

State of Minnesota

State Register



**Rules, Executive Orders, Appointments,
Commissioners' Orders, Revenue Notices, Official Notices, Grants,
State Contracts & Loans, Non-State Bids, Contracts & Grants**

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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:

- rules of state agencies
- commissioners' orders
- state grants and loans
- executive orders of the governor
- revenue notices
- contracts for professional, technical and consulting services
- non-state public bids, contracts and grants
- appointments
- official notices

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Vol. 33 Issue Number	PUBLISH DATE (BOLDFACE shows altered publish date)		Deadline for: Emergency Rules, Executive and Commissioner's Orders, Revenue and Official Notices, State Grants, Professional-Technical-Consulting Contracts, Non-State Bids and Public Contracts			Deadline for Proposed, Adopted and Exempt RULES		
	# 12	Monday	22 September	Noon Tuesday	16 September	Noon Wednesday	10 September	
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Tim Pawlenty, Governor (651) 296-3391
 Carol L. Molnau, Lt. Governor (651) 296-3391
 Lori Swanson, Attorney General (651) 297-4272
 Rebecca Otto, State Auditor (651) 297-3670
 Mark Ritchie, Secretary of State (651) 296-2079

Department of Administration:
 Dana B. Badgerow, Commissioner (651) 296-1424
 Materials Management Division:
 Kent Allin, Director (651) 201-2400
 Mary Mikes, Manager (651) 297-3979

State Register:
 Robin Panlener, editor (651) 297-7963
 John Mikes, assistant editor (651) 297-4616
 Cathy Hoekstra, subscriptions (651) 297-8777
 Bonnie Karels, billing (651) 296-4912

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Website: www.senate.mn

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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, 660 Olive Street (one block east of I-35E and one block north of University Ave), St. Paul, MN 55155 (612) 297-3000, or toll-free 1-800-657-3757.

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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.

Minnesota Department of Natural Resources

Division of Ecological Resources

Proposed Permanent Rules Relating to Aquatic Plant Management

NOTICE OF HEARING on Proposed Amendment to Rules Governing Aquatic Plant Management, *Minnesota Rules*, chapter 6280

Public Hearing. The Department of Natural Resources (DNR) intends to adopt rules after public hearings following the procedures in the rules of the Office of Administrative Hearings, *Minnesota Rules*, parts 1400.2200 to 1400.2240, and the Administrative Procedure Act, *Minnesota Statutes*, sections 14.131 to 14.20.

The agency will hold public hearings on the above-named rules from 2:00 to 5:00 p.m. and from 6:30 to 8:30 p.m. at the following locations:

University of Minnesota Southern Research Station and Outreach Center
35838 120th Street
Waseca, Minnesota, 56093
on Monday, November 3, 2008

Camp Ripley Education Center
15000 Highway 115
Little Falls, Minnesota, 56345-4173
on Wednesday, November 5, 2008.

Bigwood Event Center
921 Western Avenue
Fergus Falls, Minnesota, 56537
on Thursday, November 6, 2008.

Days Inn Maplewood Hotel and Conference Center
3030 Southlawn Drive
Maplewood, Minnesota 55109-1577
on Friday, November 7, 2008.

The agency will schedule additional days of hearing if necessary. All interested or affected persons will have an opportunity to participate by submitting either oral or written data, statements, or arguments. Statements may be submitted without appearing at the hearing.

Administrative Law Judge. Administrative Law Judge Richard C. Luis will conduct the hearings. The judge can be reached at the Office of Administrative Hearings, 600 North Robert Street, P.O. Box 64620, Saint Paul, Minnesota 55164-0620, telephone: (651) 361-7843, and Fax: (651) 361-7936. The rule hearing procedure is governed by *Minnesota Statutes*, sections 14.131 to 14.20, and by the rules of the Office of Administrative Hearings, *Minnesota Rules*, parts 1400.2000 to 1400.2240. You should direct questions about the rule hearing procedure to the administrative law judge.

Subject of Rules, Statutory Authority, and Agency Contact Person. The proposed amendments to existing rules in *Minnesota Rules*, Chapter 6280 "Aquatic Plants and Nuisances," address a number of issues, including: APM activities that may be done without a permit and that require a permit; prohibited methods of aquatic plant control; criteria and considerations for APM permits; aquatic plant control restrictions; APM permit application requirements; APM permit revocation; variances for APM permits; commercial harvest of aquatic plants; and lake vegetation management plans. The proposed rules are authorized by *Minnesota Statutes*, section 103G.615, subd. 3. A copy of the proposed rules is published in the *State Register* and attached to this notice as mailed. A free copy of the rules is available upon request from the agency contact person. The agency contact person is: Steve Enger at Department of Natural Resources, phone: (651) 259-5092, Fax: (651) 296-1811, e-mail: steve.enger@dnr.state.mn.us. TTY users may call the Department of Natural Resources at (651) 296-5484 or 1-800-657-3929.

Statement of Need and Reasonableness. The statement of need and reasonableness 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. It is now available from the agency contact person. You may review or obtain copies the cost of reproduction by contacting the agency contact person.

Public Comment. You and all interested or affected persons, including representatives of associations and other interested groups, will have an opportunity to participate. You may present your views either orally at the hearing or in writing at any time before the close of the hearing record. All evidence presented should relate to the proposed 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. At the hearing the administrative law judge may order this five-day comment period extended for a longer period but for no more than 20 calendar days. 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 one may submit additional evidence during the five-day rebuttal period. The Office of Administrative Hearings must receive all comments and responses submitted to the administrative law judge no later than 4:30 p.m. on the due date. All comments or responses received will be available for review at the Office of Administrative Hearings.

The agency requests that any person submitting written views or data to the administrative law judge before 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.

Alternative Format/Accommodation. Upon request, the agency can make this Notice 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 agency may modify the proposed rules as a result of the rule hearing process. It must support modifications by data and views presented during the rule hearing process. The adopted rules may not be substantially different than these proposed rules,

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unless the agency follows the procedure under *Minnesota Rules*, part 1400.2110. If the proposed rules affect you in any way, the agency encourages you to participate.

Adoption Procedure After The Hearing. 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 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 that the agency adopts the rules and files them with the Secretary of State, or ask to register with the agency to receive notice of future rule proceedings. You may make these requests at the hearing or in writing to the agency contact person stated above.

Lobbyist Registration. *Minnesota Statutes*, chapter 10A, requires each lobbyist to register with the State Campaign Finance and Public Disclosure Board. You should direct questions regarding this requirement 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.

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

Dated: September 9, 2008

Mark Holsten, Commissioner
Minnesota Department of Natural Resources

6280.0100 DEFINITIONS.

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

Subp. 2. **Aquatic macrophytes plant.** ~~“Aquatic macrophytes plant” means vascular nonwoody plants, either submerged, floating leafed, a plant naturally growing in water, saturated soils, or seasonally saturated soils, and includes algae, submersed, floating-leaf, floating, or and emergent plants growing in water, and their root stalks, seeds, and other vegetative propagules.~~

Subp. 2a. **Aquatic plant management.** ~~“Aquatic plant management” means activities which are intended to reduce, enhance, or otherwise alter aquatic plant populations (either reduce or enhance) by means of herbicides, biological agents, mechanical devices, or physical alteration. This includes the, or transplanting or seeding of aquatic macrophytes plants.~~

Subp. 2b. **Aquatic plant management permit or APM permit.** “Aquatic plant management permit” or “APM permit” means a permit issued by the commissioner authorizing aquatic plant management or aquatic nuisance control activities.

Subp. 2c. **Aquatic plant management (APM)-related conviction.** “Aquatic plant management (APM)-related conviction” includes a conviction under:

A. this chapter or *Minnesota Statutes*, section 103G.615 (permits to harvest or destroy aquatic plants);

B. chapter 6115 (public water resources) or *Minnesota Statutes*, section 103G.245 (work in public waters), if the conviction is for work that resulted in the destruction of aquatic plants;

C. chapter 8420 (wetland conservation) or *Minnesota Statutes*, section 103G.222 (replacement of wetlands); or

D. any other applicable rules and statutes, if the conviction is for work that resulted in the destruction of aquatic plants.

Subp. 2d. **Aquatic plant management (APM)-related permit revocation.** “Aquatic plant management (APM)-related permit revocation” includes the revocation of an APM, commercial mechanical control, or commercial harvest permit and ineligibility to apply aquatic pesticides to public waters under an APM permit.

Subp. 3. **Aquatic nuisance.** “Aquatic nuisance” means the presence of leeches, snails that carry swimmer's itch, or algae in ~~such numbers or~~ such abundance as to interfere with boating, swimming, or other aquatic recreation or beneficial water use.

Subp. 3a. **Automated ~~untended~~ aquatic plant control device.** “Automated ~~untended~~ aquatic plant control device” means a self-propelled device for ~~that is capable of destroying aquatic macrophytes that may be remotely operated or placed on a timer and is capable of being operated without the assistance of an operator plants.~~

Subp. 4. **Bog.** “Bog” means an aquatic mat, either attached to or resting on the bottom or floating, that is ~~normally~~ made up of dead organic matter held together by various types of living plants.

Subp. 4a. **Commercial harvest.** “Commercial harvest” means taking aquatic plants for sale, for establishing stock to produce plants for sale, or for transferring to another person for sale or establishment of stock to produce plants for sale. “Sale” has the meaning given in *Minnesota Statutes*, section 97A.015, subdivision 44.

Subp. 4b. **Commercial harvest permit.** “Commercial harvest permit” means a permit issued by the commissioner authorizing commercial harvest of aquatic plants.

Subp. 4c. **Commercial mechanical control.** “Commercial mechanical control” means conducting mechanical control for financial or other material compensation.

Subp. 5. [See repealer.]

Subp. 5a. **Emergent aquatic plants.** “Emergent aquatic plants” means aquatic plants with lower portions that are rooted in hydric

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soils and typically below the water's surface and leaves, stems, and reproductive parts that are typically above the water's surface, including, but not limited to, species in the genera *Scirpus*, *Typha*, and *Zizania*. Submersed and floating-leaf aquatic plants that have emergent fruits, flowers, or leaves are not included in this definition.

Subp. 6. **Excessive algae bloom.** "Excessive algae bloom" means that ~~some one or all more~~ of the following conditions are present:

- A. algae population is dominated by blue-green algae;
- B. secchi disc reading is typically two feet or less due to the algae bloom;
- C. floating mats or scums of plankton or filamentous algae have accumulated on the downwind shore; or
- D. decomposition of accumulated algae has occurred releasing a blue-green pigment and causing an offensive odor.

Subp. 7. **Field inspection.** "Field inspection" means an on-site ~~determination review by department personnel the commissioner of~~ relevant characteristics of a proposed ~~treatment area~~ APM permit.

Subp. 7a. **Filamentous algae.** "Filamentous algae" means algae cells that form long visible chains, threads, or filaments, which intertwine and form a mat, generally growing near shore and sometimes growing on the bottom or on rooted aquatic plants. Macro-algae in the genera *Chara* or *Nitella* are not included in this definition.

Subp. 7b. **Floating-leaf aquatic plants.** "Floating-leaf aquatic plants" means aquatic plants that are rooted in the bottom and have their lower portions submersed in water and leaves that float on the surface of the water, including, but not limited to, species in the genera *Nymphaea*, *Nuphar*, *Brasenia*, and *Nelumbo*. Species in the genera *Potamogeton*, *Callitriche*, and *Ranunculus*, which are submersed aquatic plants that may produce some floating leaves, are not included in this definition.

Subp. 7c. **Group APM permit.** A "group APM permit" is an APM permit that includes more than one riparian property owner or lessee or that authorizes control adjacent to more than one riparian property.

Subp. 8. **Label and labeling.** "Label and labeling" has the meaning given in *Minnesota Statutes*, section 18B.01, subdivisions 13 and 14.

Subp. 9. **Littoral area.** "Littoral area" means ~~any part~~ the surface area of a body of water where the depth is 15 feet deep or less.

Subp. 9a. **Mechanical control.** "Mechanical control" means cutting, pulling, raking, or otherwise removing or altering aquatic plants by physical means, including by hand and motorized or nonmotorized equipment. Incidental damage caused to aquatic plants by watercraft traveling to and from open water, commercial harvesting of aquatic plants, transplanting aquatic plants, moving a bog, and harvesting aquatic plants for personal use are not mechanical control.

Subp. 10. [See repealer.]

Subp. 10a. **Offshore control.** "Offshore control" means mechanical or pesticide control that is done away from the shoreline and not for the purpose of providing a riparian property owner or lessee access to open water.

Subp. 11. **Ordinary high water level.** "Ordinary high water level" has the meaning given in *Minnesota Statutes*, section 103G.005, subdivision 14.

Subp. 11a. **Personal use.** "Personal use" means use of aquatic plants by an individual for purposes that do not include sale or transfer to another person for sale, as defined by *Minnesota Statutes*, section 97A.015, subdivision 44.

Subp. 12. **Pesticide.** "Pesticide" has the meaning given by *Minnesota Statutes*, section 18B.01, subdivision 18.

Subp. 12a. **Pesticide control.** "Pesticide control" means applying herbicides or other chemicals to control aquatic plants and nuisances.

Subp. 12b. **Plankton algae.** "Plankton algae" means microscopic, nonvascular, free-floating plants, generally growing near the water surface, which may form multicellular colonies or filaments, but not attached to a substrate.

Subp. 13. **Public waters.** "Public waters" means those waters of the state defined as public waters by *Minnesota Statutes*, section 103G.005, subdivision 15, and inventoried pursuant to *Laws 1979*, chapter 199, and *Minnesota Statutes*, section 103G.201.

Subp. 14. [See repealer.]

Subp. 15. [Repealed, 21 SR 1406]

Subp. 16. **Submersed aquatic plants.** "Submersed aquatic plants" means aquatic plants that grow beneath the surface of the water, except for emergent flowers, fruits, and leaves, and may produce floating leaves but have mostly submersed leaves, including, but not limited to, species in the genera *Potamogeton*, *Callitriche*, and *Ranunculus* and macro-algae in the genera *Chara* and *Nitella* and excluding plankton and filamentous algae.

6280.0250 STANDARDS FOR AQUATIC PLANT MANAGEMENT PERMIT ISSUANCE.

Subpart 1. **Actions not requiring an APM or commercial harvest permit.** Unless otherwise required in subpart 2, an APM permit is not required for A person may conduct the activities listed in items A to F: H without an APM or commercial harvest permit, subject to restrictions in part 6280.0350, subpart 3. A person conducting activities under item C, E, F, or H must be an owner, lessee, or easement holder of land adjacent to the water where the activity is occurring or an agent of the owner, lessee, or easement holder:

A. cutting or pulling aquatic macrophytes plants for the purpose of constructing shooting ~~and~~ or observation blinds in amounts sufficient for ~~that purpose those purposes~~;

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B. ~~gathering harvesting aquatic macrophytes plants or plant parts, other than wild rice and American lotus, for personal use only and not for resale;~~

C. ~~cutting or pulling submerged except as provided for automated aquatic plant control devices in subpart 2, item D, mechanical control of submersed aquatic macrophytes in order plants to maintain a site for swimming or boat docking not to extend along more than 50 feet of the owner's shoreline or one-half the length of the owner's total shoreline, whichever is less, and that does not to exceed 2,500 square feet in area, except that a boat channel extending plus the area needed to extend a channel no wider than 15 feet to open water, not to exceed 15 feet in width, may be maintained. The boating channel is included in the maximum shoreline feet allowed. Cutting or pulling may only be done under the following conditions: provided the channel is included in the maximum shoreline feet allowed;~~

(1) ~~by hand or with power-operated cutters, rakes, or similar equipment that does not significantly alter the course, current, or cross-section of the lake bottom. Draglines, bulldozers, hydraulic jets, suction dredges, automated untended aquatic plant control devices, or other power-operated earth-moving equipment may not be used;~~

(2) ~~cutting or pulling takes place in the same location each year unless an APM permit has been obtained authorizing a change in location; and~~

(3) ~~aquatic macrophytes that have been cut or pulled must immediately and permanently be removed from the water;~~

D. ~~destroying aquatic macrophytes plants incidental to activities authorized by a department permit for work in public waters as provided by *Minnesota Statutes*, section 103G.245, or by a license permitting the passage of utilities over public lands and waters as provided by parts 6135.0100 to 6135.1800 and *Minnesota Statutes*, section 84.415;~~

E. ~~cutting or pulling mechanical control of purple loosestrife (*Lythrum salicaria*); and~~

F. ~~skimming duckweed or filamentous algae off the surface of a water body;~~

G. ~~mechanical or pesticide control of aquatic plants done as part of public road or utility crossing right-of-way maintenance by authorized government units or utility companies; and~~

F. H. cutting or pulling water lilies and water shield or submerged vegetation mechanical control of floating-leaf aquatic plants to obtain a channel extending to open water, provided that:

(1) the channel is no more than 15 feet wide and takes the most direct route to open water;

(2) the channel is maintained by cutting or pulling; and

(3) the channel remains in the same location from year to year.

Subp. 1a. Limits on APM activities without a permit. Subpart 1 shall not be construed to allow taking or control of aquatic plants inconsistent with other provisions of law, including wild rice provisions under chapter 6284 and provisions for endangered, threatened, and of special concern species under chapter 6134. A person who receives an APM permit under this chapter may not conduct unpermitted aquatic plant control under subpart 1, item C or H, at the location and during the period covered by the permit.

Subp. 2. Actions requiring an APM permit. Except as provided in subpart 1, a person must have an APM permit is required to for all aquatic plant management activities below the ordinary high water level in public waters, including:

A. apply pesticides below the ordinary high water level of public waters to control; mechanical and pesticide control of aquatic plants or nuisances;

(1) snails that carry swimmer's itch, or leeches;

(2) dense growths of aquatic macrophytes that interfere with watercraft use, swimming, or other traditional recreational uses;

(3) excessive filamentous algae;

(4) excessive plankton algae blooms; and

(5) purple loosestrife (*Lythrum salicaria*), except for state and county noncommercial aquatic pesticide applicators, controlling purple loosestrife as part of rights-of-way maintenance, when the public waters are within the rights-of-way;

B. physically remove from or transplant into transplanting aquatic plants in public waters any aquatic plants or a bog of any size whether free-floating or lodged in an area other than its original location;

C. destroy emergent aquatic macrophytes in public waters relocating or removing a bog or portion thereof; and

D. destroy water lilies and water shield in public waters except as provided in subpart 1, item F;

E. D. install installing or operate operating an automated untended aquatic plant control device, for each property where the device is intended for operation, except that a permit of three years' duration may be issued when:

(1) the site to be controlled extends along no more than 50 feet of the owner's shoreline or one-half the length of the owner's total shoreline, whichever is less, and the site does not exceed 2,500 square feet in area; and

(2) the site to be controlled does not contain emergent or floating-leaf aquatic macrophytes; or

F. create a channel extending to open water through emergent vegetation by cutting or pulling. The permit shall be of continuing duration provided that:

(1) the channel is no more than 15 feet wide and takes the most direct route to open water;

(2) the channel is maintained by cutting or pulling;

(3) the channel remains in the same location from year to year; and

(4) the permit is not transferable.

Subp. 3. **Justification required for issuance of permits.** Permits for the ~~destruction~~ control of emergent and floating-leaf aquatic ~~macrophytes plants, including, but not limited to, wild rice, bulrush, cattail, and water lilies, and other vegetation~~ will not be issued unless the commissioner determines sufficient justification exists. The commissioner will ~~consider the relevant criteria in subpart 3a and~~ balance the reasonable needs of riparian owners to gain access and use public water against the need to protect emergent and floating-leaf aquatic ~~macrophytes plants~~ so that the integrity and value of the aquatic ~~macrophyte plant~~ community is maintained.

Subp. 3a. **Criteria for issuing APM permits.** The commissioner may issue APM permits for public waters to provide riparian access, enhance recreational use, control invasive aquatic plants, manage water levels, and protect or improve habitat. The following criteria shall be considered to determine if an APM permit should be approved or denied and how much control or harvest to allow under an APM permit:

A. the presence of aquatic plants or nuisances that are interfering with a permit applicant's ability to use watercraft, swim, or engage in other traditional recreational uses;

B. the habitat, water quality, and erosion control value of the aquatic plants subject to the proposed permit;

C. the extent of shoreline development on the water body subject to the proposed permit and potential for aquatic plant control to result in cumulative impacts to habitat and water quality;

D. the presence of invasive aquatic plants in the proposed permit area;

E. whether the water body subject to the proposed permit is a wetland or a shallow lake or bay that naturally supports abundant aquatic plants;

F. the prevalence of soft bottom types that could result in turbidity or changes to the cross-section of the bottom if aquatic plants are disturbed or removed;

G. whether the proposed permit is consistent with a lake vegetation management plan under part 6280.1000, subpart 2, and shoreland conservation ordinances, lake management plans and programs, wild and scenic river plans, and other pertinent ordinances and regulations;

H. whether the proposed permit is consistent with a variance issued to control invasive aquatic plants or protect or improve aquatic resources under part 6280.1000, subpart 1;

I. the presence of species designated as of special concern, threatened, or endangered under chapter 6134;

J. the presence of public land adjacent to the public water and the compatibility of the proposed permit with the management of the public land; and

K. the presence of an excessive algae bloom.

Subp. 4. **Prohibitions.** An APM or commercial harvest permit will not be issued ~~for the following purposes:~~

A. to place plastic mats, plastic sheets, filter fabric, or similar materials on the bed of public waters to destroy or prevent the growth of aquatic ~~macrophytes plants~~;

B. to improve the appearance of undeveloped shoreline;

C. for esthetic purposes alone on developed shoreline;

D. ~~for the mechanical or pesticide control or commercial harvest~~ of aquatic ~~macrophytes plants~~ in areas posted or designated by the commissioner as scientific and natural areas under Minnesota Statutes, section 84.033, aquatic management areas under Minnesota Statutes, section 86A.07, or in areas designated for the protection of lotus (Nelumbo lutea) or other kinds of aquatic macrophytes plants and animals;

E. for pesticide control of aquatic ~~macrophytes plants, except plankton and filamentous algae,~~ in natural environment lakes established pursuant to part 6120.3000 or in waters adjacent to special protection lakes, bays, or districts established pursuant to part 6120.3200;

F. for pesticide control of aquatic ~~macrophytes plants~~ in watercourses or portions of watercourses classified as wild as defined under either the Minnesota or federal Wild and Scenic Rivers Acts as provided in *Minnesota Statutes*, section 103F.325, and Public Law 90-542 (1968), *United States Code*, title 16, sections 1271 to 1287, as amended; or

G. ~~to destroy for mechanical or pesticide control or commercial harvest of aquatic macrophytes plants within a an area posted for fish spawning area; or under Minnesota Statutes, section 97C.025.~~

H. ~~to destroy or prevent the growth of aquatic plants or invertebrate life in public waters by means not authorized under parts 6280.0100 to 6280.1100.~~

Subp. 5. **Pesticide treatment of drinking water.** The commissioner shall not issue an APM permit for pesticide treatment of waters used by humans for drinking unless approval is obtained from the Minnesota Department of Health.

Subp. 6. **APM permit conditions.** The commissioner may specify conditions for APM permits to avoid or minimize harm to aquatic resources and conflict between public water users, including, but not limited to:

A. limits on the amount of control allowed, including limits on the percentage of the littoral area, shoreline length, and distance outward from the shoreline to be managed;

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- B. restrictions on the method and timing of control;
- C. restrictions on the species of plants targeted by the control;
- D. requirements for supervision of the control by the commissioner; and

E. requirements for public notice including posting at public water access sites, news releases or public notices in a local newspaper, public meetings, or other notice that would effectively inform users of the affected water.

Subp. 7. **Inspections.** The commissioner shall require field inspection of a proposed APM permit site prior to issuing a permit for:

- A. properties with no previous permit history, unless the proposed control is for swimmer's itch;
- B. properties where there has been a lapse in permit issuance or where ownership has changed;
- C. requests for changes in treatment area, plant type controlled, or method of control;
- D. requests for off-shore control or requests to control invasive aquatic plants to enhance growth of native aquatic plants; and
- E. properties where there has been a shoreline restoration order that could be affected by aquatic plant control.

6280.0350 AQUATIC PLANT MANAGEMENT PRACTICES CONTROL.

Subpart 1. [See repealer.]

Subp. 1a **Submersed aquatic plant control restrictions for riparian property owners and lessees.** The commissioner may issue an APM permit to a person who is an owner, lessee, or easement holder of land adjacent to a public water or to the agent of the owner, lessee, or easement holder to control submersed aquatic plants on up to 100 feet or one-half of the length of the person's shoreline, whichever is less, with the following exceptions:

A. for properties with less than 70 shoreline feet, up to 35 feet of shoreline may be controlled;

B. control may be allowed on more than 100 feet of shoreline owned or leased by resorts, apartments, condominium complexes, townhouse associations, government units, and marinas; and

C. control may be allowed on up to the entire shoreline owned or leased by a person if the proposed method is selective for invasive aquatic plants.

Subp. 2. [See repealer.]

Subp. 2a. **Aquatic plant control in offshore areas.** The commissioner may issue an APM permit for offshore control subject to the provisions in subparts 3, item B, and 4.

Subp. 3. **Mechanical control restrictions.** Items A to C apply to conditions for Mechanical control of aquatic macrophytes. plants is subject to the following conditions:

A. a person who cuts or pulls mechanically controls aquatic macrophytes plants in a public water must immediately and permanently remove the vegetation from the water and dispose of it above the ordinary high water level of any public water;

B. Organized lakewide cutting and removal programs are restricted to a maximum area permitted mechanical control may not to exceed 50 percent of the total littoral area as determined by the commissioner, nor can the sum of permitted mechanical and pesticide control exceed 50 percent of the littoral area;

C. Applications for lakewide or baywide mechanical control of aquatic macrophytes must include a written statement of the plan and a map showing proposed areas to be controlled. The commissioner may reduce the littoral area proposed for harvest. An application for mechanical control of aquatic macrophytes must include the name, address, signature, and location on the lake of all property owners whose shoreline will be controlled; control methods may not excavate or substantially alter the course, current, or cross-section of public waters;

D. a person must conduct mechanical control in the same location each year unless the person obtains an APM permit authorizing a change in location;

E. a person may not place an automated aquatic plant control device in a public water unless the sticker provided with the APM permit is attached to the device, the person's dock, or another nearby location as described in the permit;

F. automated aquatic plant control devices may not be used if the bottom is predominantly soft sediment with an average depth of three inches or more; and

G. hydraulic jets and suction dredges may not be used.

Subp. 4. **Pesticide control of aquatic macrophytes restrictions.** Except as otherwise specified in this part, items A and B apply to pesticide control of aquatic macrophytes.

A. On all public waters and watercourses, the lesser of Pesticide control of aquatic plants in public waters may not exceed 15 percent of the littoral area or a maximum of 100 feet of shoreline per site belonging to an individual riparian property owner may be treated for control of submerged vegetation, except that on waters that are 20 acres or less, pesticide control may be permitted on up to five acres or one-half the surface area of the pond, whichever is less. These limitations do not apply in the circumstances described in subitems (1) to (3) item B.

(1) For resorts, apartments, condominium complexes, public swimming beaches, and marinas, the commissioner must make an individual determination, taking into consideration the total impact on the protected water.

B.

(2) Larger percentages of the littoral area shall be treated at the discretion of the commissioner when authorized by permits issued prior to 1976. The waters affected by this provision are: Sunfish Lake in Dakota County; Cedar Island and Lost Lakes and Carson's and St. Louis Bays of Lake Minnetonka in Hennepin County; and Johanna, Owasso, Gervais, and McCarron Lakes in Ramsey County.

(3) On stormwater retention ponds, treatment may occur on up to five acres or one-half the surface area of the pond, whichever is less.

B. Applications from riparian property owners' associations for large area or baywide treatment must include a written statement of the plan and a map showing areas proposed to be treated. The commissioner may reduce the amount of littoral area which the applicant proposes to control. Any application for treatment must include the names, addresses, location on lake, and signatures of all property owners whose shorelines will be treated. Signatures must be obtained every three years or when there is a change of property ownership.

C. Item B expires five years after the effective date of this item. Before the expiration of item B, the commissioner shall develop a lake vegetation management plan as provided under part 6280.1000, subpart 2, for each of the waters listed in item B. The commissioner shall provide opportunities for the public to participate in the planning process.

Subp. 5. [See repealer.]

Subp. 6. [See repealer.]

6280.0450 APM PERMIT APPLICATION, FEES, AND ANNUAL REPORT REQUIREMENTS.

Subpart 1. **Application process.** Application for an APM permit for any body of a public waters water may be made by a riparian owner, a lessee, or an easement holder, or by owners of a fee, leasehold, or interest to riparian lands to that body of water; or by the representative of a group of riparian owners a lake association or government agency. The commissioner shall deny a lessee's permit application if the owner of the leased shoreline is opposed to the proposed permit. Application for an APM permit must be made on forms provided by the commissioner and must be submitted to the address specified in the instructions. All information requested on the application form must be provided.

Subp. 1a. **Landowner approval.** The commissioner shall require dated signatures of approval from all landowners with shorelines adjacent to proposed treatment areas before issuing an APM permit, except that for lake-wide control of algae, the commissioner shall require dated signatures of approval from a majority of landowners on the lake and except that the requirement for landowner signature approval may be waived if the commissioner determines that aquatic plant control is necessary to protect aquatic habitat. The signatures may be provided in an electronic format.

Subp. 2. **Deadline for permit application.** Applications for permits to control submerged submerged or floating floating-leaf aquatic macrophytes plants with pesticides will not be accepted after August 1 annually, unless the commissioner determines that sufficient justification exists for late season pesticide treatment control.

Subp. 3. **Duration of permits.** Unless otherwise noted, An APM permit is only valid for only one growing season and expires on September 1 of the year it was issued, except as provided in this subpart:

A. an APM permit that is valid until September 1 of the third year after it is issued may be authorized for an automated aquatic plant control device if the site to be controlled does not exceed 2,500 square feet in area;

B. a continuous APM permit may be issued to control emergent vegetation to create a channel extending to open water if the following criteria are met:

(1) the channel is no more than 15 feet wide and takes the most direct route to open water;

(2) the channel remains in the same location from year to year; and

(3) only mechanical control is used after the first year; and

C. a permit to transplant aquatic plants may be issued for three years.

Subp. 3a. **APM permits not transferable.** A person may not transfer an APM permit to another person.

Subp. 3b. **Control notice.** The holder of an APM permit or the holder's agent must give notice of the proposed date of control to all persons specified on the permit. The notification must be received before any work begins under the permit. Failure to give notice is grounds for permit revocation under part 6280.0900, subpart 1a.

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

Subp. 5. **Fees for state and federal agencies.** The fees set forth in this part will not be required of any state agency as defined in Minnesota Statutes, section 15.01, or of any federal agency.

Subp. 6. **Annual report.** The holder of a commissioner shall require a person who conducts activities under an APM permit, commercial aquatic plant harvester's mechanical control permit, or commercial aquatic pest control license, or APM permit must to report, no later than December 31 of each year, report to the commissioner, on the forms provided, information on permitted operations requested. Failure to report will be grounds for refusing to issue such permits in the future.

Subp. 7. **Regulations of other programs apply.** APM permits issued as provided by this part may not be construed to supersede the requirements of shoreland conservation ordinances, flood plain management ordinances, lake management plans and programs, wild and

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scenic river plans and programs, or other pertinent ordinances and regulations.

6280.0550 COMMERCIAL HARVEST OF AQUATIC PLANTS.

Subpart 1. **Permit required.** A person must have a commercial harvest permit to commercially harvest aquatic plants from public waters, except for wild rice, which is regulated under chapter 6284 and *Minnesota Statutes*, chapter 84.

Subp. 2. **Commercial harvest permit application.** A person may apply for a commercial harvest permit on forms provided by the commissioner. An applicant for a permit to commercially harvest aquatic plants in waters with no public access must provide documentation of legal access to the waters requested on the permit, including contact information for the owner of the access. The commissioner shall require an applicant to complete an aquatic plant workshop before issuing a commercial harvest permit and may require follow-up workshops as needed to update permittees on new regulations or other relevant issues.

Subp. 3. **Commercial harvest permit conditions.** The commissioner may specify conditions for commercial harvest permits to avoid or minimize harm to aquatic resources, including, but not limited to, restrictions on the amount and species of plants harvested, location and timing of harvest, and method of harvest. A commercial harvest permit is valid for one year and may not be transferred to another person.

Subp. 4. **Criteria for issuing commercial harvest permits.** The commissioner shall consider the relevant criteria in part 6280.0250, subpart 3a, when determining whether to approve or deny a commercial harvest permit. The commissioner shall deny a commercial harvest permit application in waters that are infested with prohibited or regulated invasive species under chapter 6216 and *Minnesota Statutes*, chapter 84D, unless it is feasible and practical to apply permit conditions that would prevent the spread of invasive species. The commissioner shall deny a commercial harvest permit application in waters where there is not enough information on the aquatic plant community to make an informed decision.

Subp. 5. **Annual report.** The commissioner shall require the holder of a commercial harvest permit to report, no later than December 31 of each year, on the forms provided, information on permitted operations. Failure to report is grounds for refusing to issue such permits in the future.

6280.0600 APPROVAL OF PESTICIDES AND METHODS USED FOR AQUATIC PLANT MANAGEMENT OR AQUATIC NUISANCE CONTROL.

Subpart 1. **Pesticides must be labeled for use in aquatic sites.** Pesticides used to control aquatic macrophytes plants or algae in public waters must be registered by the United States Environmental Protection Agency (EPA) and the Minnesota Department of Agriculture (MDA), including pesticides registered pursuant to the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), *United States Code*, title 7, sections 136c (experimental use permit), 136p (emergency exemption), and 136v (special local need), and must be approved for use in aquatic sites by the EPA and by the commissioner in consultation with the MDA.

Subp. 2. **Instructions and precautions of pesticides must be followed.** Pesticides must be applied according to the label and labeling provided by the manufacturer and other water use restrictions imposed by the department or the MDA. Pesticide-treated areas must be posted with signs provided or approved by the department commissioner bearing the permit number; the name of pesticide used; the date of treatment; and dates on which water from the treated area may be safely used for swimming, fishing, and other uses, as specified on the product label or by the department. The department, in consultation with the MDA, may require water use restrictions in addition to those on the product label. The permittee or agent is responsible for the placement and removal of required signs. The treatment area must be posted in such a way that people entering from any direction can see the signs, or as otherwise prescribed in the permit. The treatment area must be posted for at least 24 hours or the length of time of the longest water use restriction on the pesticide label, whichever is greater.

Subp. 3. **Pesticide control of aquatic macrophytes plants in watercourses.** Pesticides may be used to control aquatic macrophytes plants in flowing waters, provided that the vegetation is present to such a degree that it impedes the flow of water and that the flow rate will not carry the pesticide beyond the treatment area during the period of water use restriction specified on the pesticide label. The pesticide to be used must be labeled for use in flowing water.

6280.0700 COMMERCIAL APPLICATORS AND OPERATORS PESTICIDE AND MECHANICAL CONTROL.

Subpart 1. **Pesticide applicators.** A person or firm may not apply pesticides of any kind for hire for aquatic plant management or aquatic nuisance control on public waters unless a commercial aquatic pest control license has been obtained from the Minnesota Department of Agriculture.

Subp. 2. **Commercial aquatic plant harvesters mechanical control.** A person or firm may not cut, pull, or harvest mechanically control aquatic macrophytes plants on public waters for hire without first obtaining a commercial aquatic plant harvester's mechanical control permit issued by the department commissioner. Issuance of a commercial aquatic plant harvester's permit is contingent upon determination by the commissioner that the applicant has adequate equipment and knowledge to properly harvest aquatic macrophytes in public waters. A person must complete an aquatic plant management workshop provided by the commissioner before conducting control activities under a commercial mechanical control permit. The commissioner may require follow-up workshops as needed to update

permittees on new regulations or other relevant issues. This subpart does not apply to persons or firms using power-operated earth-moving equipment in public waters under terms of permits issued by the ~~department commissioner~~ for work in the bed of public waters as provided by *Minnesota Statutes*, section 103G.245, or by a license permitting the passage of utilities over public lands and waters as provided by *Minnesota Statutes*, section 84.415. Persons or firms that use aquatic vegetation cutting and harvesting mechanical control equipment must thoroughly inspect, remove, and properly dispose of plant parts from the equipment before transporting it to another body of water.

6280.0900 ~~AMENDMENTS AUTHORITY TO AMEND AND REVOCATION~~ REVOKE PERMITS.

Subpart 1. **Amendments and revocation.** The commissioner may amend or revoke ~~any commercial aquatic plant harvester's permit or an APM permit~~ or suspend aquatic plant management or commercial harvest activities without prior notice whenever it has been determined that it is necessary to protect the interests of the public, to protect human life, or to protect fish, wildlife, and native plants ~~or for violation of the terms and conditions of APM permits, this chapter, or other applicable laws or rules.~~

Subp. 1a. Permit revocation for violation of rules.

A. A person who receives an APM-related conviction may be subject to an APM-related permit revocation. The commissioner shall consider the following criteria in determining whether to invoke an APM-related permit revocation:

- (1) the extent and number of violations leading to the conviction;
- (2) the extent and number of prior aquatic plant management-related convictions; and
- (3) the extent to which the person had received prior warnings regarding unlawful aquatic plant management activities.

B. A person who receives two separate APM-related convictions in a three-year period is subject to an APM-related permit revocation for one year from the date of the second conviction. A person who receives an APM-related conviction after being subject to an APM-related permit revocation is subject to an APM-related permit revocation for five years from the date of the conviction. The commissioner shall require a person who has had an APM-related permit revocation to participate in an aquatic plant management workshop before the person can receive an APM, commercial mechanical control, or commercial harvest permit or apply pesticides to public waters. If the commissioner requires a person to participate in a workshop before receiving a permit, the commissioner shall make the workshop available so as not to delay the issuance of the permit. The commissioner may overturn an APM-related permit revocation after review pursuant to part 6280.1100, subpart 1.

C. An APM-related conviction is considered to be separate from a prior APM-related conviction if it arises from a course of conduct that is separate from the conduct that resulted in the prior conviction.

Subp. 2. **Amendments by request.** The commissioner may amend a commercial ~~aquatic plant harvester mechanical control, APM, or commercial harvest permit or an APM permit~~ upon request from the permittee if the amendment maintains adequate protection for interests of the public, human life, and fish, wildlife, and native plants.

6280.1000 ~~VARIANCE AND LAKE VEGETATION MANAGEMENT PLAN.~~

Subpart 1. **Variance.** Provisions of this chapter may be waived under special circumstances when deemed necessary by the commissioner for the protection and preservation of the natural resources of the state:

A. The commissioner may issue APM permits with a variance from one or more of the provisions of parts 6280.0250, subpart 4, and 6280.0350, except that no variance may be issued for part 6280.0250, subpart 4, items B and C. Variances may be issued to control invasive aquatic plants, protect or improve aquatic resources, provide riparian access, or enhance recreational use on public waters. The commissioner shall make a determination that there are exceptional circumstances or special or unique conditions before granting a variance to control native aquatic plants to provide riparian access or enhance recreational use.

B. The following criteria shall be considered to determine if a variance is justified to control invasive aquatic plants or protect or improve aquatic resources in public waters:

- (1) whether the variance has the potential to increase or protect native aquatic plants, improve water quality, or provide other ecological benefits;
- (2) whether the variance has the potential to prevent the spread of invasive aquatic plants;
- (3) whether the variance would further research or evaluation of invasive aquatic plant control; and
- (4) whether there is a feasible alternative to control invasive aquatic plants or improve aquatic resources.

C. The following criteria shall be considered to determine if a variance is justified to provide riparian access or enhance recreational opportunities on public waters:

- (1) the habitat, water quality, and erosion control value of the aquatic plants in the proposed permit area and the amount of aquatic habitat reduction that would occur under the proposed control;
- (2) the abundance of invasive aquatic plants in the proposed permit area;
- (3) the selectivity of the proposed control for invasive aquatic plants;
- (4) whether shoreline development is limited on the water subject to the proposed variance such that exceeding the individual

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property limits in part 6280.0350, subpart 1a, would not have potential to combine with other aquatic plant control to substantially reduce aquatic habitat or result in other undesirable ecological impacts:

(5) the presence of extensive mats of aquatic plants at the surface that substantially interfere with recreation in the proposed permit area, but only if this is not a natural condition of a shallow lake, shallow bay, or wetland;

(6) the compatibility of the proposed variance with the regulatory or management classification of the water and adjacent lands, including, but not limited to, natural environment lakes, special protection districts, scientific and natural areas, wildlife management areas, aquatic management areas, designated wildlife lakes, and wild and scenic rivers;

(7) whether the variance, if granted, would alter the essential character of the public water; and

(8) whether there is a feasible alternative to provide riparian access or enhance recreational access.

D. The commissioner may require monitoring of aquatic plants, water quality, or other parameters as a condition of an APM permit that includes a variance.

E. The commissioner may require practical and feasible measures to mitigate the adverse effects on aquatic habitat as a condition of an APM permit that includes a variance. Mitigation measures may include, but are not limited to, reduction in the number or size of docks and other water-oriented structures, removal of shoreline riprap and retaining walls, restoration of natural riparian vegetation, and restoration of emergent and floating-leaf aquatic plants.

Subp. 2. Lake vegetation management plan (LVMP).

A. ~~This chapter may be modified or waived in accordance with~~ A lake vegetation management plan (LVMP) approved by the commissioner may authorize a variance from the provisions of this chapter, if permitted under subpart 1, item A, to control invasive species, protect or improve aquatic resources, provide riparian access, and enhance recreational use on public waters. The commissioner shall require an APM permit applicant to develop an LVMP before granting a variance if the proposed control proposes methods or actions that need to be evaluated to determine if the goals of the variance are met. If a public water has an LVMP approved by the commissioner, APM permits shall be issued in accordance with the plan and APM permit applications that are inconsistent with the plan may be denied.

B. The commissioner shall provide the format for an LVMP. An LVMP must contain the following information before being approved by the commissioner:

(1) a description of the lake and its water quality including location, size, and clarity;

(2) a description of the aquatic plant community;

(3) a description of the public participation process used in developing the plan;

(4) a description of the problems addressed in the plan;

(5) a statement of the goal for management of aquatic plants;

(6) a description of the proposed actions to achieve the plan's goal and a map showing the location of proposed actions; and

(7) conditions of APM permits that would be issued as part of the plan, including identification of variances requested under subpart 1.

C. The commissioner shall require a monitoring plan for an LVMP if the plan proposes methods or actions that need to be evaluated to determine whether the plan's goals will be met.

6280.1100 REVIEW AND APPEAL OF PERMIT DECISION.

Subpart 1. **Commissioner's review.** If an APM, commercial mechanical control, or commercial harvest permit is granted with conditions ~~or is, modified, denied, suspended, or revoked,~~ the applicant may file with the commissioner a written request for review. The commissioner shall review the ~~permit application~~ relevant information and render a decision within 15 working days of the request for review.

Subp. 2. **Contested case hearing.** If the applicant wishes to appeal the decision of the commissioner after review under subpart 1, the applicant may file with the commissioner a written request for a contested case hearing under *Minnesota Statutes*, chapter 14.

6280.1200 PENALTY.

~~The destruction of aquatic macrophytes in public waters without an APM permit issued pursuant to parts 6280.0100 to 6280.1100 or in~~ Violation of this chapter or the terms of ~~such a~~ an APM, commercial mechanical control, or commercial harvest permit is a petty misdemeanor.

REPEALER. *Minnesota Rules*, parts 6280.0100, subparts 5, 10, and 14; 6280.0350, subparts 1, 2, 5, and 6; and 6280.0800, are repealed.

EFFECTIVE PERIOD. The amendments to *Minnesota Rules*, parts 6280.0100; 6280.0250; 6280.0350; 6280.0450; 6280.0600; 6280.0700; 6280.0900; 6280.1000; 6280.1100; and 6280.1200, are effective January 1, 2009. *Minnesota Rules*, part 6280.0550, and the repealer are effective January 1, 2009.

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 Workers' Compensation; Independent Medical Examination Fees; Fee Schedule Payment Limits

5219.0500 INDEPENDENT MEDICAL EXAMINATION FEES.

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

Subp. 4. **Adjustments.** On October 1, 1994, and on October 1 of each succeeding year, the fees in this part must be adjusted by the percentage determined under *Minnesota Statutes*, section 176.645, in the same manner as the conversion factor of the relative value fee schedule is adjusted under *Minnesota Statutes*, section 176.136. This provision does not apply to expenses under subpart 3, item E, subitem (1). The fees shall be adjusted as follows:

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

- M. on October 1, 2006, the fees as adjusted in item K shall be increased by 0.73 percent; ~~and~~
N. on October 1, 2007, the fees as adjusted in item M shall be increased by 0.9 percent; ~~and~~
O. on October 1, 2008, the fees as adjusted in item N shall be increased by 4.1 percent.

5221.4020 DETERMINING FEE SCHEDULE PAYMENT LIMITS.

Subpart 1. **Conversion factor.**

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

F. For dates of service from October 1, 2008, to September 30, 2009, the conversion factors are as follows:

- (1) for medical/surgical services in part 5221.4030: \$80.74;
- (2) for pathology and laboratory services in part 5221.4040: \$67.43;
- (3) for physical medicine and rehabilitation services in part 5221.4050: \$70.00; and
- (4) for chiropractic services in part 5221.4060: \$58.14.

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

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: Waterfowl Hunting

NOTICE IS HEREBY GIVEN that the above entitled rules have been adopted through the process prescribed by *Minnesota Statutes*, Section 84.027, subdivision 13 (b). The statutory authority for the contents of the rule is *Minnesota Statutes*, Sections 97A.401, 97B.105, 97B.731, and 97B.803.

The emergency conditions that do not allow compliance with *Minnesota Statutes*, Sections 97A.0451 to 97A.0459, are as follows: The waterfowl hunting seasons are based on annual determinations of season timing and selection of the options as allowed under federal frameworks for migratory bird hunting. Provisions for taking waterfowl are based on population data that are not available until June and selection of options as allowed under federal frameworks for migratory bird hunting announced in August of each year. Special provisions that limit the number of shells and trips on controlled hunting zones at Lac Qui Parle and Thief Lake are based on goose bag limits, which are set annually in those areas. The opening of the Orwell Refuge in Otter Tail County is based on the strength of the pheasant population in that area as well as a request from a local Pheasants Forever chapter.

Dated: September 5, 2008

Mark Holsten, Commissioner
Department of Natural Resources

6230.0400 SPECIAL PROVISIONS FOR STATE GAME REFUGES.

[For text of subps 1 to 33, see M.R.]

Subp. 33a. **Orwell Game Refuge, Otter Tail County.** The Orwell Game Refuge in Otter Tail County is open to pheasant hunting on October 25 for youth ages 12 to 17 who are participating in Pheasants Forever special mentored youth hunts. Pheasants Forever is sponsoring the hunt.

[For text of subps 34 to 58, see M.R.]

6230.0700 LAC QUI PARLE SPECIAL PROVISIONS.

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

Subp. 4. **Limitation on number of shells possessed.** Only persons hunting may bring shotgun shells into the controlled hunting zone. A waterfowl or small game hunter may not bring in more than ~~six~~ 12 shells per ~~day~~ trip or have in possession more than ~~six~~ 12 shells at any one time.

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

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

6230.0800 THIEF LAKE SPECIAL PROVISIONS.

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

Subp. 5. **Limitation on number of shells possessed.** Only persons hunting may bring shotgun shells into the controlled hunting zone. A hunter may not bring more than ~~six~~ 12 shells per trip into the controlled hunting zone or have more than ~~six~~ 12 shells in possession at any one time.

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

Expedited Emergency Rules

6240.0650 TAKING COOTS, MOORHENS, AND DUCKS.

Subpart 1. **Open season.** Coots, moorhens, and ducks may be taken statewide during the 60-day period from October 4 through December 2, 2008.

Subp. 2. **Daily limits.** In any one day, a person may not take more than six ducks, five mergansers, and a total of 15 coots and moorhens. The daily limit of ducks, other than mergansers, may not include more than four mallards, including one female mallard; one black duck; two redheads; one scaup, except from October 25 through November 13 when two scaup may be taken daily; two wood ducks; and one pintail. No canvasback may be taken. The daily limit of mergansers may not include more than two hooded mergansers.

6240.0950 OPEN SEASONS; DAILY LIMIT; WEST AND WEST CENTRAL GOOSE ZONES.

Subpart 1. **Open season; West Goose Zone.** Canada geese may be taken in the West Goose Zone during the 60-day period from October 4 through December 2, 2008, except in the West Central Goose Zone as provided in subpart 2.

Subp. 2. **Open season; West Central Goose Zone.** Canada geese may be taken in the West Central Goose Zone during the 41-day period from October 16 through October 19, 2008, and October 25 through November 30, 2008.

Subp. 3. **Daily limit.** A person may not take more than two Canada geese in the West and West Central Goose Zones.

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

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

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

6240.1900 LATE SEASONS FOR TAKING CANADA GEESE.

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

Subp. 3. **Seasons.** Canada geese may be taken statewide ~~during the late seasons from December 13 through December 22, 2008,~~ except in the West Central Goose Zone, which is closed to late season hunting of Canada geese.

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

EFFECTIVE PERIOD. The emergency amendments to *Minnesota Rules*, parts 6230.0400; 6230.0700; 6230.0800; 6240.1150; and 6240.1900, expire January 1, 2009. 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. *Minnesota Rules*, parts 6240.0650 and 6240.0950, expire January 1, 2009.

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*.

Department of Natural Resources

Commissioner's Order: Closing State Forest Trails to Recreational Riding During the Firearms Deer Hunting Season

WHEREAS, public safety is the Department's highest priority for Minnesota citizens during the deer hunting season; and

WHEREAS, recreational Off-Highway Vehicle (OHV) riding may expose both deer hunters and OHV riders to potentially hazardous conditions and conflicts during the 2008 firearm deer hunting season; and

WHEREAS, the Legislature has directed the Commissioner of Natural Resources to establish seasons for OHV use;

NOW, THEREFORE, pursuant to authority vested in me by law, including but not limited to *Minnesota Statutes*, Sections 84.777 Subd. 2.

IT IS HEREBY ORDERED, in deer hunting Statewide (A) 100 series, for the period commencing at 12:01 A.M. November 8, 2008 and continuing until 11:59 P.M. November 23, 2008, and

In deer hunting Statewide (A) 200 series, for the period commencing at 12:01 A.M. November 8, 2008 and continuing until 11:59 P.M. November 16, 2008

that:

- 1) recreational OHV riding by persons that do not possess a valid deer license is prohibited on state forest recreational trails and undesignated routes on state land, and
- 2) the use of off-highway vehicles is allowed only by persons possessing a valid deer license and is restricted to
 - a) before legal shooting time (one-half hour before sunrise), and
 - b) from 11 a.m. until 2 p.m., and
 - c) after legal shooting hours (one-half hour after sunset).

*** These restrictions do not apply within the legal boundaries of municipalities, villages and cities.

Dated: September 17, 2008

Mark Holsten, Commissioner
Department of Natural Resources

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.

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Department of Commerce Office of Energy Security

Notice of Permit Decision in the Matter of the Route Permit Application for the Yankee Substation to Brookings County Substation 115 kilovolt High Voltage Transmission Line

Docket Number: E002/TL-07-1626

At a meeting on July 31, 2008, and in an Order issued August 12, 2008, the Minnesota Public Utilities Commission (the Commission) determined that the environmental assessment and the record created at the public hearing had adequately addressed the issues identified in the scoping decision. The Commission authorized and issued a high voltage transmission line route permit for the Yankee Substation to Brookings County Substation project, authorizing Xcel Energy to construct six and one-half miles of 115 kilovolt transmission line located within the State of Minnesota and between the Yankee Substation in Lincoln County, Minnesota, and the Brookings Substation in Brookings County, South Dakota, and modify the existing Yankee County Substation to accommodate the new transmission line.

If you have any questions about this project or would like more information, please contact the Office of Energy Security (OES) project manager: Scott Ek, 85 - 7th Place East, Suite 500, St. Paul, MN 55155; **Telephone:** (651) 296-8813; **e-mail:** scott.ek@state.mn.us.

Documents relative to this project can be requested through the OES project manager and may also be viewed on the Commission’s **website:** <http://energyfacilities.puc.state.mn.us/Docket.html?Id=19453>.

Issued: September 3, 2008

Minnesota Comprehensive Health Association Notice of Meeting of the Finance Committee on September 29, 2008

NOTICE IS HEREBY GIVEN that a meeting of the Minnesota Comprehensive Health Association’s (MCHA), Finance Committee will be held at 10:00 a.m. on Monday, September 29, 2008. The meeting will take place at the MCHA executive office located at 5775

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Wayzata Blvd., Suite 910, St. Louis Park, MN.

For additional information, please call Lynn Gruber at (952) 593-9609.

Minnesota Housing Finance Agency Notice of Hearing on Bond Issues for Qualified Mortgage Bonds for Low and Moderate Income, First-Time Homebuyers of Single Family, Owner-Occupied Residences in Minnesota

NOTICE IS HEREBY GIVEN that the Minnesota Housing Finance Agency (the "Agency") will hold a public hearing at 10:00 a.m. on Thursday, October 9, 2008 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 \$350,000,000.

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 \$340,000,000 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 \$350,000,000, are anticipated to be issued periodically to fund the Program during the calendar years 2008 and 2009, 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 (651-282-2577).

Timothy E. Marx, Commissioner
Minnesota Housing Finance Agency

Minnesota Department of Human Services Health Care Operations Division Coordination of Benefits/Third Party Liability Services Renewal of Request for Information (RFI)

NOTE: This RFI was originally published on June 23, 2008, with submission date of July 28, 2008. The department finds that it is in its best interest to re-open the RFI and to leave it open for a longer period of time to ensure that the department can obtain as much information as possible to inform its procurement process. Please note the extended submission deadline for this RFI and potential for responding to portions of the request.

Purpose and Objective

The purpose of the Request for Information (RFI) is to identify and obtain information from potential vendors experienced in health care claims post-payment auditing, pre-payment editing, pre-payment cost avoidance and other coordination of benefits and third party

liability events where another payer was primary to Minnesota's Medical Assistance, General Assistance Medical Care and MinnesotaCare health care programs, (referred to collectively as Minnesota Health Care Programs (MHCP)).

The purpose of this RFI is to ensure that MHCP is the payer of last resort and that claims processing standards ensure the highest level of payment integrity. In addition, the Department is interested in developing new strategies in the identification and pursuit of revenues to which the State of Minnesota is lawfully entitled under applicable federal and state program statutes, regulations and policies related to the provision of health care services. The Department requests that interested entities provide details on how they would approach the research and delivery of these services and a statement of the level of interest that they would have in contracting to provide the specific services. The Department's interests include both cost avoidance and pay and chase recoveries and include, but are not limited to:

- Primary Payer Identification during Medicaid enrollment
- Primary Payer Identification prior to claims submission at the point of sale
- Medicare and other 3rd party recovery and cost avoidance, including identification of Medicare recipients whose eligibility was determined incorrectly by CMS and Medicare Part D
- Provider credit balance audits of hospitals
- Casualty/tort recoveries
- Child support enforcement medical support coverage
- Workers Compensation, Coordination of Benefits
- Estate, trust and annuity work

Response to this Request for Information is completely voluntary. The State is seeking information that it may use for future planning, policy development, or competitive contracting for professional/technical services. This RFI, and responses to it, does not in any way obligate the State, nor will it provide any advantage to respondents in potential future Requests for Proposals for competitive procurement. Respondents are responsible for all costs associated with the preparation and submission of responses to this RFI

All responses to this RFI are public, according to *Minnesota Statutes* § 13.03 unless otherwise defined by *Minnesota Statutes* 13.37 as "Trade Secrets". If the Responder submits information that it believes to be trade secret/confidential materials, and the Responder does not want such data used or disclosed for any purpose other than the evaluation of this Response, the Responder must clearly mark every page of trade secret materials in its Response at the time the Response is submitted with the words "Trade Secret" or "Confidential," and must justify the trade secret designation for each item in its Response. If the State should decide to issue an RFP and award a contract based on any information received from responses to this RFI, all public information, including the identity of the responders, will be disclosed upon request.

Deadline for submission: 2pm CST, Monday, March 2, 2009

Background

The Minnesota Department of Human Services (DHS) is one of the largest payers of health care costs in Minnesota. DHS provides health care services to more than 600,000 Minnesotans through a combination of federal and state health care programs, including Medical Assistance (Medicaid), General Assistance Medical Care (GAMC), and MinnesotaCare (a state and federally subsidized health care program for people who live in Minnesota and do not have access to health insurance). These combined health care programs are collectively referred to as Minnesota Health Care Programs (MHCP). MHCP expenditures in excess of \$5 billion annually are paid through the Department's Medicaid Management Information System (MMIS).

MHCP administration is a joint state-county-tribal effort, with county, state, and tribal human services agency staff performing the intake, eligibility determination and case management for MHCP clients. Program eligibility is determined by approximately 2500 workers in offices at the State, County and Tribal levels. Currently, health care eligibility is determined using two DHS legacy systems for the Medical Assistance and GAMC programs, and a combination of manual processes and legacy system entry for the MinnesotaCare program.

The State of Minnesota established third-party liability (TPL) identification and recovery efforts in the mid-seventies. Automated cost avoidance of MHCP claims became effective with the changes to the Medicaid Management Information system (MMIS) in 1986. Post payment recovery actions of both health and casualty insurance are currently partially automated.

The Department is interested in determining other activities it could initiate to increase third party liability collections and or cost avoidance. With reasonable evidence that legitimate third party liability opportunities are available to recover resources beyond what the Department is already collecting, the Department may competitively contract to facilitate the additional recoveries.

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Goals of this Project

- Analyze all potential sources of payment from third party payers and other health care coverage for primacy of obligation to ensure MHCP is the payer of last resort.
- Facilitate the exchange of health care coverage data between the department and other payers.
- Enhance program integrity
- Explore any proven methods and opportunities to minimize total state dollar costs and/or increase recoveries from other payers/entities.

Proposal Content

Responders are encouraged to:

1. Provide information on additional technologies, services and/or activities that can ensure the state's programs are correctly billed for entitled services.
2. Describe how products available provide adaptability to program changes
3. Identify potential contingency payment plans consistent with federal Medicaid regulations.
4. Describe the vendor's constructs for researching the potential financial and error reduction results of a coordination of benefits program related to the State's health benefit entitlement programs.
5. Describe the vendors proposed sampling process and procedures necessary to obtain and analyze the sample at no cost to the state.
6. Describe the statistical methods to be used in analyzing the proposed sample.
7. Describe metrics for performance measurement of any proposed coordination of benefits program.

Procedures and Instructions

Responses: Provide six copies of your response in hard copy. Include a name, title, address, telephone number and e-mail address of whom to contact in the event there are questions regarding your submission. Sessions may be scheduled to permit oral presentation of or further questions for selected responses. **Responses are due by March 2, 2009.**

Respondents are responsible for all costs associated with the preparation and submission of responses to this RFI. All submissions, questions, concerns or communications regarding this RFI should be addressed to or e-mailed to:

Tom Trant
Minnesota Department of Human Services
Health Care Operations
444 Lafayette Blvd.
Saint Paul MN 55155
E-mail: *Thomas.F.Trant@state.mn.us*

Department of Human Services Transition Economic Stability

Listed below are the Minnesota Family Investment Program (MFIP) Transitional Standards for household unit sizes 1 to 10. The MFIP transitional standard is based on the number of persons in the assistance unit eligible for both food and cash assistance. The following table represents the transitional standards effective October 1, 2008.

Number of Eligible People	Transitional Standard	Cash Portion	Food Portion
1	\$405	\$250	\$155
2	\$722	\$437	\$285
3	\$945	\$532	\$413
4	\$1,141	\$621	\$520

5	\$1,303	\$697	\$606
6	\$1,493	\$773	\$720
7	\$1,628	\$850	\$778
8	\$1,797	\$916	\$881
9	\$1,965	\$980	\$985
10	\$2,127	\$1,035	\$1,092
over 10 add per additional member	\$161	\$53	\$108

Metropolitan Council

Notice of Public Hearing on Adoption of the 2030 Transportation Policy Plan For the Twin Cities Metropolitan Area

The Metropolitan Council will hold a public hearing on October 22, 2008, to accept comments on the proposed adoption of the 2030 Transportation Policy Plan for the Twin Cities metropolitan area.

The Metropolitan Council is required by federal and state law to prepare a surface transportation plan for the seven-county metropolitan area. The proposed Transportation Policy Plan meets that requirement and supports the 2030 Regional Development Framework, the development plan for the region. The proposed Transportation Policy Plan includes sections on transit, highways, aviation, freight, pedestrian and bicycle movement.

Federal law requires the Council to prepare a plan in conformance with federal transportation and air quality requirements every four years. The plan must follow federal guidance and has been drafted to address such guidance.

The 2030 Transportation Policy Plan is available on the Council's website at:

<http://www.metrocouncil.org/planning/transportation/TPP/2008/index.htm>

The plan document is available as a printed copy or on compact disc (CD) by calling the Council's Data Center at 651-602-1140 or 651-291-0904 (TTY). Print copies and CDs are also available for review at the main St. Paul, Minneapolis Central and county libraries. Other background materials describing the Council's transportation planning and programming efforts are also available.

Prior to the public hearing, six informational open houses will give interested parties an opportunity to view a presentation about the 2030 Transportation Policy Plan and comment or ask questions. The open houses will be held:

- Thursday, Sept. 25, 5-7 p.m., Council Chambers, Minnetonka City Hall, 14600 Minnetonka Blvd.
- Tuesday, Sept. 30, 5-7 p.m., Clover Leaf Room, Blaine City Hall, 10801 Town Square Dr. NE.
- Thursday, Oct. 2, 5-7 p.m., Council Chambers, Woodbury City Hall, 8301 Valley Creek Rd.
- Thursday, Oct. 9, 5-7 p.m., Council Chambers, Eagan City Hall, 3830 Pilot Knob Rd.
- Friday, Oct. 10, 11-1 p.m., Doty Room, Minneapolis Central Library, 300 Nicollet Mall
- Thursday, Oct. 16, 11-1 p.m., Alliance Bank Skyway, Sixth and Cedar Sts., St. Paul

The Metropolitan Council will hold the public hearing on the plan at 5 p.m. on Wednesday, October 22, in the Council Chambers, 390 N. Robert St., St. Paul.

Upon request, the Council will provide reasonable accommodations to persons with disabilities. Please call the Data Center at 651-602-1140 with your request at least five business days before the hearing.

The procedure for the hearing will be as follows:

- Persons will be called to speak in order in which they have registered. Individuals may register to speak in advance by calling

Official Notices

(651) 602-1140.

- Individuals will have 3 minutes each and designated representatives of groups will have 5 minutes. Once all speakers have presented, speakers may request additional time to make further comments.
- The chair of the hearing shall have discretion in limiting or extending testimony by any person.

Comments also may be submitted to the Council as follows:

- Mail: Metropolitan Council Data Center, 390 Robert St. N., St. Paul, MN 55101
- Website: www.metrocouncil.org
- E-mail: data.center@metc.state.mn.us
- Fax: (651) 602-1464
- Public Comment Line: (651) 602-1500.
- Comment card: Available at the Open Houses

Comments will be accepted until 5 p.m., November 6, 2008. At the close of the public comment period, the Council will prepare a hearing summary. To request a copy of the hearing summary call the Data Center at 651-602-1140 or 651-291-0904 (TTY). The Council plans to adopt the Transportation Policy Plan in December 2008.

Department of Transportation State Aid for Local Transportation Division Notice of Appointment and Meeting of a State Aid Variance Committee

NOTICE IS HEREBY GIVEN that the Commissioner of Transportation has appointed a State Aid Variance Advisory Committee who will meet on Wednesday, September 24, 2008 at 9:00 a.m. at the Mn/DOT Arden Hills Training Center, located at 1900 West County Road I, in Shoreview, Minnesota, 55126.

This notice is given pursuant to *Minnesota Statute* 14.46.

The purpose of this open meeting is to investigate and determine recommendations for variance requests from minimum State Aid roadway standards and administrative procedures as governed by *Minnesota Rules* for State Aid Operations 8820 adopted pursuant to *Minnesota Statutes* Chapters 161 and 162.

The agenda will be limited to the following:

1. **Petition of Hennepin County** for a variance from *Minnesota Rules* 8820.9995 as they apply to the construction of a multi-use trail along CSAH 19 located from north of the CP Rail Crossing to south of Crestview Lane in Loretto so as to allow a minimum surface width of 6.0 feet in lieu of the minimum surface width of 8.0 feet as required by the rules.

2. **Petition of Winona County** for a variance from *Minnesota Rules* 8820. 9922 as they apply to the replacement of Bridge L1489 on Nichols Spring Drive in Saratoga Township so as to allow horizontal curvature meeting 20 mph design speed in lieu of the 30 mph design speed required by the rules.

9:15 a.m. Hennepin County
9:40 a.m. Winona County

Dated: September 15, 2008

Julie A. Skallman, State Aid Engineer
State Aid for Local Transportation
Minnesota Department of Transportation

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.

Grant Applicants

Have you checked up on all the “active” state grants? For *State Register* subscribers a “Contracts & Grants” section is available that lists all grants and contracts open for bid. Open the *State Register* and click on Bookmarks in the upper left corner. You will see a list of ALL the current rules, with an INDEX, and previous years’ indices, as well as a list of all contracts and grants open for bid. Subscribe and receive LINKS to the *State Register*. You also receive Subscriptions cost \$180 a year (an \$80 savings). Here’s what you receive via e-mail:

- Word Search Capability
- Updates to Index to Vol. 31
- Early delivery, on Friday
- LINKS, LINKS, LINKS
- “Contracts & Grants” Open for Bid
- E-mailed to you . . . its so easy
- Easy Access to *State Register* Archives
- Indexes to Vols. 31, 30, 29, 28 and 27

It’s all E-mailed to you, at end-of-day on Friday, instead of waiting for the non-subscriber’s issue released on Monday. Contact Cathy Hoekstra, our subscriptions manager, at (651) 297-8777, or **Fax:** (651) 297-8260, or **E-mail:** cathy.hoekstra@state.mn.us

Department of Commerce

Office of Energy Security

Notice of Grant Availability for the Green Manufacturing Initiative

The Office of Energy Security requests proposals for a grant to conduct economic development, market opportunity, policy and business model research for the second phase of the Minneapolis and Saint Paul Mayors’ Green Manufacturing Initiative, and to make recommendations to increase employment in the green economy sector within Saint Paul and Minneapolis.

Work is proposed to start no later than November 15, 2008.

A Request for Proposals (RFP) will be available for download on the Department’s website (www.commerce.state.mn.us) through 8:30 AM CDT on October 13, 2008. Potential responders may also request a hard copy of the RFP by mail from this office. Requests for hard copies must be received by the Office of Energy Security no later than noon on October 7, 2008.

The Request for Proposal can be obtained from:

U.S. Postal Service: Amy Bicek
Minnesota Department of Commerce
Office of Energy Security
85 Seventh Place E, Suite 500
Saint Paul, MN 55101
Preferred Method: www.energy.mn.gov

Proposals submitted in response to this Request for Proposals must be received at the address above no later than 8:30 AM CDT, October 13, 2008. **Late proposals will not be considered.** Fax 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.

State Grants & Loans

Department of Employment and Economic Development Business and Community Development Division Office of Entrepreneurship and Small Business Development Notice of Solicitation of Proposals from Qualified Organizations to Serve as a Technical Service Provider for Entrepreneurship Program

NOTICE IS HEREBY GIVEN that the Department of Employment and Economic Development (DEED) is soliciting proposals from qualified organizations to serve as a technical service provider for its ProjectGATE II (Growing America Through Entrepreneurship) Program for a one-year period commencing January 1, 2009 with optional renewal for CY2010 and CY2011. This is a competitive grant program.

ProjectGATE II provides grant funding to qualified technical service provider organizations to provide training and consulting services to aspiring entrepreneurs that are enrolled as a dislocated worker with DEED and are 50 years of age or older. This grant program does NOT provide grants or loans to aspiring entrepreneurs or existing business owners to start, operate or expand their business. Project GATE II is sponsored and funded in part by the U.S. Department of Labor and DEED. Proposals will be due Friday, October 31, 2008. A full copy of the Request for Proposals may be obtained free of charge by contacting Michael Myhre, State Director, Office of Entrepreneurship and Small Business Development, 1st National Bank Building, 322 Minnesota Street, Suite E200, St. Paul, MN 55101, **telephone:** (651) 259-7421; **fax** (651) 296-5287; e-mail: *Michael.Myhre@state.mn.us*.

This notice does not commit the State of Minnesota or DEED to entering into a grant contract with any organization. The State may terminate the ProjectGATE II Service Provider selection process or solicit additional proposals at any time if it is deemed to be in the best interest of the state.

Department of Human Services Chemical Health Division Federal Substance Abuse Prevention & Treatment Block Grant Application (Draft) Notice of Intent to Solicit Outside comments on the proposed Federal Substance Abuse Prevention & Treatment Block Grant Application for Federal Fiscal Year 2009 for State of Minnesota

The *State Register* is the official publication of the Executive Branch of state government and is legislatively mandated to appear each week. It is the communications vehicle giving the citizens of Minnesota and the general public at large access and input into the development of the State's Federal Substance Abuse and Treatment Block Grant.

NOTICE IS HEREBY GIVEN that Minnesota's is making available the DRAFT Federal Substance Abuse Prevention and Treatment Block Grant to interested parties in compliance with its policy and procedures as outlined in their application. All comments are due at the Chemical Health Division by end of work day, Monday, September 26, 2008.

Below find a spending plan summary for your review. For a full version of the spending plan you may visit the Chemical Health's Division website at: <http://chemhealth.dhs.state.mn.us>

FFY 2009 SPENDING PLAN SUMMARY

The following is a summary of the plan for disbursement of funds. This summary shows an upper limit in each category. Because proposals have not yet been solicited and reviewed, DHS reserves the right to adjust specific amounts between categories based upon local need and the merits of proposals. DHS will comply with all federal requirements for minimum expenditures in spending categories.

- **Prevention**

Up to \$4.9 million will be spent on primary prevention community projects, resource centers, and Synar compliance. This represents 21% of the federal block grant total.

- **Treatment**

\$9 million in Federal SAPT funds will be spent on direct treatment services through the Consolidated Chemical Dependency Treatment

Fund. Of that amount, \$6.5 million will be spent during SFY 2009 from the FFY 2009 grant award. The remainder will be paid from the FFY 2006 award.

- **Women's Services**

Up to \$4.4 million will be spent on required women's services.

- **Treatment Support & Recovery Services**

Up to \$2.81million will be spent on supplemental treatment and continuing care services.

- **Evaluation**

Up to \$460,000 will be spent on evaluation. This activity includes evaluation and coordination, health care research, and Synar research. This represents 3% of the federal block grant total.

- **Administration**

Up to \$1,030,000 will be spent on administration. This includes staff, systems, and activities related to assuring statewide implementation of chemical dependency prevention and treatment efforts.

All comments must be received in writing, preferably via email. Send comments to Nick Vega Puente at nick.puente@state.mn.us. If e-mail is not available submit comments to: Nick Vega Puente, DHS/Chemical Health Division, P.O. Box 64977, St. Paul, MN 55164-0977.

Minnesota Pollution Control Agency

Request for Application/Proposals: Grant Contracts for Surface Water Assessment Monitoring

The Minnesota Pollution Control Agency (MPCA) requests proposals for projects that will collect water quality data of the proper type, adequate frequency, and quality to assess the beneficial uses on Minnesota's lakes and stream reaches that have not already been assessed. These projects will assist MPCA by providing the data needed to meet the goal of assessing the chemical, physical, and biological integrity of Minnesota's lakes and streams, and to identify if designated uses are being met.

The MPCA seeks applicants with experience in project administration, water quality monitoring, and data management. Projects incorporating the use of volunteers will receive preference. Monitoring will be limited to lakes and streams needing data to complete an assessment and data submission to STORET (via MPCA) is required.

For a copy of the Request for Proposal Contact:

Kurtis Soular
Minnesota Pollution Control Agency
520 Lafayette Road North
St Paul, MN 55155-4194
Telephone: 651-297-7574
Fax: 651-297-1456
TTY: 651-282-5332 (For deaf or hard of hearing callers)
E-mail: CWLA.surfacewater@pca.state.mn.us

Responders are encouraged to supply an email address and to receive the RFP electronically. The subject line of the e-mail request should state "CR2054 Surface."

Application Due Date and Time: November 4, 2008, at 4:00 p.m. (Central Standard Time) (Late Proposals will not be considered).

Questions: Responders must submit in writing a list of questions they would like addressed. Questions must be mailed, faxed, or e-mailed to Kurtis Soular and received by October 10, 2008. All questions and responses will be posted online at:

<http://www.pca.state.mn.us/water/swagrant.html#2009> no later than October 21, 2008.

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.

State Grants & Loans

Minnesota Pollution Control Agency

Notice of Request for Proposals (RFP): Fiscal Year 2009 Environmental Assistance Grants

The Minnesota Pollution Control Agency (MPCA) hereby announces that it will accept preliminary applications for financial assistance in the development of environmentally sustainable practices in Minnesota through voluntary partnerships and goal-oriented, economically-driven approaches to pollution prevention and resource conservation (as authorized by Minnesota Statute §115A.0716).

Eligible Applicants

Eligible applicants are persons as defined in Minnesota Rules 9210.0805, Subpart 9:

“Person” means any human being, any municipality or other governmental or political subdivision or other public agency, any public or private corporation, any partnership, firm, association, or other organization, any receiver, trustee, assignee, agent, or other legal representative of any of the foregoing, or any other legal entity, but does not include the Minnesota Pollution Control Agency.

Types of Projects

For the Fiscal Year 2009 (FY09) Environmental Assistance Grant Round, eligible projects are those that will further objectives in the MPCA 2008 Strategic Plan in the following three (3) selected Focus Areas:

- A: Climate Change: focus on addressing the challenges of global climate change through efforts to reduce greenhouse gas emissions.
- B: Emerging Issues: focus on encouraging Minnesota businesses to produce green products and provide green services by reducing or eliminating waste and the use of environmentally harmful substances in an effort to increase the state’s capacity to address emerging environmental issues.
- C: Behavioral Change: focus on creating sustainable behaviors and processes to encourage conservation of resources and a healthy environment.

Approximately \$300,000 may be available for Fiscal Year 2009 Grant awards. The amount of the grant awards vary by the type of projects. In all cases, the applicant is required to provide a minimum 25% match of the total project cost.

Preliminary application must be electronically submitted by 3:00 p.m. on October 27, 2008 and is limited to four (4) pages. The Preliminary applications are scored and ranked by MPCA review teams to determine which projects best meet the focus areas and examples of preferred project proposals. By December 15, 2008, selected applicants will be invited to complete a Final Application, inclusive of a detailed project work plan and budget.

Grant awards will be based on available funding and the MPCA’s review of final applications to determine which projects will be most beneficial in furthering the Agency’s mission of working with Minnesotans to protect, conserve, and improve our environment and enhance our quality of life, particularly within the Fiscal Year 2009 focus areas.

Complete information on the FY09 Environmental Assistance Grant Round is provided in the Request for Proposals (RFP):

<http://www.pca.state.mn.us/grants/eagrants>

The RFP provides detailed information on the following:

- Preferred Project Proposals for application submittals
- Funding availability, eligibility and restrictions
- Criteria and process for project selections
- Submittal process, requirements, and deadlines
- Timeline for FY09 grant awards
- Instructions and forms for application submittals
- MPCA Strategic Plan
- Applicable statutes and rules

If you are unable to access the web page (*<http://www.pca.state.mn.us/grants/eagrants>*), please contact Mary Baker (651/296-6300 or 1-800-657-3864 or *mary.baker@state.mn.us*).

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.

Requirements: There are no statutes or rules requiring contracts to be advertised for any specific length of time, but the Materials Management Division strongly recommends meeting the following requirements:

- \$0 - \$5000 does not need to be advertised. Contact the Materials Management Division: (651) 296-2600
- \$5,000 - \$25,000 should be advertised in the *State Register* for a period of at least seven calendar days;
- \$25,000 - \$50,000 should be advertised in the *State Register* for a period of at least 14 calendar days; and
- anything above \$50,000 should be advertised in the *State Register* for a minimum of at least 21 calendar days

How to Work with Contracts

A summarized "Contracts & Grants" section of all contracts and grants open for bid is available only to subscribers. Obtain MORE and FASTER information with a SUBSCRIPTION to the *State Register*. You also receive LINKS to the *State Register*. Open the *State Register* and click on Bookmarks in the upper left corner. You will see a list of the contents of the current issue, with an INDEX, and previous years' indices. You also receive "Contracts & Grants." Here's what you receive via e-mail:

- **Word Search Capability**
- **LINKS, LINKS, LINKS**
- **Easy Access to *State Register* Archives**
- **Updates to Index to Vol. 31**
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Subscriptions cost \$180 a year (an \$80 savings). It's all E-mailed to you, at end-of-day on Friday, instead of waiting for the non-subscriber's issue released on Monday. Contact Cathy Hoekstra, our subscriptions manager, at (651) 297-8777, or **Fax:** (651) 297-8260, or **E-mail:** cathy.hoekstra@state.mn.us

Department of Administration (Admin)

Materials Management Division

WSCA/NASPO Contract Administration - Pre-Solicitation Notification

The Minnesota Department of Administration, Materials Management Division, on behalf of the State of Minnesota, and in association with the National Association of State Procurement Officials (NASPO) and the Western States Contracting Alliance (WSCA) is preparing a Request for Proposal (RFP) from Manufacturers of Personal Computer Equipment and Related Devices for the WSCA/NASPO PC Contracts 2009-2014.

The purpose of this pre-solicitation announcement is to give interested parties notice that the RFP will be issued in September, 2008.

The Contracts resulting from the RFP will replace the current WSCA/NASPO PC Contracts 2004-2009. For reference purposes, you may see copies of all the RFP's issued under the WSCA/NASPO PC Contracts 2004-2009 at the following url:

<http://www.mmd.admin.state.mn.us/wsca/News.htm>.

This might assist you in understanding both the process and requirements for these contracts. The current contracts are generating an average of over \$2 billion in sales annually. As of July 18, 2008, twenty states have executed an Intent to Participate in the new contracts.

The RFP will include EPEAT minimum requirements and preferences for verification of third-party certifications from bodies such as Blue Angel, Energy Star, etc.

The categories of equipment in the RFP will include, but not be limited to: servers, desktops, laptops, tablet PCs, PDAs, printers, multi-functional printing devices, storage solutions, monitors, local area network devices, and instructional bundles.

State Contracts

The sale of LCD Projectors, separate from an instructional bundle, will be allowed under the new Contracts resulting from the RFP.

Interested parties, who logged in and downloaded this document from the MMD website, will be added to an e-mail distribution list that will be used to announce the actual advertisement of the RFP in September, 2008.

However, interested parties are cautioned that it is still their responsibility to watch the MMD website for the solicitation announcement. MMD will not be held responsible for an interested party not receiving the e-mail notification announcement of the RFP.

The announcement will also be linked on www.naspo.org (under Cooperative Purchasing, Opportunities), www.aboutwsca.org (under Opportunities) and may appear, in compliance with applicable state laws, on the websites of states that potentially might participate in the resulting contracts.

Department of Administration (Admin) State Designer Selection Board Project No. 08-17 Minnesota State Colleges and Universities Notice of Availability of Request for Proposal (RFP) for Designer Selection for: South Central College, Faribault Campus - Classroom Renovation and Addition Project

The State of Minnesota, acting through its Board of Trustees of the Minnesota State Colleges and Universities, on behalf of South Central College – Faribault Campus, through the State Designer Selection Board, is soliciting proposals from interested, qualified consultants for architectural and engineering design services for the above referenced project.

A full Request for Proposals is available on the Minnesota State Colleges Universities website,
<http://www.finance.mnscu.edu/facilities/index.html> click on “Announcements.”

A copy of the pre-design is available for review at <http://www.finance.mnscu.edu/facilities/index.html> . An informational meeting is scheduled for **10:00 AM, Wednesday October 1, 2008** at South Central College, in the Teleconference Room, on the South Central College- Faribault campus, 1255 S.W. Third Street, Faribault, MN 55021. All firms interested in this meeting should contact Tracy Mcadam, at (507) 332-5810 or tracy.mcadam@southcentral.edu to sign up to attend the meeting.

Proposals must be delivered to the Real Estate and Construction Services front desk in **room 309 of the Administration Building**, 50 Sherburne Ave., St. Paul, MN 55155 **not later than 4:00 P.M., October 6, 2008**. Late responses will not be considered.

Minnesota State Colleges and Universities is not obligated to complete the proposed project and reserves the right to cancel the solicitation if it is considered to be in its best interest.

Department of Administration (Admin) State Designer Selection Board Project No. 08-19 Minnesota State Colleges and Universities Notice of Availability of Request for Proposal (RFP) for Designer Selection for: Anoka Ramsey Community College, Coon Rapids Campus – BioScience and Allied Health Project

The State of Minnesota, acting through its Board of Trustees of the Minnesota State Colleges and Universities, on behalf of Anoka Ramsey Community College – Coon Rapids Campus, through the State Designer Selection Board, is soliciting proposals from interested,

qualified consultants for architectural and engineering design services for the above referenced project.

A full Request for Proposals is available on the Minnesota State Colleges Universities website,
<http://www.finance.mnscu.edu/facilities/index.html> click on "Announcements."

A copy of the pre-design is available for review at <http://www.finance.mnscu.edu/facilities/index.html> . An informational meeting is scheduled for 2:00 PM, Tuesday September 30, 2008 at Anoka Ramsey Community College, Science Building Room S245, on the Anoka Ramsey Community College- Coon Rapids campus, 11200 Mississippi Boulevard, Coon Rapids, MN 55433. All firms interested in this meeting should contact Louise Duff, at (763) 433-1469 or louise.duff@anokaramsey.edu to sign up to attend the meeting.

Proposals must be delivered to the Real Estate and Construction Services front desk in **room 309 of the Administration Building**, 50 Sherburne Ave., St. Paul, MN 55155 **not later than 4:00 P.M., October 6, 2008**. Late responses will not be considered.

Minnesota State Colleges and Universities is not obligated to complete the proposed project and reserves the right to cancel the solicitation if it is considered to be in its best interest.

Department of Administration (Admin)

State Designer Selection Board Project No. 08-20

Notice of Availability of Request for Proposal (RFP) for Designer Selection for: New Rochester Mn/DOT Maintenance Facility and the Remodeling of the Existing District Headquarters Building

The State of Minnesota, Department of Administration is soliciting proposals from interested, qualified consultants for architectural and engineering design services for the above referenced project.

A full Request for Proposals is available on the Minnesota Department of Transportation website: www.dot.state.mn.us/consult click on "P/T Notices."

Proposals must be delivered to Bev Kroiss, State Designer Selection Board, 309 Administration Building in the Real Estate and Construction, 50 Sherburne Ave., St. Paul, MN 55155; phone: (651) 201-2540 not later than 1:00 P.M. October 13, 2008. Late responses will not be considered.

Minnesota Department of Transportation is not obligated to complete the proposed project and reserves the right to cancel the solicitation if it is considered to be in its best interest.

Department of Administration (Admin)

Real Estate & Construction Services Division

Notice of State Real Property for Sale: Ah-Gwah-Ching Regional Treatment Center in Cass County

NOTICE IS HEREBY GIVEN that the Department of Administration is offering for sale by sealed bid the real property located to the north of the former Ah-Gwah-Ching Regional Treatment Center in Cass County, Minnesota. The tract is approximately 55 acres in size.

The minimum bid is \$340,000. To obtain a copy of the complete bid package, visit www.admin.state.mn.us/recs/sas/sas-psl.html, send an e-mail to susan.maki@state.mn.us, or call (651) 201-2549. Written bids must be received no later than 2:30 p.m. on Thursday, November 6, 2008.

State Contracts

Minnesota State Colleges and Universities (MnSCU)

Chancellor's Office

Request for Proposal: Prospective Student Marketing/Constituent Relationship (CRM) Management System

NOTICE IS HEREBY GIVEN that proposals are being solicited to select one or more vendors to market to prospective students and manage constituent relationships.

Some of the minimum requirements include, but are not limited to:

A. Communication

- a. Ability to manage and implement communication from point of contact through graduation and/or transfer to another institution.
- b. Ability to automate processing and workflow of messages using variety of communication media to assure contacts receive communications at optimum intervals.

B. Campaign Management

- a. Ability to create recruitment and retention campaigns.
- b. Ability to determine effectiveness of various marketing, recruitment and retention campaigns.

C. Reporting

- a. Ability for campus users to generate "canned" or customized reports related to student recruitment and retention.
- b. Ability for each college/university to customize reports, data variables, filters and charts.
- c. Ability to assign values to contacts and conduct predictive modeling.

D. Contact Management

- a. Ability to track properties of multiple contacts, types of contacts and assigned recruiting or retention specialists.

E. Technical Requirements

- a. Ability to electronically imports lists, including duplicate resolution, providing for the development and implementation of search campaigns.
- b. Ability to access CRM data via the web.
- c. Ability to efficiently upload various data type files.
- d. Ability to extract data from system's student information database and populate CRM data fields.

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

Mike López
Minnesota State Colleges and Universities
30 - 7th Street East, Suite 350
St. Paul, MN 55101-7804
Telephone: (651) 296-9447
E-mail: mike.lopez@so.mnscu.edu

Sealed proposals will be due at the Office of the Chancellor by 4:00 p.m. CT on Wednesday, October 1, 2008.

This notice and the Request for Proposal do not obligate the State of Minnesota, the Minnesota State Colleges and Universities system or its institutions, or the Office of the Chancellor to award a contract.

Specifications are available by contacting Mike López, Minnesota State Colleges and Universities, Wells Fargo Place, 30 - 7th St. E., Suite 350, St. Paul, Minnesota 55101, phone (651) 296-9447, mike.lopez@so.mnscu.edu. Sealed bids must be received by WEDNESDAY, OCTOBER 6, 2008, 3:00 pm CST.

This request does not obligate Minnesota State Colleges and Universities to complete the proposed project, and the system reserves the right to cancel this solicitation if it is considered to be in its best interest.

The Minnesota State Colleges and Universities system is an Equal Opportunity employer and educator.

Minnesota State Colleges and Universities (MnSCU)

North Hennepin Community College

Request for Proposal (RFP) for Website Improvement and Intranet System Development

North Hennepin Community Colleges seeks transfer of its existing website pages and applications to Sitecore CMS, review and improvement of existing web applications, consultation and development of a new college intranet system with Sharepoint functionality.

Project Objectives

1. Initial Sitecore system set-up & configuration 2. Development of templates & structure 3. Conversion of current content 4. Sharepoint intranet portal development and integration with Sitecore 5. Conversion and re-design of NHCC applications (w/login based security and content delivery) 6. NHCC staff usability analysis 7. Development of content procedures, workflow, and supporting documentation; employee training 8. Testing, proofing, & QA of site

Project Deliverables

1. Complete Project Plan, including the establishment of project goals, scope, tasks, schedule, tracking and communication processes, and decision-making processes.
2. Identify Intranet user requirements as well as current and future application needs 3. Define technical requirements for CMS system and intranet site 4. Complete QA and usability testing with internal users 5. Employee/content manager training 6. Have new CMS system and intranet up and running 7. Post-launch updates completed

RFP Information

North Hennepin Community College shall select the vendor(s) whose proposal(s), and oral presentation(s) if requested, demonstrate in North Hennepin Community College's sole opinion, the clear capability to best fulfill the purposes of this RFP in a cost effective manner. North Hennepin Community College reserves the right to accept or reject proposals, in whole or in part, and to negotiate separately as necessary in order to serve the best interests of North Hennepin Community College. This RFP shall not obligate North Hennepin Community College to award a contract or complete the proposed project and it reserves the right to cancel this RFP if it is considered to be in its best interest.

Selection Criteria

The company will answer the following questions:

- What is the research process used to determine stakeholders' needs and wants from the college's CMS and intranet presence?
- How is usability research done?
- How is Section 508 compliance verified?
- What specific staff would be working on the project?

Anticipated Selection and Implementation Timeline

October 3, 2008	Deadline for RFP proposal submissions
October 10, 2008	Complete selection process
November 7, 2008	Deadline for executing contract
March 31, 2009	Project complete
April 30, 2009	Troubleshooting and correcting of problems complete

Submission and Questions

Sealed proposals must be received at the following address not later than 2:00 pm Central Time, October 3, 2008 as indicated by the date and time recorded on each response package by our Mail Room. Please direct questions to Carmen Shoquist at (763) 424-0902 or cshoquis@nhcc.edu.

Institution: North Hennepin Community College
Name: Carmen Shoquist
Title: Director of Marketing and Communications
Mailing Address: 7411 85th Ave N.
Brooklyn Park, MN 55445

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The responder shall submit six (6) copies of its RFP response and a compact disc with the RFP response in Microsoft Word or PDF format.

Proposals are to be sealed in mailing envelopes or packages with the responder's name and address clearly written on the outside. One copy of the proposal must be unbound and signed in blue or black ink by an authorized representative of the vendor. Proof of authority of the person signing must accompany the response. Proposals received after this date and time will be returned to the responder unopened.

Minnesota State Colleges and Universities (MnSCU) Minnesota West Community and Technical College Request for Proposal for Banking Services

Minnesota West and Technical College is requesting proposals for Banking Services at the Minnesota West Campuses.

A copy of the Request for Proposal may be obtained by contacting Diana Fliss at Minnesota West Canby Campus, 1011 First Street West, Canby, MN 56220, **phone:** (507) 223-7252

Proposals must be submitted no later than October 27, 2008 at 2:00 PM. All proposals must be sealed and marked "RFP for Banking Services". Submit proposals to:

Attn: Diana Fliss
Minnesota West Community and Technical College
1011 First Street West
Canby, MN 56220

The college reserves the right to reject any or all proposals, to waive any information or irregularities in the bidding and to make the award serving the best interest of the college.

Minnesota West Community and Technical College is an affirmative action/equal opportunity employer and educator. These materials are available in alternative formats to individuals with disabilities upon request. If you use a TTY, call the Minnesota Relay Service at 1-800-627-3529 and request contact to Minnesota West Community and Technical College.

Minnesota Department of Human Services Child Support Enforcement Division Notice of Request for Proposals to Provide Analysis of Child Support Service Delivery Model

NOTICE IS HEREBY GIVEN that the Minnesota Department of Human Services is requesting proposals to assess the structural effectiveness, efficiency, and viability of the child support program in Minnesota and, if necessary, propose one or more models that would allow the state to manage the most cost effective program and still maintain the state's high level of performance for children and meet all federal requirements.

Work is proposed to start in January 2009. For more information, or to obtain a copy of the Request for Proposal, contact:

Jill Roberts
Department of Human Services
Child Support Enforcement Division
P.O. Box 64946
444 Lafayette Road North,

St. Paul, MN 55155-0946
Phone: (651) 431-4464
Fax: (651) 431-7517
E-mail: *Jill.C.Roberts@state.mn.us*

This is the only person designated to answer questions by potential responders regarding this request.

Proposals submitted in response to this Request for Proposals must be received at the address above no later than **3:00 p.m., Central Daylight Time, October 31, 2008. 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.

Minnesota Department of Human Services (DHS) Child Safety and Permanency Division Notice of Request for Proposals to Conduct a Child Welfare Workload Study and Analysis in Minnesota

NOTICE IS HEREBY GIVEN that the Minnesota Department of Human Services through the Child Safety and Permanency Division (State), is seeking Proposals from qualified responders to conduct a statewide child welfare workload study and analysis. The workload study will determine how social workers who provide services to children and families spend their time, and the nature of the activities they perform. The analysis will consider caseload levels of risk, complexity and intensity of worker's cases, and the various geographic and demographic circumstances of counties, to determine the staffing capacity needed by county social service agencies to provide quality services; achieve child safety, permanency and well-being outcomes; and meet state and federal requirements.

The study must be comprehensive, but not excessively demanding or intrusive for the workers who are the focus of the study.

The successful responder will work closely with an advisory team assembled by the State.

Work is proposed to start in December 2008. For more information, or to obtain a copy of the Request for Proposal, contact:

Jean Thompson
Department of Human Services
Phone: (651) 431-3856
E-mail: *jean.thompson@state.mn.us*

This is the only person designated to answer questions by potential responders regarding this request.

Proposals submitted in response to this Request for Proposals must be received at the following address no later than **4:00 p.m., Central Time, November 3, 2008:**

Department of Human Services
Attn: Jean Thompson (64943)
444 Lafayette Road North
St. Paul, MN 55164-0943

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.

State Contracts

Minnesota Department of Human Services

Community Partnerships Division

Child Development Services

Notice of Request for Proposals (RFP) for Qualified Contractor to Conduct a Household Child Care Survey in Minnesota the Proposal Submission Deadline is 4:00 p.m. Central Daylight Time on October 22, 2008.

The Minnesota Department of Human Services (DHS) Child Development Services (CDS) team through the Division of Community Partnerships is soliciting proposals from qualified responders with expertise in providing a comprehensive statewide survey of child care and early education usage based on a statistically valid, random sample of Minnesota families and include an extensive analysis and evaluation of the data and compare these patterns to usage in the 1999 and 2004 survey results.

Terms of Contract: The term of any resulting contract is anticipated to be for approximately two years from December 1, 2008 until November 30, 2010 and should not exceed a maximum cost of \$200,000. DHS will award one contract to a single organization or a representative of a collaboration of partners with expertise in developing and implementing surveys including: determining appropriate sample size, designing survey instruments, analyzing and evaluating data, conducting survey research with low-income and non-English speaking populations and publishing reports.

To access the RFP, go to: www.dhs.state.mn.us under "Partners and Providers," "Grants and RFPs."

For further information or to request a paper copy of the Request for Proposals, please contact:

Kathy Gaida, Grants Coordinator
Community Partnerships Division
Department of Human Services
PO Box 64962
St. Paul, MN 55164-0962
E-mail: Kathy.gaida@state.mn.us

Proposals must be physically received (not postmarked) by **4:00 p.m. Central Daylight Time on October 22, 2008** to be considered. Faxed or emailed 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.

Legislative Coordinating Commission

Green Jobs Task Force

Contract Available for Conducting a Market Analysis

The Green Jobs Task Force Minnesota is requesting proposals from qualified individuals and organizations interested in conducting a market analysis for the Green Jobs Task Force that is responsible for creating a statewide action plan to optimize the growth of the green economy.

For a copy of the full text of the RFP, please go to: <http://www.commissions.leg.state.mn.us/gjtf/RFPs.htm> or contact:

Greg Hubinger, Director
Minnesota Legislative Coordinating Commission
Room 72 State Office Building
100 Rev. Dr. Martin Luther King, Jr. Blvd.

St. Paul, MN 55155-1298
Phone: (651) 296-2963 (voice)
E-mail: greg.hubinger@lcc.leg.mn

All proposals must satisfy the criteria as outlined in the full text of the RFP. The LCC must **receive** the proposal by 4:00 p.m., October 6, 2008. Late submittals may not be considered. All expenses incurred in responding to this notice shall be borne by the responder.

Department of Natural Resources (DNR) DNR Land Sale - 28 Parcels at Two Auctions

The DNR will offer 28 parcels of land for sale at two auctions scheduled for October 21 and 23, 2008.

Fifteen of the parcels will be offered at an oral auction at the Lake County Courthouse (601 - 3rd Avenue, Two Harbors, MN, 55616) on Wednesday, October 21, 2008 at 1:00 pm, with registration to begin at 12:30 pm. Three of the parcels in this auction are located in Cook County, two are located in Lake County, and 10 are located in St. Louis County.

The remaining 13 parcels will be offered for sale through a sealed bid auction. (Four of these 13 parcels are located in Aitkin County, three are in Wadena County, and there is one each in Beltrami, Hubbard, Itasca, Marshall, Roseau and Red Lake Counties.)

Sealed bids must be completed on the official sealed bid form, and must be received in the DNR Central Office, 500 Lafayette Road, St. Paul, MN, 55155-4045, no later than 4:30 p.m. CST, on Wednesday, October 22, 2008.

The opening of the sealed bids is open to the public, and will take place at the DNR Central Office 4th floor Conference Room at 11:00 a.m. on Thursday, October 23, 2008.

Official sealed bid forms and envelopes can be obtained by contacting the DNR Land Sale Representative via e-mail at LandSale@dnr.state.mn.us or phone at (651) 259-5432.

Additional information regarding the land sales and terms and conditions may be found at:
www.dnr.state.mn.us/lands_minerals/landsale

Department of Natural Resources (DNR) Notice of Availability of Contract for Timber Harvesting and Forest Management Guidelines in Minnesota Amount of Proposed Contract: \$100,000 - CERTIFICATION # 16507

The Minnesota Department of Natural Resources, in consultation with the Minnesota Forest Resources Council, is requesting proposals to perform specified steps necessary to undertake and complete implementation monitoring of timber harvesting and forest management guidelines on public and private forestlands in Minnesota.

Work is proposed to start after January 2009.

A Request for Proposals will be available by mail from this office through October 3, 2008. **A written request (by direct mail or fax) is required to receive the Request for Proposal.** After October 3, 2008, the Request for Proposal must be picked up in person.

The Request for Proposal can be obtained from:
Rick Dahlman, BMP Program Coordinator
500 Lafayette Road

State Contracts

St. Paul, MN 55155-4044
Phone: (651) 259-5257
Fax: (651) 296-5954

Proposals submitted in response to the Request for Proposals in this advertisement must be received at the address above no later than **October 27, 2008, 2:00 p.m.** 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.

Department of Natural Resources (DNR) Notice of Request for Proposal for Consultant Services to Prepare a Joint State/Federal Environmental Impact Statement (EIS) for the Proposed Keetac Mine Expansion Project CERTIFICATION # 16326

NOTICE IS HEREBY GIVEN that the Minnesota Department of Natural Resources (DNR), a state agency, seeks the services of a professional consultant to assist in preparing an environmental impact statement for the Keetac Mine Expansion Project near the City of Keewatin, Minnesota.

The DNR is the Responsible Governmental Unit (RGU) and is required to prepare an EIS for this project under *Minnesota Rules*, 4410.4400, subpart 8. The agency is cooperating with the U. S. Army Corps of Engineers (USACE), which is the Lead Federal Agency for the federal EIS.

The Keetac proposed project would restart an idle iron ore production line and upgrade concentrating and agglomeration processes. The proposed project would expand the iron ore mining pit and stockpile areas and increase the height of the tailings basin. Additional mine dewatering activities would also be necessary.

The DNR seeks the services of a consultant with expertise in: preparing joint state and federal EISs and other environmental review documents; metallic mining operations and engineering; metallurgical and mineral processing; mineland reclamation; wastewater treatment; mercury methylation; waste management and spill prevention; municipal/domestic drinking water wells/operations; land use management/planning (shoreland zoning, variances, land use plans); erosion and sedimentation issues; geological and geotechnical evaluations; transportation and traffic analysis; archaeological, historical, and cultural resources; socioeconomics; visual impact evaluations; blasting & noise modeling analysis; air emission impact analysis & control technology assessment (Class I & II, Human Health & Ecological Risk Assessments, BACT, MACT); hydrology/hydrogeology; water quality analysis/modeling; water budgets and watershed yield models; stream ecology and geomorphology assessments (Rosgen analysis); wetland delineation, functional analysis, and mitigation; state and federal threatened and endangered species; aquatic ecology (biological monitoring studies); wildlife biology; and cumulative impact analysis.

The consultant must conduct necessary data collection and analysis, and prepare draft and final EISs that fulfill the requirements of *Minnesota Rules*, parts 4410.0200 to 4410.6500, the National Environmental Policy Act (NEPA) (42 U.S.C. §§ 4321 to 4347), the NEPA implementing regulations (40 C.F.R. parts 1500 to 1508, in particular 40 C.F.R. part 1502), and the USACE NEPA regulations (33 C.F.R. part 325 appendix B).

The full Request for Proposal contains detailed information about the proposed mine project and proposal content requirements. Call or write for the full request, which will be sent free of charge to interested vendors. Contact:

Erik Carlson
Department of Natural Resources
Division of Ecological Services, Box 25
500 Lafayette Road

St. Paul, MN 55155-4025
(651) 259-5162

Other personnel are not allowed to discuss the Request for Proposal with anyone, including responders, before the proposal submission deadline.

Proposals from interested parties must be submitted to the department by **4:00 p.m. on Wednesday, October 22, 2008**. **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.

Minnesota Supreme Court Minnesota State Board of Law Examiners Request for Proposals for Detailed Design, Development, and Implementation of Software

The Minnesota State Board of Law Examiners (BLE) is using a competitive selection process to select a vendor for the detailed design, development, and implementation of software that will replace the current BLE software systems with a single, cost-effective application that will require minimal maintenance. This is not a bid but a request for proposal that could become the basis for negotiations leading to a contract with a designated vendor to provide system analysis, design, and implementation services as described in the RFP document.

Questions about the RFP **must** be in writing sent to the address below or sent to: ble.cle.blc@mbcle.state.mn.us. Deadline to submit written questions is October 13, 2008. Questions and answers will be posted at www.ble.state.mn.us.

Your proposal must be submitted in writing in a sealed envelope to:

RFP Coordinator
Minnesota Board of Law Examiners
180 E. 5th St., Suite 950
St. Paul, MN 55101

Proposals sent to any other address will not be considered. The submission deadline is no later than 4:00 p.m., November 10, 2008. Submission must include 1 paper copy and 1 electronic PDF copy. No facsimile submission will be accepted.

A full request for proposal is available on the Minnesota Supreme Court website: www.courts.state.mn.us

Department of Transportation (Mn/DOT) Engineering Services Division Notice of Potential Availability of Contracting Opportunities for a Variety of Highway Related Technical Activities (“Consultant Pre-Qualification Program”)

This document is available in alternative formats for persons with disabilities by calling Juanita Voigt at (651) 366-4774 for persons who are hearing or speech impaired by calling Minnesota Relay Service at (800) 627-3529.

Mn/DOT, worked in conjunction with the Consultant Reform Committee, the American Council of Engineering Companies of Minnesota (ACEC/MN), and the Department of Administration, to develop 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

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professional/technical services. Mn/DOT awards most of its consultant contracts for highway-related technical activities using this method, however, Mn/DOT also reserves the right to use Request for Proposal (RFP) or other selection processes for particular projects. Nothing in this solicitation requires Mn/DOT to 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 for application. Applications are accepted on a continual basis. All expenses are 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 applications forms are available on Mn/DOT's Consultant Services web site at: <http://www.dot.state.mn.us/consult>.

Send completed application material to:

Juanita Voigt
Consultant Services
Office of Technical Support
Minnesota Department of Transportation
395 John Ireland Blvd. Mail Stop 680

Department of Transportation (Mn/DOT) Engineering Services Division Notice Concerning Professional/Technical Contract Opportunities and Taxpayers' Transportation Accountability Act Notices

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. Mn/DOT is also posting notices as required by the Taxpayers' Transportation Accountability Act on the above referenced website.

Non-State Bids, 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.

Metropolitan Council

Notice of Request for Proposals (RFP) for Phone Equipment Service Support

Reference Number 08P082

The Metropolitan Council is soliciting Request for Proposals to provide service and support of the Council owned Mitel telephone equipment and support.

Issue Request for Proposals	September 22, 2008
Proposals Due	October 20, 2008
Award Contract	December 2008

All firms interested in submitting proposals for this contract and desiring to receive an RFP package are invited to make a written request either by e-mail, fax or mail or phone request to:

Miriam Lopez-Rieth, Contracts and Procurement Unit
Metropolitan Council
390 North Robert Street
St. Paul, MN 55101-1805
Phone: (651) 602-1095
Fax: (651) 602-1083
E-mail: Miriam.Lopez-Rieth@metc.state.mn.us

Metropolitan Council - Metro Transit

Sale of Retired Transit Buses

Metro Transit, a division of the Metropolitan Council, is soliciting price quotes on 45 retired transit buses. Over the next few weeks, Metro Transit will be soliciting quotes on additional buses that will be retired from its fleet.

The transit buses for sale are 1994 New Flyer articulated buses with Detroit Series 50 Engines and B500R Allison transmissions, and 1992 Gillig forty-foot transit buses with Detroit Diesel 6V92 engines and 748 Allison transmissions. Detailed information on these buses is available at the internet site below.

Interested bidders should go to www.transportmax.com, click on Auctions, and follow the instructions for viewing details on the buses and for providing a price quote.

Non-State Bids, Contracts & Grants

PrimeWest Health

Notice of Request for Proposals for Printing, Storage, and Fulfillment Services for a 13-county Managed Care Organization (MCO)

PrimeWest Health is seeking a qualified vendor to provide specific printing, storage, and fulfillment services for a 15-month period from January 1, 2009 through March 31, 2010 to support PrimeWest Health's Minnesota Health Care Programs health plan functions in a 13-county region of Minnesota based in Alexandria, MN.

The core printing and fulfillment services sought by PrimeWest Health in this RFP include printing of member materials on an annual or as needed basis per specifications provided at an agreed upon price; storage of member materials and packets; weekly fulfillment and mailing of new and re-issue membership cards and packets/envelopes; annual fulfillment and mailing of member packets and Annual Notice of Change documents; quarterly printing and shipping of Primary Care Network Listings per supplied distribution list; quarterly printing and mailing of the member magazine; and monthly and weekly reporting of printing, storage, and fulfillment services.

This Request for Proposals is available on PrimeWest Health's website www.primewest.org/2601.xml or from Karen Gunvalson, Marketing Production Coordinator, PrimeWest Health, 2209 Jefferson St, Ste 101, Alexandria, MN 56308. **Telephone:** (320) 335-5203; **e-mail:** karen.gunvalson@primewest.org.

PrimeWest Health will review proposals until a satisfactory proposal is identified. However, proposals received by PrimeWest Health after 3 p.m. October 15, 2008, will only be considered if a suitable proposal submitted prior to that date is not identified by PrimeWest Health. PrimeWest Health reserves the right to reject any or all proposals and bids.

Dated: September 16, 2008

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