportation Improvement Program* is available for review at Department of Transportation District Offices:

- District 1** – Duluth, 1123 Mesaba Avenue, Duluth, MN 55811;
- District 2** – Bemidji, Box 490, 3920 Highway 2 West, Bemidji, MN 56619;
- District 3** – Baxter, 7694 Industrial Park Road, Baxter, MN 56425-8096;
- District 4** – Detroit Lakes, 1000 Hwy. 10 West, Detroit Lakes, MN 56501;
- District 6** – Rochester, 2900 48th Street N. W., Rochester, MN 55901-5858;
- District 7** – Mankato, 501 South Victory Drive, Mankato, MN 56001-5302;
- District 8** – Willmar, 2505 Transportation Road, Willmar, MN 56201;
- Metro Division** – Waters Edge Building, 1500 W. Co. Rd. B2, Roseville, MN 55113; or the Office of Investment Management, Mail Stop 440, 395 John Ireland Boulevard, Third Floor South, St. Paul, MN 55155.

You have 30 days to submit written comments. Comments must be received by **4:30 p.m. on June 22, 2005**. Comments are encouraged and should identify the portion of the STIP addressed, reason for the comment, and any change proposed.

Please direct all correspondence to:

Shawn Chambers
Office of Investment Management
Minnesota Department of Transportation
Mail Stop 440
395 John Ireland Boulevard
St. Paul, MN 55155
Phone: (651) 296-1605
Fax: (651) 296-3019
E-mail: shawn.chambers@dot.state.mn.us

State Grants & Loans

In addition to requests by state agencies for technical/professional services (published in the State Contracts Section), the *State Register* also publishes notices about grants and loans available through any agency or branch of state government. Although some grant and loan programs specifically require printing in a statewide publication such as the *State Register*, there is no requirement for publication in the *State Register* itself. Agencies are encouraged to publish grant and loan notices, and to provide financial estimates as well as sufficient time for interested parties to respond.

Department of Health

Commodity Supplemental Food Program (CSFP)

Notice of Availability of Grant Funds

Eligible Applicants:	Minnesota food banks, nonprofit health or human service agencies with food ware house storage, including refrigeration.
Amount of Available Funds:	Established annually by the United States Department of Agriculture (USDA)
Duration of Grants:	Five years beginning January 1, 2006 and ending December 31, 2010
Notice of Intent Deadline:	June 15, 2005
Application Materials:	Mailed out upon receipt of Notice of Intent
Application Deadline:	August 1, 2005
Award Decision:	60 days after receipt of complete application
Beginning Contract Date:	January, 1, 2006

Description of Grant:

The Commodity Supplemental Food Program (CSFP) is a federally funded grant program of the United States Department of Agriculture (USDA) that is administered through the Minnesota Department of Health (MDH). Minnesota CSFP is also referred to as the Mothers and Children Program (MAC) and the Nutrition Assistance Program for Seniors (NAPS). Subject to the availability of federal funds, MDH awards grants to qualified local agencies to operate the Program in designated geographic service areas within the State.

CSFP provides a free monthly package of USDA commodity foods to enhance the diets of Program participants. CSFP serves seniors over age 60 with a household income at or below 130 percent of federal poverty guidelines. CSFP also serves pregnant and postpartum women and children up to age six (not currently on the WIC Program) with family incomes at or below 185 percent of the federal poverty guidelines. Approximately 88% of the monthly CSFP caseload is comprised of seniors. Most of the remaining portion of the CSFP caseload is comprised of children between the ages of five and six.

CSFP is not an entitlement program and the number of individuals served on an annual basis is dependent upon the caseload allocation received from USDA. Minnesota is currently able to serve about 15,000 participants per month.

The responsibilities of a local agency include: performing outreach to identify potentially eligible individuals; assessing eligibility and enrolling individuals through a certification process; assembling and distributing monthly food packages to participants, offering nutrition education to participants, referring participants to other needed services, maintaining warehouse facilities sufficient to warehouse up to three months of commodity food products and refrigerated capacity to store perishable commodities; following established food warehousing procedures for receiving, storing, disbursing and inventorying commodity food products and completing timely monthly caseload, financial and inventory reports.

Application Process:

An agency wishing to apply for the CSFP Grant must submit a Notice of Intent (see below) to the Minnesota Department of Health by 4:30 p.m. on June 15, 2005. An application form will be provided upon receipt of the completed Notice of Intent.

Contact Person:

Linda Dorsey
Minnesota Department of Health
Division of Community and Family Health
P.O. Box 64882,
St. Paul, MN 55164-0882
Telephone: (651) 281-9898
Fax: (651) 215-8951
E-mail address: linda.dorsey@state.mn.us

State Grants and Loans

CSFP Program

Notice of Intent Form to Apply for 2006-2010 CSFP Grant

Please complete and submit this form no later than **June 15, 2005** to Linda Dorsey; Community and Family Health Division; Minnesota Department of Health; P.O. Box 64882; St. Paul, MN 55164-0882; **fax:** (651) 215-8951. Please refer to the CSFP Program Description for additional information regarding the Program.

<p>Applicant Organization</p> <p>Name: _____</p> <p>Address: _____</p> <p>_____</p> <p>Contact Person: _____</p> <p>Telephone Number: _____</p>	<p><u>Please list the specific geographic area that the applicant organization plans to serve:</u></p>
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Department of Health

Women, Infants and Children (WIC)

Notice of Availability of Grant Funds for Special Supplemental Nutrition Program for Women, Infants and Children (WIC)

Eligible Applicants:	See Minnesota Rules 4617.0015
Amount of Available Funds:	Determined by Federal Appropriation
Duration of Grants:	January 1, 2006 – December 31, 2010
Notice of Intent Deadline:	June 15, 2005, 4:30 p.m.
Application Materials Available:	Mailed Out Upon Receipt of Notice of Intent Form
Application Deadline:	August 15, 2005, 4:30 p.m.
Award Decision:	Within 90 days of receipt of completed application
Beginning Contract Date:	January 1, 2006

Description of Grant:

The WIC Program is a federally funded grant program administered through the Minnesota Department of Health. Grants are made available to qualified local agencies to deliver program services. WIC provides nutrition education, health referral services and vouchers for the purchase of specified nutritious foods to pregnant, postpartum, and nursing women, and to infants and children up to five years of age who are eligible for WIC services. The WIC Program serves as an adjunct to good health care during critical times of growth and development, in order to prevent the occurrence of nutrition related problems and to improve the nutrition status of those persons. All current WIC agreements will terminate on 12/31/2005. The Minnesota Rules affecting local agencies were amended effective April 25, 2005. The amended rules are available on the website of the Office of the Revisor of Statutes,

<http://www.revisor.leg.state.mn.us/arule/4617/>

Applications from local agencies must be to serve either persons within a geographic area or persons who are members of a special population. All applicants must meet the eligibility requirements in *Minnesota Rules* 4617.0015.

Applications to Serve Geographic Areas:

The commissioner will approve one application to serve each geographic area within Minnesota. Except as described below, the commissioner shall approve the application with the highest priority according to the following priority system:

- First priority is given to a community health board whose jurisdiction under *Minnesota Statutes*, Chapter 145A, is the geographic area that the board is applying to serve;
- Second priority is given to a community health board that, under one or more contracts between the applicant and another community health board, provides maternal or child health care or health promotion to residents of the geographic area that the board is applying to serve;

State Grants and Loans

- Third priority is given to any community health board;
- Fourth priority is given to public or private non-profit health service agency;
- Fifth priority is given to a public human service agency; and
- Sixth priority is given to private nonprofit human service agency

Exception: If the agency applicant that has the highest priority had significant WIC compliance issues, or if there are two or more applicants with the highest priority, the commissioner shall make a decision based on factors outlined in *Minnesota Rules* 4617.0020.

Applications to Serve Special Populations:

The commissioner will approve or disapprove each application to serve a special population based on *Minnesota Rules* 4617.0020, subpart 9a.

Application Process:

An agency wishing to apply must submit to the WIC Program a completed Notice of Intent (see below) by 4:30 p.m. on June 15, 2005. An application packet will be provided upon receipt of the completed Notice of Intent.

Contact Person:

Linda Dorsey
 Minnesota Department of Health
 Division of Community and Family Health
 Director's Office
 85 East Seventh Place, Suite 400
 P.O. Box 64882
 St. Paul, MN 55164-0882
Telephone: (651) 281-9898
Fax: (651) 215-8951
E-mail: linda.dorsey@health.state.mn.us

WIC Program

Notice of Intent Form to Apply for 2006-2010 WIC Grant

Please submit this entire form no later than June 15, 2005, 4:30 p.m., to Linda Dorsey, WIC Program, Minnesota Department of Health, P.O. Box 64882, St. Paul, MN 55164-0882, fax: (651) 215-8951

Please refer to the WIC Program Description for additional information regarding the Program.

<p>Applicant Organization</p> <p>Legal Name: _____</p> <p>Address: _____</p> <p>City/State/Zip Code: _____</p> <p>Contact Person: _____</p> <p>Telephone Number: _____</p>	<p>Type of Applicant Organization (please check only one) (e.g., community health board, non-profit organization,)</p> <p style="text-align: center;">community health board</p> <p style="text-align: center;">public or private nonprofit health service agency</p> <p style="text-align: center;">public human service agency</p> <p style="text-align: center;">private nonprofit human service agency</p>
<p>This will be an application to serve (please check only one box):</p> <p style="padding-left: 20px;">a geographic area Describe the geographic area to be served.</p> <p style="padding-left: 20px;">a special population Describe special population to be served.</p>	

State Contracts

Informal Solicitations: Informal solicitations for professional/technical (consultant) contracts valued at over \$5,000 through \$50,000, may either be published in the *State Register* or posted on the Department of Administration, Materials Management Division's (MMD) Web site. Interested vendors are encouraged to monitor the P/T Contract Section of the MMD Web site at www.mmd.admin.state.mn.us for informal solicitation announcements.

Formal Solicitations: Department of Administration procedures require that formal solicitations (announcements for contracts with an estimated value over \$50,000) for professional/technical contracts must be published in the *State Register*. Certain quasi-state agency and Minnesota State College and University institutions are exempt from these requirements.

Department of Administration Materials Management Division Notice of potential Spend Analysis System Contract

NOTICE IS HEREBY GIVEN that the Minnesota Department of Administration is requesting proposals from vendors interested in providing the State with a new Spend Analysis System. This system is to collect, cleanse, classify, and integrate different data from disparate existing data systems in order to pursue targeted savings in key commodity and services purchases. Interested vendors should refer to the following website for additional information: <http://www.mmd.admin.state.mn.us/process/admin/ptList.asp>

Proposals will be accepted until 3:00 p.m. CDT USA on June 6, 2005.

The State reserves the right to cancel this solicitation. All expenses incurred in responding to this notice will be borne by the responder. All questions relating to the substance of the solicitation shall be directed to Kris Kunkel at 651.282.5578, or kris.kunkel@state.mn.us.

Department of Administration NOTICE OF REQUEST FOR PROPOSAL for Proposals from Firms Interested in Providing High Pressure Steam to the Minnesota Correctional Facility in Stillwater

The Department of Administration, acting on behalf of the Department of Corrections, is seeking proposals from firms interested in providing high pressure steam to the Minnesota Correctional Facility in Bayport, Minnesota.

All interested vendors must attend a site visit on Tuesday, May 31, 2005, at 10:00 a.m. at the Minnesota Correctional Facility, Administration Building Lobby, 970 Pickett Street North, Bayport, MN. In order to obtain a security pass, vendors must RSVP their participation to Jackie Finger at phone 651.296.3773, via fax at 651.297.3996 or at jackie.finger@state.mn.us.

Additional project information is available at the Department of Administration's website at www.mmd.admin.state.mn.us or from the **Materials Management Helpline at 651.296.2600**.

Colleges and Universities, Minnesota State (MnSCU) Inver Hills Community College Owners Rep for the construction of the College Center Addition and Renovation Project

Description: Inver Hills Community College is looking to hire an Owners Rep to help manage the construction and remodeling project in our College Center Building. We will be building approximately 16,000 square feet of new space and remodeling approximately 19,000 square feet of existing space. Construction should begin in July. To receive an RFP please contact Patrick Buhl at pbuhl@inverhills.edu or (651) 450-8536.

Pre Bid Meeting: June 9, 2005 in the College Center Building Conf Room B at 9am. Drawings and Spec book will be available for review. Architect will be on hand to answer questions.

Bids Due: June 24th at 9am, Bids can be delivered to:

Patrick Buhl, Director
Facilities Planning and Management
Inver Hills Community College
Heritage Hall room HH102
2500 East 80th Street
Inver Grove Heights, MN 55076-3224

State Contracts

Colleges and Universities, Minnesota State (MnSCU)

St. Cloud Technical College & Work Force Center

Notice of Request for Bids for a Two Story Addition and a Renovation of Existing Space

Bids will be received until 2:00 p.m., Tuesday, June 21, 2005 at St. Cloud Technical College by Natalie Ennis in Room #1-102 at which time the bids will be opened and publicly read aloud in Room #1-307.

Project Scope: This Project consists of a 46,763 SF two story addition and a 39,725 SF renovation of existing space. The work will be completed in two phases under one contract. The existing building will be occupied by SCTC during Phase I (addition) construction. In Phase II, SCTC will vacate the space to be renovated, and move into Phase I. Work includes: Building Demolition, Site Clearing, Site Paving, Utility Installation, Construction of Steel and Concrete Superstructure, Exterior Shell, Interior Fit-out, Mechanical and Electrical Construction, and Landscaping.

A pre-bid meeting will be held at 10:00 a.m., Thursday, June 2, 2005 in Room #1-258 at St. Cloud Technical College.

Bid Forms, Contract Documents, Drawings and Specifications as prepared by the Project Architect Perkins + Will, are on file at:

- 1.) Perkins + Will - 84 Tenth Street South, Minneapolis, MN
- 2.) Following Builders Exchanges: Minneapolis, St. Cloud, St. Paul
- 3.) Reed Construction Data Plan Room
- 4.) McGraw Hill Construction
- 5.) National Association of Minority Contractors of Upper Midwest

Complete sets only of bid forms and Drawings and Specifications for use by Bidders in submitting a bid may be obtained at the following addresses:

Engineering Repro Systems
3005 Ranchview Lane North
Plymouth, MN 55447
(763) 694-5900

Engineering Repro Systems
1139 Franklin Avenue, Suite 4
Sauk Rapids, MN 56379
(320) 251-3670

A deposit of \$350.00 is required for each set, to be presented at the time you pick up drawings at Engineering Repro. Deposit checks are to be made out to the order of St. Cloud Technical College.

Colleges and Universities, Minnesota State (MnSCU)

Winona State University

Sealed Bids Sought for Pasteur Hall - Phase II

NOTICE IS HEREBY GIVEN that Winona State University will receive sealed bids for Pasteur Hall - Phase II until 2:00 p.m., June 14, 2005 at which time the bids will be opened and publicly read aloud.

Project Scope: This Project consists of the renovation of an existing lab science building as defined in Drawings and Specifications. It is located on Project site currently bounded by Stark Hall (which houses associated programs in Engineering and Nursing) and the New Science Facility (Phase I). Work includes Building Demolition, Site Clearing, Construction of Steel Framed Penthouse Level, Exterior Shell, Interior Fit-out, Mechanical and Electrical Construction, and Landscaping.

A Pre-bid Meeting will be held at 11:00 a.m., Wednesday, May 25, 2005 in the Cafeteria of Kryzsko Commons in Dining Rooms C and D (parking is available in the North Kryzsko Silver Lot 19 between Kryzsko and Sheehan Commons) at Winona State University. Attendance is required for all bidding Prime Contractors and major Subcontractors. The Architect/Engineer and Owner Representatives will review the bidding procedures, Bidding Documents and other conditions with interested Bidders and answer questions.

Bid Forms, Contract Documents, Drawings and Specifications as prepared by the Project Architect/Engineer; Perkins + Will, are on file at the offices of the:

1. above named Project Architect/Engineer
2. following Builders Exchanges:
 - Eau Clair Plan Room (WI)
 - Rochester Plan Room
 - Construction Market Data Plan Room
 - Milwaukee Plan Room (WI)
 - Minneapolis Plan Room
 - La Crosse Plan Room (WI)
 - Construction Bulleting Plan Room
 - Dodge Plan Room
 - Mankato Plan Room
 - Albert Lea Plan Room
 - Austin Plan Room
 - National Association of Minority Contractors of Minnesota
 - St. Paul Plan Room

Complete sets only of bid forms and Drawings and Specifications for use by Bidders in submitting a bid may be obtained at the following addresses:

Engineering Reproduction Systems
3005 Ranchview Lane North
Minneapolis, MN 55447
(763) 694-5900

Prior to obtaining the set, a deposit check in the amount identified must be sent, or delivered to:

Perkins + Will
84 Tenth Street South, Suite 200
Minneapolis, MN 55403
(612) 851-5000

A deposit of \$350.00 is required for each set. Prime Contractors will receive 1 free set. Two more may be obtained for a refundable deposit. Subcontractors may obtain 1 set for a refundable deposit. Additional sets may be purchased directly from the printer - Engineering Repro. As a condition of the deposit to be refunded, sets must be returned to the Architect within ten working days of the bid date, and must be complete and in reusable condition.

Deposit checks are to be made out to the order of Winona State University.

Prospective Bidders requesting that Bidding Documents (complete sets only) be mailed to them may make arrangements directly with Engineering Reproductions, after submissions of the deposit check to Perkins + Will.

Each bid which totals over \$15,000.00 must be accompanied by either a certified check, payable to Minnesota State Colleges and Universities, in the sum of not less than five percent (5%) of the total base bid or a corporate surety bond for the same amount by a surety company authorized to do business in the State of Minnesota.

Colleges and Universities, Minnesota State (MnSCU) Winona State University

Request for Sealed Bids for Wrightline Workstations

NOTICE IS HEREBY GIVEN that Winona State University will receive sealed bids for Wrightline workstations for their ITS department.

Bid specifications will be available May 23, 2005 from the Winona State University Purchasing Department, P.O. Box 5838, 205 Somsen Hall, Winona, MN 55987 by calling (507) 457-5067.

Vendors will be responsible to measure and submit their own completed floor plans. A vendor walk through is scheduled at 10:00 a.m. on Friday, May 27, 2005 in Somsen 207.

Sealed bids must be received by Sandra Schmitt at P.O. Box 5838, or at 175 W. Mark St., Somsen 205-G, Business Office, Winona State University, Winona, MN 55987 by 2:00 p.m. June 7, 2005.

Winona State University reserves the right to reject any or all bids and to waive any irregularities or informalities in bids received.

Minnesota Higher Education Services Office Request for Proposals for Storage and Fulfillment Services

The Higher Education Services Office is requesting proposals from qualified professionals to provide comprehensive mailing, fulfillment, tracking, storage and inventory management services for Fiscal years 2006 and 2007 beginning July 1 2005. Proposals must be submitted no later than 4 p.m. Central time, Thursday, June 9, 2005.

The Request for Proposals (RFP) does not obligate the Higher Education Services Office to complete this project, and the Higher Education Services Office reserves the right to cancel the solicitation if it is considered to be in its best interest.

The State estimates the costs of these services for the biennium will not exceed \$56,000.

Copies of the RFP are available from:

Karen Buehre
Minnesota Higher Education Services Office
1450 Energy Park Drive, Suite 350

State Contracts

St. Paul, MN 55108-5227

Telephone: (651) 642-0552

E-mail: *Buehre@heso.state.mn.us*

Department of Human Services

Notice of Request for Proposals to Evaluate the Efforts of the Robert Wood Johnson Foundation Cash and Counseling Grant

The Department of Human Services is requesting proposals to evaluate the efforts of the 3-year Robert Wood Johnson Foundation Cash and Counseling Grant (2004-2007) awarded for the purpose of implementing consumer directed service options under Medicaid waivers and Older Americans Act Title III programs. Primarily the grant will help expand the enrollment of elderly and disabled adults and their family caregivers on consumer directed personal care and respite service options. At a minimum, the evaluation will consist of the following: 1) Development of an evaluation plan within 30 days of contract execution; 2) Development of measurement instruments such as interview questions and survey documents; 3) Evaluations of the findings from the research with recommendations for improvement and changes; 4) Written interim reports with recommendations submitted to project manager every 6 months; 5) Written final report and presentation with findings and recommendations.

It is anticipated that the contract will begin July 5, 2005.

To request a copy of the complete RFP please contact Jane Vujovich at *jane.vujovich@state.mn.us*. Phone (651) 282-3803.

Department of Transportation (MnDOT)

Engineering Services Division

Notice of Potential Availability of Contracting Opportunities for a Variety of Highway Related Technical Activities (the "Consultant Pre-Qualification Program")

This document is available in alternative formats for persons with disabilities by calling Robin Valento at (651) 284-3622 for persons who are hearing or speech impaired by calling the Minnesota Relay Service at (800) 627-3529.

Mn/DOT, working in conjunction with the Consultant Reform Committee, the Minnesota Consulting Engineers Council, and the Department of Administration, has developed the Consultant Pre-qualification Program as a new method of consultant selection. The ultimate goal of the Pre-Qualification Program is to streamline the process of contracting for highway related professional/technical services. Mn/DOT anticipates that most consultant contracts for highway-related technical activities will be awarded using this method, however, Mn/DOT also reserves the right to use RFP or other selection processes for particular projects. Nothing in this solicitation requires Mn/DOT to complete or use the Consultant Pre-qualification Program.

Mn/DOT is currently requesting applications from consultants. Refer to Mn/DOT's Consultant Services web site, indicated below, to see which highway related professional/technical services are available at this time. Following the advertisement of particular category of services, applications will be accepted on a continual basis.

All expenses incurred in responding to this notice will be borne by the responder. Response to this notice becomes public information under the Minnesota Government Data Practices.

Consultant Pre-Qualification Program information, application requirements and application forms are available on Mn/DOT's web site at: <http://www.dot.state.mn.us/consult>

Send completed application material to:

Robin Valento
Pre-Qualification Administrator
Minnesota Department of Transportation
Consultant Services
395 John Ireland Boulevard, Seventh Floor North, Mail Stop 680
St. Paul, MN 55155

Note: DUE DATE: APPLICATION MATERIAL WILL BE ACCEPTED ON A CONTINUAL BASIS.

Department of Transportation (MnDOT)

Engineering Services Division

Notice Concerning Professional/Technical Contract Opportunities

NOTICE TO ALL: The Minnesota Department of Transportation (Mn/DOT) is now placing additional public notices for professional/technical contract opportunities on Mn/DOT's Consultant Services **website** at: www.dot.state.mn.us/consult.

New public notices may be added to the website on a daily basis and be available for the time period as indicated within the public notice.

Department of Transportation

District Operations Division

Metro District

Notice of Availability of Contract to Conduct a Study That Would Generate Ideas and Explore Innovative Designs to Address the Safety and Congestion Problems in the Downtown Commons Study Area (I-35W/I-94 Commons and Surrounding Area)

The I-35W/I-94 commons is a small segment of an Interchange Complex. This Interchange Complex consists of three interstate roadways, two trunk highways, and serves as the primary access for two employment centers: the Minneapolis Central Business District (CBD) and the University of Minnesota.

The Minnesota Department of Transportation is requesting proposals for the purpose of generating possible alternatives and solutions that will address the safety and congestion problems in this complicated road system. The objective is to create technical solutions of varying scope for the Downtown Commons area to improve safety and reduce congestion while at the same time maximizing the compatibility with the I-35W Corridor Improvement Project, the I-35W Bridge over the Mississippi River project, and the I-394/Lowry Tunnel HOT lane project.

Work is proposed to start upon contract execution and take about one year to complete.

The full Request for Proposals may be viewed on the M/DOT Consultant Services web site at:

<http://www.dot.state.mn.us/consult/files/notices/notices.html>

Proposals submitted in response to the Request for Proposals in this Public Notice must be received no later than 2:00 P.M., Central Daylight Time, on Wednesday, June 8, 2005. **Late proposals will not be considered.** No time extensions will be granted.

This request does not obligate the State to complete the work contemplated in this notice. The State reserves the right to cancel this solicitation. All expenses incurred in responding to this notice are solely the responsibility of the proposer.

Minnesota Zoological Gardens

Notice of Availability of Contract for "Gateway to the North: Bears of the Ussuri"

The Minnesota Zoo is requesting proposals from firms to provide a Project Manager/Owners Representative for the new \$20.6 million "Gateway to the North" exhibit expansion.

Work is proposed to start after July 1, 2005 and will be completed prior to June 30, 2008.

A Request for Proposals will be available by mail from this office through June 15, 2005. **A written request (by direct mail or fax) is required to receive the Request for Proposal.** After June 15, 2005, the Request for Proposal must be picked up in person.

The Request for Proposal can be obtained from:

Connie Braziel
Minnesota Zoo
13000 Zoo Boulevard
Apple Valley, MN 55124
Fax: (952) 431-9301
E-mail: connie.braziel@state.mn.us

State Contracts

Proposals submitted in response to the Request for Proposals in this advertisement must be received at the address above no later than 10:30 AM on June 24, 2005. **Late proposals will not be considered.** Fax or e-mailed proposals will **not** be considered.

This request does not obligate the State to complete the work contemplated in this notice. The State reserves the right to cancel this solicitation. All expenses incurred in responding to this notice are solely the responsibility of the responder.

Non-State Contracts & Grants

The *State Register* also serves as a central marketplace for contracts let out on bid by the public sector. The *State 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 commodity, project or tasks; 4) cost estimate; and 5) final submission date of completed contract proposal. Allow at least three weeks from publication date (four weeks from the date article is submitted for publication). Surveys show that subscribers are interested in hearing about contracts for estimates as low as \$1,000. Contact editor for further details.

Minnesota Workers' Compensation Assigned Risk Plan Notice of Request for Proposals for Legal Services

The Minnesota Workers' Compensation Assigned Risk Plan intends to contract with two or more law firms to provide workers' compensation claim defense services. The contract period will commence on or about September 1, 2005. Interested parties may obtain the complete Request for Proposals by sending a written request by mail, fax, or e-mail to:

Minnesota Workers' Compensation Assigned Risk Plan
4500 Park Glen Road, Suite 410
Minneapolis, MN 55416
Fax: (952) 922-5423
E-mail: hstrommen@mwcarp.org

University of Minnesota Notice of Bid Information Services (BIS) Available for All Potential Vendors

The University of Minnesota offers 24 hour/day, 7day/week access to all Request for Bids/Proposals through its web-based Bid Information Service (BIS). Subscriptions to BIS are free. Visit our website at bidinfo.umn.edu or call the BIS Coordinator at (612) 625-5534.

Request for Bids/Proposals are also available to the public each business day from 8:00 a.m. to 4:30 p.m. in the Purchasing Services lobby, Suite 560, 1300 S. 2nd Street, Minneapolis, Minnesota 55454.

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Department of Administration

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