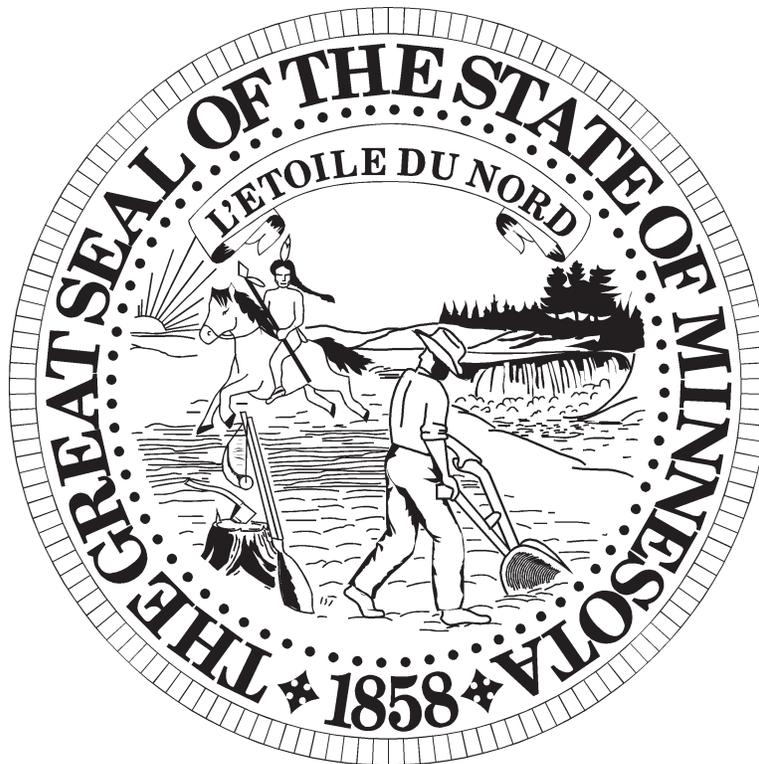


State of Minnesota

State Register



**Proposed, Adopted, & Expedited Rules; Executive Orders; Appointments;
Commissioners' Orders; Revenue Notices; Official Notices;
State Grants & Loans; State Contracts; Non-State Public Bids, Contracts & Grants**
Published every Monday (Tuesday when Monday is a holiday)

**Monday 24 January 2011
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State Register

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The *State Register* is the official publication of the State of Minnesota's Executive Branch of government, published weekly to fulfill the legislative mandate set forth in *Minnesota Statutes*, Chapter 14, and *Minnesota Rules*, Chapter 1400. The *State Register* contains:

- Proposed Rules
- Adopted Rules
- Exempt Rules
- Expedited Rules
- Withdrawn Rules
- Vetoed Rules
- Executive Orders of the Governor
- Appointments
- Proclamations
- Commissioners' Orders
- Revenue Notices
- Official Notices
- State Grants and Loans
- Contracts for Professional, Technical and Consulting Services
- Non-state Public Bids, Contracts and Grants

Printing Schedule and Submission Deadlines											
Vol. 35 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			
# 30	Monday	24	January	Noon	Tuesday	18	January	Noon	Wednesday	12	January
# 31	Monday	31	January	Noon	Tuesday	25	January	Noon	Wednesday	19	January
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Website: www.house.leg.state.mn.us/hinfo/hinfo.htm

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Minnesota Rules: Amendments and Additions

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

The *State Register* is the official source, and only complete listing, for all state agency rulemaking in its various stages. State agencies are required to publish notice of their rulemaking action in the *State Register*. Published every Monday, the *State Register* makes it easy to follow and participate in the important rulemaking process. Approximately 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. 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, but 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.

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 #40-52 inclusive, with final index (#1-52, or 53 in some years). 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, phone: (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.

Environmental Quality Board (EQB)

Proposed Permanent Rules Relating to Environmental Review

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

Proposed Amendments to Rules Governing the Environmental Review Program, *Minnesota Rules*, chapter 4410, Establishing a Mandatory EAW Category Threshold for Greenhouse Gas Emissions at *Minnesota Rules*, part 4410.4300, subpart 15

Introduction. The Environmental Quality Board intends to adopt rules without a public hearing following the procedures set forth in the rules of the Office of Administrative Hearings, *Minnesota Rules*, parts 1400.2300 to 1400.2310, and the Administrative Procedure Act, *Minnesota Statutes*, sections 14.22 to 14.28. If, however, 25 or more persons submit a written request for a hearing on the rules by 4:30 p.m. on Wednesday, February 23, 2011, the EQB will hold a public hearing in the Minnesota Pollution Control Agency Board Room, 520 Lafayette Road, St. Paul, Minnesota on Wednesday, March 9, 2011, starting at 2:00 p.m.

To find out whether the rules will be adopted without a hearing or if the hearing will be held, you should contact the agency contact person after February 23 and before March 9, 2011.

Agency Contact Person. Comments or questions on the rules and written requests for a public hearing on the rules must be submitted to the agency contact person. The agency contact person is: Jon Larsen, Environmental Quality Board, Room 300, Centennial Office Bldg., 658 Cedar Street, St. Paul, MN 55155; **telephone:** (651) 201-2477, **fax:** (651) 296-3698, and e-mail address: jon.larsen@state.mn.us. TTY users may call the Department of Administration at 1-800-627-3529.

Subject of Rules and Statutory Authority. The proposed amendment would add a specific threshold number applying to greenhouse gas (GHG) emissions to the mandatory EAW category for air pollutants at part 4410.4300, subpart 15. The level proposed is a combined total of 100,000 tons per year of GHGs, expressed as carbon dioxide equivalents. The gases to which this threshold would apply are carbon dioxide; methane; nitrous oxide; hydrofluorocarbons (HFCs); perfluorocarbons (PFCs); and sulfur hexafluoride.

The statutory authority to adopt the rules is *Minnesota Statutes*, sections 116D.04, subs. 2a & 4a. A copy of the proposed rule amendments is published in the *State Register*, posted at the EQB webpage (www.eqb.state.mn.us) and is attached to this notice as mailed.

Proposed Rules

Comments. You have until 4:30 p.m. on February 23, 2011 to submit written comment in support of or in opposition to the proposed rule amendment. Your comment must be in writing and received by the agency contact person by the due date. Comment is encouraged. Your comments should identify the portion of the proposed rules addressed, the reason for the comment, and any change proposed. You are encouraged to propose any change desired. Any comments that you would like to make on the legality of the proposed rules must also be made during this comment period.

Request for a Hearing. In addition to submitting comments, you may also request that a hearing be held on the rules. Your request for a public hearing must be in writing and must be received by the agency contact person by 4:30 p.m. on February 23, 2011. Your written request for a public hearing must include your name and address. You must identify the portion of the proposed rule amendments to which you object or state that you oppose the entire set of rule amendments. Any request that does not comply with these requirements is not valid and cannot be counted by the agency when determining whether a public hearing must be held. You are also encouraged to state the reason for the request and any changes you want made to the proposed rules.

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

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

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

Cancellation of Hearing. The hearing scheduled for March 9, 2011, will be canceled if the EQB does not receive requests from 25 or more persons that a hearing be held on the rules. If you requested a public hearing, the agency will notify you before the scheduled hearing whether or not the hearing will be held. You may also contact the agency contact person indicated above to find out whether the hearing will be held.

Notice of Hearing. If 25 or more persons submit valid written requests for a public hearing on the rules, a hearing will be held following the procedures in *Minnesota Statutes*, sections 14.131 to 14.20. The hearing will be held on the date and at the time and place listed above. The hearing will continue until all interested persons present have been heard. Administrative Law Judge Barbara L. Neilson is assigned to conduct the hearing. Judge Neilson can be reached at the Office of Administrative Hearings, 600 North Robert Street, P.O. Box 64620, Saint Paul, Minnesota 55164-0620, **telephone:** (651) 361-7845, and **fax:** (651) 361-7936.

Hearing Procedure. If a hearing is held, you and all interested or affected persons, including representatives of associations or other interested groups, will have an opportunity to participate. You may present your views either orally at the hearing or in writing at any time before the close of the hearing record. All evidence presented should relate to the proposed rules. You may also submit written material to the Administrative Law Judge to be recorded in the hearing record for five working days after the public hearing ends. At the hearing the Administrative Law Judge may order that this five-day comment period is extended for a longer period but not 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 additional evidence may be submitted during the five-day rebuttal period.

All comments and responses submitted to the Administrative Law Judge must be received at the Office of Administrative Hearings no later than 4:30 p.m. on the due date. All comments or responses received will be available for review at the Office of Administrative Hearings. This rule hearing procedure is governed by *Minnesota Rules*, parts 1400.2000 to 1400.2240, and *Minnesota Statutes*, sections 14.131 to 14.20. Questions about procedure may be directed to the Administrative Law Judge.

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

Proposed Rules

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

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

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

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

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

Dated: 11 January 2011

Robert Patton, Executive Director
Environmental Quality Board

4410.4300 MANDATORY EAW CATEGORIES.

[For text of subps 1 to 14, see M.R.]

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

A. For construction of a stationary source facility that generates 250 tons or more per year or modification of a stationary source facility that increases generation by 250 tons or more per year of any single air pollutant, other than those air pollutants described in item B, after installation of air pollution control equipment, the PCA shall be the RGU.

B. For construction of a stationary source facility that generates a combined 100,000 tons or more per year or modification of a stationary source facility that increases generation by a combined 100,000 tons or more per year of greenhouse gas emissions, after installation of air pollution control equipment, expressed as carbon dioxide equivalents, the PCA shall be the RGU. For purposes of this subpart, "greenhouse gases" include carbon dioxide, methane, nitrous oxide, hydrofluorocarbons (HFCs), perfluorocarbons (PFCs), and sulfur hexafluoride, and their combined carbon dioxide equivalents shall be computed by multiplying the mass amount of emissions for each of the six greenhouse gases in the pollutant GHGs by the gas's associated global warming potential published in the Federal Register, volume 74, pages 56395 and 56396, as amended, to be codified as Table A-1 to subpart A of Code of Federal Regulations, title 40, part 98, Global Warming Potentials, as amended, and summing the resultant value for each.

[For text of subps 16 to 37, see M.R.]

Proposed Rules

Minnesota Department of Natural Resources (DNR)

Division of Fish and Wildlife

Proposed Permanent Rules Relating to Aquatic Wildlife

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

Proposed Amendment to Rules Governing Aquatic Wildlife and Permits, *Minnesota Rules*, chapters 6212 and 6262 Proposed Repeal of Rules Governing Aquatic Wildlife, *Minnesota Rules*, parts 6212.1500 and 6212.1700

Introduction. The Department of Natural Resources intends to adopt rules without a public hearing following the procedures in the rules of the Office of Administrative Hearings, *Minnesota Rules*, parts 1400.2300 to 1400.2310, and the Administrative Procedure Act, *Minnesota Statutes*, sections 14.22 to 14.28. If, however, 25 or more persons submit a written request for a hearing on the rules by 4:30 p.m. on Thursday, February 24, 2011, the Department will hold a public hearing starting at 1:30 p.m. on Monday, March 7, 2011, at the following locations:

In person: 6-South Conference Room, DNR Central Office, 500 Lafayette Road, Saint Paul, Minnesota 55155-4010; and

Video-conference: DNR Area Office, 1601 Minnesota Drive, Brainerd, Minnesota 56401

To find out whether the Department will adopt the rules without a hearing or if it will hold the hearing, you should contact the agency contact person or check online at: <http://www.dnr.state.mn.us/input> on the Fisheries webpage under the Rulemaking topic after February 24, 2011, and before March 7, 2011.

Agency Contact Person. Submit any comments or questions on the rules or written requests for a public hearing to the agency contact person. The agency contact person is: Linda Erickson-Eastwood at Minnesota Department of Natural Resources, 500 Lafayette Road, St. Paul, MN 55155-4020; **telephone:** (651) 259-5221; **fax:** (651) 297-4916; **e-mail:** Linda.Erickson-eastwood@state.mn.us. **TTY** users may call the Department of Natural Resources at (651) 296-5484 or 1-800-657-3929.

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

Licenses and Permits

- Changes to clarify conditions of scientific, exhibition, propagation and educational permits and reduce redundant language.

Fishing Regulations and Requirements

- Establish requirements for keeping fish carcasses when preparing a meal of fish while angling on the ice.
- Establish guidelines for what configurations and types of terminal fishing tackle are considered legal to use.
- Closing Lake Christina in Grant and Douglas Counties to taking and possession of fish to accommodate waterfowl management goals.

The proposed rules also repeal *Minnesota Rules*, parts 6212.1500 Scientific, exhibition, propagation, and educational permits; and 6212.1700 Permits for Deer as Pets.

The statutory authority to adopt or repeal the rules is *Minnesota Statutes*, sections 84D.11; 84D.05; 84D.09; 84D.10; 84D.13; 86B.121; 97A.401; 97A.418; 97A.031; 97A.505; 97A.510; 97A.045, subd. 2; 97A.551; 97C.085; 97C.205; 97C.315; 97C.325 (d); 97C.001, subd. 3; 97C.005, subd 3; 97C.401, subd. 1; and 97C.345.

A copy of the proposed rules is published in the *State Register* and is attached to this notice as mailed. A free copy of the rules is available upon request from the agency contact person listed above.

Comments. You have until 4:30 p.m. on Thursday, February 24, 2011, to submit written comment in support of or in opposition to the proposed rules or any part or subpart of the rules. Your comment must be in writing and received by the agency contact person by the due date. Comment is encouraged. Your comments should identify the portion of the proposed rules addressed, the reason for the

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comment, and any change proposed. You are encouraged to propose any change that you desire. You must also make any comments about the legality of the proposed rules during this comment period.

Request for a Hearing. In addition to submitting comments, you may also request that the Department hold a hearing on the rules. You must make your request for a public hearing in writing, which the agency contact person must receive by 4:30 p.m. on Thursday, February 24, 2011. You must include your name and address in your written request. In addition, you must identify the portion of the proposed rules that you object to or state that you oppose the entire set of rules. Any request that does not comply with these requirements is not valid and the agency cannot count it when determining whether it must hold a public hearing. You are also encouraged to state the reason for the request and any changes you want made to the proposed rules.

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

Alternative Format/Accommodation. Upon request, this information can be made available in an alternative format, such as large print, braille, or audio. 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 Department may modify the proposed rules, either as a result of public comment or as a result of the rule hearing process. It must support modifications by data and views submitted to the agency or presented at the hearing. The adopted rules may not be substantially different than these proposed rules unless the Department follows the procedure under *Minnesota Rules*, part 1400.2110. If the proposed rules affect you in any way, the Department encourages you to participate in the rulemaking process.

Cancellation of Hearing. The Department will cancel the hearing scheduled for Monday, March 7, 2011, if the agency does not receive requests for a hearing from 25 or more persons. If you requested a public hearing, the agency will notify you before the scheduled hearing whether the hearing will be held. You may also call the agency contact person at (651) 259-5221 after February 24, 2011, to find out whether the hearing will be held. On the scheduled day, you may check for whether the hearing will be held by calling (651) 259-5221 or checking online at <http://www.dnr.state.mn.us/input> on the Fisheries webpage under the Rulemaking topic.

Notice of Hearing. If 25 or more persons submit valid written requests for a public hearing on the rules, the Department will hold a hearing following the procedures in *Minnesota Statutes*, sections 14.131 to 14.20. The Department will hold the hearing on the date and at the time and place listed above. The hearing will continue until all interested persons have been heard. Administrative Law Judge Beverly Jones Heydinger is assigned to conduct the hearing. Judge Heydinger can be reached at the Office of Administrative Hearings, 600 North Robert Street, P.O. Box 64620, Saint Paul, Minnesota 55164-0620, **telephone:** (651) 361-7838, and **fax:** (651) 361-7936.

Hearing Procedure. If the Department holds a hearing, you and all interested or affected persons, including representatives of associations or other interested groups, will have an opportunity to participate. You may present your views either orally at the hearing or in writing at any time before the hearing record closes. 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 that this five-day comment period is extended for a longer period but not more than 20 calendar days. Following the comment period, there is a five-working-day rebuttal period when 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. This rule hearing procedure is governed by *Minnesota Rules*, parts 1400.2000 to 1400.2240, and *Minnesota Statutes*, sections 14.131 to 14.20. You may direct questions about the procedure to the Administrative Law Judge.

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.

Statement of Need and Reasonableness. The statement of need and reasonableness summarizes 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

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is now available from the agency contact person. You may review or obtain copies for the cost of reproduction by contacting the agency contact person. A copy of the statement of need and reasonableness is posted online at <http://www.dnr.state.mn.us/input> on the Fisheries page under the Rulemaking topic.

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

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

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

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

Dated: 10 January 2011

Thomas Landwehr, Commissioner
Department of Natural Resources

6212.1400 GENERAL RESTRICTIONS FOR POSSESSION PERMITS.

Subpart 1. **Permit requirements.** Permits for the taking, transportation, disposal, or possession of protected wild animals, whether dead or alive, or their parts, nests, or eggs will be issued as provided by ~~parts 6212.1400 to 6212.1700~~ this part. Applications for permits from individuals or institutions must be made in writing and must be submitted as specified. The commissioner will determine whether the applicant meets the criteria for issuance of the permit.

Subp. 2. Issuance of permits.

A. Permits may be issued only upon written application made by individuals or institutions currently conducting propagation, research, scientific programs, or educational programs in the fields of biology or natural history, and that,

B. Permits may be issued upon written application made by media outlets to enable them to conduct educational programs and to promote outdoor recreation and programs in the fields of biology or natural history.

C. Individuals, media outlets, or institutions must have appropriate and adequate facilities for the care, exhibition, or storage of the specimens sought to be taken, acquired, or possessed.

D. A permit may not be issued unless the commissioner has first determined that the permitted act will not be detrimental to the species or cause harm to natural resources. Conditions for permits may be specified to protect species and enhance knowledge of the species including:

(1) limits on the number of people authorized by the permit;

(2) when authorized activities may be conducted, including seasonal, daily, or other time restrictions;

(3) where authorized activities may be conducted;

(4) how authorized activities are conducted, including methods that may be used to collect or dispose of data, animals, or other resources;

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(5) limits on the quantity or types of animals or other resources that may be removed or collected; or

(6) a requirement to deposit with the University of Minnesota at least one voucher specimen for each species collected in a time frame specified in the permit.

E. The following criteria shall be considered when making a decision on issuing conditions for a permit:

(1) whether the activity will advance knowledge, understanding, interpretation, or management of the species;

(2) whether the activity will advance retention and recruitment of people involved in outdoor skills;

(3) whether alternative locations for carrying out the activity are available;

(4) whether the activity interferes with other public use, research, educational, or management activities;

(5) whether there are other reasonable alternatives for conducting the activity; or

(6) whether the applicant is qualified to conduct the activities authorized by the permit.

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

Subp. 5. **Offspring.** Offspring of any specimen possessed under a permit will be subject to ~~parts 6212.1400 to 6212.1700~~ this part and to all the terms and conditions set forth in the permit.

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

Subp. 8. **Expiration, cancellation, and revocation of collector permits.** All permits issued as provided by ~~parts 6212.1400 to 6212.1700~~ this part expire on December 31 of the year of issuance, unless otherwise specified in the permit, and may be renewed.

All permits issued as provided by ~~parts 6212.1400 to 6212.1700~~ this part are subject to immediate cancellation by the commissioner upon determination that such cancellation is necessary for the conservation of the natural resources of this state, for the welfare of particular specimens, or is in the public interest.

Violation of any of the provisions of ~~parts 6212.1400 to 6212.1700~~ this part or the terms of any permit issued under those parts may result in immediate revocation of the permit, and may subject the permittee to other penalties established by law.

Subp. 9. **Permits for pets.** Permits are not issued for the taking or possession of protected wild animals as pets, except ~~deer as provided by part 6212.1700~~ for raptors as provided by chapter 6238.

6262.0100 GENERAL RESTRICTIONS ON TAKING FISH.

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

Subp. 5. **Possession of fish while on state waters.**

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

D. While on or fishing in state waters with size restrictions that differ from statewide regulations, including experimental waters, special management waters, boundary waters, or any other waters with size restrictions, all fish for which the different size restrictions apply must be undressed and measurable when in a person's possession, regardless of where taken, except under the following conditions:

(1) when a watercraft is docked or moored to shore or when on the ice and a person is in the act of preparing and using the fish for a meal; or

(2) when a person is on an experimental or special management water and the fish were lawfully taken, have been packaged and labeled by a licensed fish packer, are to be prepared for a meal while on the ice or shore of that water body, and do not otherwise exceed the statewide possession limits.

When fish are consumed under subitem (1) or (2), the angler must maintain the carcass of a fish with size limits in such a way that the carcass may be readily unpacked, unwrapped, and separated so that the carcass may be examined, measured, and counted to ensure

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compliance with size restrictions.

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

Subp. 6. Angling tackle.

A. An angler may have up to three single or multiple hooks on a line used as a single tackle configuration attached to the end of a fishing line. The total configuration from the first hook to the last hook must be nine inches or less. Live, artificial, preserved, or dead bait is allowed. This configuration is not considered an artificial bait or fly.

B. An angler may have one additional single or multiple hook on a line as part of an artificial bait as long as it is within three inches of the artificial bait.

C. Except for a single artificial bait or three artificial flies, an angling rig with more than one hook is not allowed on designated trout streams and lakes.

6262.0500 WATERS CLOSED TO TAKING FISH.

Subpart 1. **Waters permanently closed to taking fish.** The following waters or designated portions are closed to the taking of all fish at all times, except by permit according to part 6260.0300, subpart 1, and *Minnesota Statutes*, section 97C.041:

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

F. Douglas and Grant Counties: Lake Christina, S.3-11,17,18, T.130, R.40 and S.1,12,13, T.130, R.41.

F. G. Goodhue County: Mississippi River, within 150 feet below U.S. Lock and Dam No. 3 near Red Wing, S.10, T.113, R.15; except that fishing from shore within 150 feet below the lock and dam and from boats that remain outside the 150-foot restricted zone is permitted.

G. H. Hennepin County: Mississippi River, within 150 feet below the St. Anthony Falls Dam at Minneapolis, S.23, T.29, R.24.

H. I. Hennepin and Ramsey Counties: Mississippi River, within 150 feet below U.S. Lock and Dam No. 1 (Ford Dam), between Minneapolis and St. Paul, S.17, T.28, R.23.

I. J. Houston County: Mississippi River, within 150 feet below U.S. Lock and Dam No. 8 near Reno, S.7, T.101, R.3; except that fishing from shore within 150 feet below the lock and dam and from boats that remain outside the 150-foot restricted zone is permitted.

J. K. Itasca County:

(1) Mississippi River, within 300 feet below the Pokegama Reservoir Dam, S.13, T.55, R.26.

(2) Mississippi River, from 500 feet upstream to 300 feet downstream of the Blandin Dam, S.21, T.55, R.25.

K. L. Itasca and Cass Counties: Winnibigoshish Lake. See Cass and Itasca counties for area closed.

L. M. Otter Tail County:

(1) Stream between East and West Battle Lakes, S.33,34, T.133, R.39.

(2) Area between West Battle and Clitherall Lakes, S.2,11, T.132, R.40.

(3) Pelican River from bridge in Trunk Highway 59 to Lake Lizzie, S.20, T.137, R.42.

M. N. Ramsey County:

(1) Charles Lake, including inlet and outlet channels, S.12, T.30, R.23.

(2) Deep Lake, including inlet and outlet channels, S.5,6,7, T.30, R.22.

(3) Pleasant Lake, including inlet and outlet channels, S.7,8,18,19, T.30, R.22, and S.12,13, T.30, R.23.

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~~N. Q.~~ Ramsey and Anoka Counties: Wilkinson Lake, including inlet and outlet channels. See Anoka and Ramsey Counties.

~~Θ. P.~~ Ramsey and Hennepin Counties: Mississippi River. See Hennepin and Ramsey counties for area closed.

~~P. Q.~~ St. Louis County: French River, between Lake Superior and the new Highway 61, S.17, T.52, R.12.

~~Q. R.~~ St. Louis and Carlton Counties: St. Louis River, from the Fond du Lac Dam downstream for one-half mile to the Minnesota-Wisconsin boundary cable, S.6, T.48, R.15.

~~R. S.~~ Wabasha County: Mississippi River, within 150 feet below U.S. Lock and Dam No. 4 near Kellogg, S.17, T.110, R.9; except that fishing from shore within 150 feet below the lock and dam and from boats that remain outside the 150-foot restricted zone is permitted.

~~S. T.~~ Washington and Dakota Counties: Mississippi River. See Dakota and Washington Counties for area closed.

~~T. U.~~ Winona County: Mississippi River, within 150 feet below the following U.S. Locks and Dams: No. 5, S.17, T.108, R.8; No. 5A, S.9, T.107, R.7; No. 6, S.8, T.106, R.5, near Winona; and No. 7, S.28, T.105, R.4, near Dresbach; except that fishing from shore within 150 feet below these locks and dams and from boats that remain outside the 150-foot restricted zone is permitted.

~~U. V.~~ Lake and St. Louis Counties: Knife River from the U.S. Highway 61 bridge in S.36, T.52, R.12, downstream to the cable below the Knife River fish trap in S.31, T.52, R.11 and S.36, T.52, R.12.

~~V. W.~~ Morrison County: Mississippi River, Zebulon Pike Reservoir's portion known as Musky Bay T.138, R.30, S.1 E1/2 of NE1/4.

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

REPEALER. *Minnesota Rules*, parts 6212.1500; and 6212.1700, are repealed.

Adopted Rules

A rule becomes effective after the requirements of *Minnesota Statutes* §§ 14.05-14.28 have been met and five working days after the rule is published in the *State Register*, unless a later date is required by statutes or specified in the rule. If an adopted rule is identical to its proposed form as previously published, a notice of adoption and a citation to its previous *State Register* publication will be printed. If an adopted rule differs from its proposed form, language which has been deleted will be printed with strikeouts and new language will be underlined. The rule's previous *State Register* publication will be cited.

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

Minnesota Office of Higher Education (OHE) Adopted Permanent Rules Governing the SELF Loan Program

The rules proposed and published at *State Register*, Volume 35, Number 17, pages 655-660, October 25, 2010 (35 SR 655), are adopted with the following modifications:

4850.0011 DEFINITIONS.

Subp. 28e. ~~SELF VI loans.~~ "SELF VI loans" means SELF loans where the interest rate on the loan is determined by the director at a margin in excess of a SELF VI index rate or is a fixed rate. The SELF VI initial index rate is the arithmetic average rounded to the nearest tenth of one percent of the three-month London Interbank Offered Rates (LIBOR) rate during the calendar quarter immediately preceding the interest rate adjustment date. The LIBOR rate is determined by the British Banker's Association. The director may establish other indexes or utilize a fixed rate or maximum rate as provided for in the promissory note.

Subp. 28f ~~28e.~~ **Temporary total disability.** "Temporary total disability" means a disability resulting from an injury or illness that is expected to last at least four months and that interferes with the borrower's ability to make loan payments. A borrower has a temporary total disability if a doctor of medicine or osteopathy, legally authorized to practice in a state, certifies that the borrower is unable to work and earn money because of an injury or illness expected to last at least four months. A borrower is not considered to have a temporary total disability on the basis of a condition that existed at the time the loan was made.

Subp. 28g ~~28f.~~ **Total and permanent disability.** "Total and permanent disability" means a disability resulting from an injury or illness that is expected to continue indefinitely or result in death, that interferes with the borrower's ability to make loan payments because the borrower is unable to work or earn money, as certified by a doctor of medicine or osteopathy, legally authorized to practice in a state. A borrower is not considered totally and permanently disabled on the basis of a condition that existed at the time the loan was made.

4850.0012 SCHOOL AGREEMENTS AND STUDENT APPLICATIONS.

Subp. 3. **Application and promissory note.** The student shall follow the appropriate SELF application process used at the eligible school. If the director rejects the loan application, the applicant and the cosigner must be advised in writing of the decision and the reasons for the rejection.

4850.0014 AMOUNT AND TERMS.

Subp. 3. **Interest rate.**

C. For SELF V ~~and SELF VI~~ loans, the interest rate on the loan will be a fixed rate, a maximum rate provided in the promissory note, or a rate determined by the director at a margin in excess of SELF V ~~and SELF VI~~ index rates, as defined under part 4850.0011, ~~subparts subpart 28d and 28e.~~ The interest rate on the loan cannot increase or decrease more than three percentage points over any four consecutive calendar quarters exclusive of any individual loan interest rate reductions and reinstatements resulting from the application of benefit programs for military, on-time and automated payments, or other program interest rate reductions. The director shall set the margin to reflect the costs of the SELF program. If the director determines that the margin does not reflect the costs of the SELF program, the director must increase or decrease the margin.

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 Natural Resources (DNR) Adopted Exempt Permanent Game and Fish Rules: Designated Experimental and Special Management Waters

NOTICE IS HEREBY GIVEN that the above entitled rules have been adopted through the process prescribed by *Minnesota Statutes*, sections 97C.001 and 97C.005.

Dated: 8 December 2010

Mark Holsten, Commissioner
Department of Natural Resources

6264.0300 DESIGNATED EXPERIMENTAL WATERS.

[For text of subps 1 to 36, see M.R.]

Subp. 37. [See repealer.]

Subp. 38. [Repealed, 28 SR 1011]

Subp. 39. [See repealer.]

Subp. 40. [Repealed, 28 SR 1011]

Subp. 41. [See repealer.]

[For text of subps 42 to 62, see M.R.]

Subp. 63. [See repealer.]

[For text of subps 64 to 76, see M.R.]

Subp. 77. **Big Sandy Lake walleye regulation.** While a person is on or angling in the following waters, all walleye in possession must be from 14 inches to 18 inches in length, inclusive. All walleye that are less than 14 inches or greater than 18 inches in length must be immediately returned to the water, except a person's daily and possession limit may include one walleye over 26 inches in length.

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<u>Name</u>	<u>Location</u>	<u>County</u>	<u>End Date</u>
A. <u>Big Sandy Lake</u>	<u>T.49,50, R.23,24, S.Various</u>	<u>Aitkin</u>	<u>3/1/2023</u>
B. <u>Aitkin Lake (a.k.a. Aitkin Flowage)</u>	<u>T.50, R.23, S.Various</u>	<u>Aitkin</u>	<u>3/1/2023</u>
C. <u>Sandy River Lake</u>	<u>T.49, R.23,24, S.Various</u>	<u>Aitkin</u>	<u>3/1/2023</u>
D. <u>Flowage Lake</u>	<u>T.49, R.23,24, S.Various</u>	<u>Aitkin</u>	<u>3/1/2023</u>
E. <u>Davis Lake (a.k.a. Steamboat Lake)</u>	<u>T.48, R.24, S.Various</u>	<u>Aitkin</u>	<u>3/1/2023</u>
F. <u>Sandy River from State Highway 210 downstream to confluence with Mississippi River</u>	<u>T.48, R.23,24, S.Various</u>	<u>Aitkin</u>	<u>3/1/2023</u>
G. <u>Prairie River from confluence with Tamarack River downstream to Big Sandy Lake</u>	<u>T.49,50, R.22,23, S.Various</u>	<u>Aitkin</u>	<u>3/1/2023</u>
H. <u>West Savanna River from County Highway 14 downstream to Prairie River</u>	<u>T.50, R.22,23, S.Various</u>	<u>Aitkin</u>	<u>3/1/2023</u>

Subp. 78. **Clear Lake walleye regulation.** While a person is on or angling in the following waters, all walleye in possession must be 17 inches or greater in length. All walleye less than 17 inches in length must be immediately returned to the water. The daily and possession limit for walleye taken from the following waters is three.

<u>Name</u>	<u>Location</u>	<u>County</u>	<u>End Date</u>
<u>Clear Lake</u>	<u>T.32, R.21, S.17,18</u>	<u>Washington</u>	<u>3/1/2022</u>

6264.0400 DESIGNATED SPECIAL MANAGEMENT WATERS.

[For text of subps 1 to 20, see M.R.]

Subp. 21. **Northern pike 40-inch minimum size limit.** While a person is on or fishing in the following waters, all northern pike in possession must be 40 inches or greater in length. All northern pike that are less than 40 inches in length must be immediately returned to the water. Possession and daily limit is one.

<u>Name</u>	<u>Location</u>	<u>County</u>
A. <u>Crow Wing, 5th</u>	<u>T.140, R.33, S.19,20,29,30</u>	<u>Hubbard</u>
B. <u>Crow Wing, 6th</u>	<u>T.140, R.33, S.20,21,22</u>	<u>Hubbard</u>
C. <u>A. Crow Wing, 8th</u>	<u>T.140, R.32,33, S.1,6,7,12</u>	<u>Hubbard</u>
D. <u>B. Crow Wing, 9th</u>	<u>T.140,141, R.32, S.6,31,32</u>	<u>Hubbard</u>
E. <u>C. Crow Wing, 10th</u>	<u>T.141, R.32, S.28,29,32</u>	<u>Hubbard</u>
F. <u>D. Elephant</u>	<u>T.66, R.19, S.13,14,15,22,23,24</u>	<u>St. Louis</u>
G. <u>E. Mitchell</u>	<u>T.138, R.27, S.11-14</u>	<u>Crow Wing</u>
H. <u>F. Elk</u>	<u>T.143, R.36, S.15,22,23</u>	<u>Clearwater</u>

Exempt Rules

[For text of subps 22 to 58, see M.R.]

Subp. 59. Upper Red Lake and listed tributaries.

A. While a person is on or fishing in the waters listed under item C:

(1) the daily and possession limit for northern pike shall not include more than one northern pike over ~~40~~ 44 inches in length;

(2) all northern pike in possession must be less than 26 inches or greater than ~~40~~ 44 inches in length; and

(3) all northern pike that are from 26 to ~~40~~ 44 inches in length, inclusive, must be immediately returned to the water.

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

[For text of subps 60 to 97, see M.R.]

Subp. 98. Sallie and Melissa Lakes northern pike regulation. While a person is on or fishing in the following waters, all northern pike in possession must be less than 24 inches in length or greater than 36 inches in length. All northern pike that are 24 to 36 inches in length, inclusive, must be immediately returned to the water. Daily and possession limit may not include more than one northern pike over 36 inches in length.

Name	Location	County
A. <u>Melissa Lake</u>	<u>T.138, R.41, S.Various</u>	<u>Becker</u>
B. <u>Sallie Lake</u>	<u>T.138, R.41, S.Various</u>	<u>Becker</u>

Subp. 99. Osakis and Little Osakis Lakes walleye regulation. While a person is on or fishing in the following waters, all walleye in possession must be 15 inches or greater in length. All walleye less than 15 inches must be immediately returned to the water.

Name	Location	County
A. <u>Osakis Lake</u>	<u>T.128,129, R.35,36, S.Various</u>	<u>Douglas, Todd</u>
B. <u>Little Osakis</u>	<u>T.129, R.35, S.25,26</u>	<u>Douglas, Todd</u>

Subp. 100. Farm Island Lake walleye regulation. While a person is on or fishing in the following waters, all walleye in possession must be less than 16 inches or greater than 19 inches in length. All walleye that are 16 to 19 inches in length, inclusive, must be immediately returned to the water.

Name	Location	County
<u>Farm Island</u>	<u>T.45,46, R.27, S.Various</u>	<u>Aitkin</u>

Subp. 101. Winnibigoshish and connected waters walleye regulation. While a person is on or fishing in the following waters, all walleye in possession must be less than 17 inches in length or greater than 26 inches in length. All walleye that are 17 to 26 inches in length, inclusive, must be immediately returned to the water. A person's possession limit may not include more than one walleye over 26 inches.

Name	Location	County
A. <u>Cut Foot Sioux Lake</u>	<u>T.146,147, R.27, S.Various</u>	<u>Itasca</u>
B. <u>Dixon Lake</u>	<u>T.148, R.28,29, S.Various</u>	<u>Itasca</u>
C. <u>Egg Lake</u>	<u>T.146, R.26, S.3,10</u>	<u>Itasca</u>
D. <u>First River Lake</u>	<u>T.146, R.26, S.5,6,7,8,9</u>	<u>Itasca</u>
E. <u>Little Cut Foot Lake</u>	<u>T.146,147, R.26,27, S.Various</u>	<u>Itasca</u>

Exempt Rules

F. <u>Mississippi River (from the Knutson Dam to the confluence with Winnibigoshish)</u>	<u>T.145,146, R.29,30, S.Various</u>	<u>Itasca, Cass, Beltrami</u>
G. <u>Pigeon River (from the Pigeon Dam Lake's dam to the confluence with Winnibigoshish)</u>	<u>T.147, R.27, S.30</u>	<u>Itasca</u>
H. <u>Rabbits Lake</u>	<u>T.146, R.29, S.1,2,11,12</u>	<u>Itasca</u>
I. <u>Ravens Flowage</u>	<u>T.146, R.29, S.10,11,12,13</u>	<u>Itasca</u>
J. <u>Ravens Lake</u>	<u>T.146, R.29, S.10,11</u>	<u>Itasca</u>
K. <u>Sugar</u>	<u>T.146, R.29, S.Various</u>	<u>Itasca</u>
L. <u>Third River Flowage</u>	<u>T.147, R.28,29, S.Various</u>	<u>Itasca</u>
M. <u>Winnibigoshish</u>	<u>T.145,146,147, R.27,28,29, S.Various</u>	<u>Cass, Itasca</u>

Subp. 102. **Crow Wing Five and Six Lakes northern pike regulation.** While a person is on or fishing in the following waters, all northern pike in possession must be less than 24 inches in length or greater than 36 inches in length. All northern pike that are 24 to 36 inches in length, inclusive, must be immediately returned to the water. A person's daily and possession limit may not include more than one northern pike over 36 inches in length.

<u>Name</u>	<u>Location</u>	<u>County</u>
A. <u>Crow Wing, 5th</u>	<u>T.140, R.33, S.19,20,29,30</u>	<u>Hubbard</u>
B. <u>Crow Wing, 6th</u>	<u>T.140, R.33, S.20,21,22</u>	<u>Hubbard</u>

Subp. 103. **Big Sandy Lake sunfish regulation.** While a person is on or angling in the following waters, the daily and possession limit for sunfish is five.

<u>Name</u>	<u>Location</u>	<u>County</u>
A. <u>Big Sandy Lake</u>	<u>T.49,50, R.23,24, S.Various</u>	<u>Aitkin</u>
B. <u>Aitkin Lake</u>	<u>T.50, R.23, S.Various</u>	<u>Aitkin</u>
C. <u>Sandy River Lake</u>	<u>T.49, R.23,24, S.Various</u>	<u>Aitkin</u>
D. <u>Flowage Lake</u>	<u>T.49, R.23,24, S.Various</u>	<u>Aitkin</u>
E. <u>Davis Lake (a.k.a. Steamboat Lake)</u>	<u>T.48, R.24, S.Various</u>	<u>Aitkin</u>
F. <u>Sandy River from State Highway 210 downstream to confluence with Mississippi River</u>	<u>T.48, R.23,24, S.Various</u>	<u>Aitkin</u>

G. <u>Prairie River from confluence with Tamarack River downstream to Big Sandy Lake</u>	<u>T.49,50, R.22,23, S.Various</u>	<u>Aitkin</u>
H. <u>West Savanna River from County Highway 14 downstream to Prairie River</u>	<u>T.50, R.22,23, S.Various</u>	<u>Aitkin</u>

REPEALER. Minnesota Rules, part 6264.0300, subparts 37, 39, 41, and 63, are repealed.

EFFECTIVE DATE. The amendments to Minnesota Rules, parts 6264.0300 and 6264.0400 and the repealer are effective March 1, 2011.

Minnesota Pollution Control Agency (MPCA) Adopted Exempt Rule Relating to Greenhouse Gas Permit Requirements

7005.0100 DEFINITIONS.

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

Subp. 10a. **Emission factor.** “Emission factor” means the most accurate and representative emission data available from one of the following sources:

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

C.

(1) An emission factor developed or approved by the commissioner and derived from the following sources:

[For text of units (a) to (d), see M.R.]

(e) manufacturer’s performance tests; ~~or~~

(f) emission data developed by the regulated party using the best engineering judgment criteria listed in subitem (2); ~~or~~

(g) the General Reporting Protocol for the voluntary reporting program of the Climate Registry.

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

[For text of subps 10b to 11c, see M.R.]

Subp. 11d. **Greenhouse gases or GHGs.** “Greenhouse gases” or “GHGs” means the air pollutant defined in Code of Federal Regulations, title 40, section 86.1818-12, paragraph (a), as amended, as the aggregate group of six greenhouse gases: carbon dioxide, nitrous oxide, methane, hydrofluorocarbons, perfluorocarbons, and sulfur hexafluoride.

[For text of subps 12 to 45, see M.R.]

7007.0100 DEFINITIONS.

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

Subp. 7c. **CO₂ equivalent emissions or CO₂e.** “CO₂ equivalent emissions” or “CO₂e” has the meaning given under subpart 24a.

Subp. 7e-7d. **Customary permit conditions.** “Customary permit conditions” means the permit conditions related to amendments, deviation reporting, and calculation frequency that are included in a state permit with environmental management systems (EMS) provisions and are applicable if a stationary source is establishing or has lost eligibility for the EMS provisions.

[For text of subps 8 to 18a, see M.R.]

Subp. 19. **Regulated air pollutant.** “Regulated air pollutant” means the following:

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

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D. any class I or II substance listed pursuant to section 602 of the act (Stratospheric Ozone Protection; Listing of class I and class II Substances); or

E. any pollutant subject to a standard promulgated under section 112 or other requirements established under section 112 of the act (Hazardous Air Pollutants), including sections 112(g)(2)(B) (construction or reconstruction of major source of hazardous air pollutants), 112(j) (Equivalent Emission Limitation by Permit), and 112(r) (Prevention of Accidental Releases), including the following:

[For text of subitem (1), see M.R.]

(2) any pollutant for which the requirements of section 112(g)(2)(B) (construction or reconstruction of a major source of hazardous air pollutants) of the act have been met, but only with respect to the individual source subject to the section 112(g)(2)(B) requirement; or

F. greenhouse gases as defined in part 7005.0100, subpart 11d.

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

Subp. 24a. **Subject to regulation.** “Subject to regulation” means, for any air pollutant, that the pollutant is subject to either a provision in the Clean Air Act or a nationally applicable regulation codified by the administrator in *Code of Federal Regulations*, title 40, chapter I, subchapter C (Air Programs), that requires actual control of the quantity of emissions of that pollutant and the control requirement has taken effect and is operative to control, limit, or restrict the quantity of emissions of that pollutant released from the regulated activity, except that greenhouse gases (GHGs) as defined under part 7005.0100, subpart 11d, are not subject to regulation unless, as of July 1, 2011, the GHGs emissions are at a stationary source emitting or having the potential to emit 100,000 tons per year (tpy) CO₂e equivalent emissions. “CO₂e equivalent emissions” or “CO₂e” represent an amount of GHGs emitted and that are computed by multiplying the mass amount of emissions for each of the six greenhouse gases in the pollutant GHGs, by the gas’s associated global warming potential published in the *Federal Register*, volume 74, pages 56395 and 56396, as amended, to be codified as Table A-1 to subpart A of *Code of Federal Regulations*, title 40, part 98, Global Warming Potentials, as amended, and summing the resultant value for each to compute emissions as CO₂e.

Subp. 24a, 24b. **Summary of EMS audit results.** “Summary of EMS audit results” is a document signed by an EMS auditor, describing the date and scope of the audit, and conformance, minor nonconformance, or any major nonconformance found in the course of an EMS audit. For major nonconformance, the summary of EMS audit results summarizes the objective evidence found by the EMS auditor, describes corrective actions planned or completed by the stationary source, and details follow-up audit activity planned or completed by the EMS auditor.

[For text of subs 25 to 28, see M.R.]

7007.0150 PERMIT REQUIRED.

Subpart 1. Prohibition.

A. No person may construct, modify, reconstruct, or operate an emissions unit, emission facility, or stationary source except in compliance with an air emission permit from the agency. Exceptions to the requirement to obtain a permit are located in part 7007.0300. Exceptions to the requirement to obtain a permit amendment are located in parts 7007.1250 and 7007.1350. A person violates this subpart when the person begins actual construction on a new source, reconstruction, or modification prior to obtaining the permit or amendment, except as allowed in parts 7007.0750, subpart 7, 7007.1450, subpart 7, and 7007.1500, subpart 3a.

B. Between January 2, 2011, and June 30, 2012, any modifications authorized before January 2, 2011, under any state or part 70 permit must be assessed before actual construction of the modification occurs to calculate whether the change is significant under *Code of Federal Regulations*, title 40, section 52.21, for greenhouse gases as CO₂e or increases the facility’s potential to emit greenhouse gases as CO₂e. If greenhouse gases as CO₂e will increase, the owner or operator must submit an appropriate application to request authorization to make the modification. If the modification does not increase greenhouse gases as CO₂e, the owner or operator must retain records of the determination on site for five years from the date of the calculation.

C. If on July 1, 2011, a facility has any current air emission permit or compliance schedule issued before July 1, 2011, that authorizes or allows a pending modification, the owner or operator may not begin actual construction of any modification until the potential to emit greenhouse gases as CO₂e has been calculated. The owner or operator must calculate the potential to emit greenhouse gases as CO₂e from the existing facility, any pending modification that is authorized by a permit or schedule for which actual construction has not begun, and the total facility including pending, permitted modifications.

Exempt Rules

(1) If the potential to emit greenhouse gases as CO₂e from any of these three assessments exceeds the permit threshold for greenhouse gases in part 7007.0200, subpart 2, regardless of any previously authorized modifications in the source's existing air emissions permit, the owner or operator must submit a revised permit application either as a major source of greenhouse gases or take federally enforceable limits to be a nonmajor source.

(2) If the potential to emit greenhouse gases as CO₂e from all of these three calculations are below the permit threshold for greenhouse gases in part 7007.0200, subpart 2, then the pending modification may proceed to actual construction under the air emission permit or compliance schedule issued before July 1, 2011. The owner or operator must maintain records of the calculation on site until July 1, 2016.

D. If on July 1, 2011, an owner or operator determines that emissions under a current air emission permit issued before July 1, 2011, authorizing a pending modification meets or exceeds the permit threshold for greenhouse gases in part 7007.0200, subpart 2, and decides not to proceed with the modification, then the owner or operator must submit an application to revise the permit within 180 days of July 1, 2011.

E. By July 1, 2011, an owner or operator holding any existing part 70 or state facility permit must calculate whether the facility's potential to emit greenhouse gases meets or exceeds the permit threshold for greenhouse gases in part 7007.0200, subpart 2.

(1) If the potential to emit greenhouse gases as CO₂e does not exceed the permit threshold for greenhouse gases, the owner or operator must retain records of the calculation on site until January 2, 2016.

(2) If the potential to emit greenhouse gases as CO₂e exceeds the permit threshold for greenhouse gases, then the owner or operator must notify the Pollution Control Agency by June 30, 2011, if the facility can retain its current permit or submit an application by June 30, 2012, to revise the permit.

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

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

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

Subp. 2. **Major sources.** Any "major source," which means any stationary source that is described in item A, B, or C, must obtain a permit under this part.

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

B. A major stationary source of air pollutants, as defined in section 302 of the act (General Provisions; Definitions), that directly emits or has the potential to emit, 100 tons per year or more of any air pollutant (including any major source of fugitive emissions of any such pollutant, as determined by rule by the administrator) and, effective July 1, 2011, 100,000 tons per year CO₂e of greenhouse gases. The fugitive emissions of a stationary source shall not be considered in determining whether it is a major stationary source for the purposes of section 302(j) of the act, unless the stationary source belongs to one of the following categories of stationary sources:

[For text of subitems (1) to (27), see M.R.]

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

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

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

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

Subp. 5. **Applications; newly subject to requirement to obtain part 70 or state permit due to new regulations.** If a new regulation affecting a stationary source would make the source subject for the first time to the requirement to obtain a part 70 or state permit, the owner or operator shall submit an application for a total facility permit within 365 days of the effective date of the regulation.

7007.0500 CONTENT OF PERMIT APPLICATION.

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

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

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

Exempt Rules

C. The following emissions-related information:

[For text of subitems (1) to (5), see M.R.]

(6) A permit application shall provide the information on actual emissions for the preceding calendar year required in this subitem. Notwithstanding the previous sentence, if actual emission data are not available for the preceding calendar year, the application shall provide an estimate of actual annual emissions required in this subitem.

(a) The permittee shall provide actual emission rates, in tons per year, of criteria pollutants and of greenhouse gases unless the permittee has submitted an emissions inventory as required by parts 7019.3000 and 7019.3010.

[For text of unit (b), see M.R.]

[For text of subitems (7) to (11), see M.R.]

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

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

7007.1105 ELIGIBILITY FOR ENVIRONMENTAL MANAGEMENT SYSTEM (EMS) PROVISIONS IN STATE PERMITS.

Subpart 1. **Eligibility for existing stationary sources.** If the commissioner determines that an owner or operator meets the requirements of items A and B, then a stationary source applying for and qualifying for a state permit with the EMS provisions described in part 7007.1107, subparts 2 and 3, may request inclusion of the EMS provisions in its permit.

A. The owner or operator has implemented an ISO 14001-registered EMS at the stationary source, or has implemented an EMS conforming to the requirements of the ISO 14001 standard as determined by an EMS auditor.

B. The owner or operator has applied for a permit to establish facility-wide emission limits for the following pollutants, if they are emitted by the stationary source: NO_x, SO₂, PM, PM-10, CO, VOC, Pb, greenhouse gases, and hazardous air pollutants. The commissioner may establish emission limits for other regulated pollutants described under part 7007.0200, subpart 2, that are emitted by the stationary source.

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

7007.1107 APPLICATION AND PERMIT CONTENT RELATED TO INCLUSION OF EMS PROVISIONS IN STATE PERMITS.

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

Subp. 2. **EMS provisions: flexibility in amendment, reporting, and calculation procedures.** If a stationary source meets the eligibility requirements in part 7007.1105, the agency shall include the conditions specified in this subpart in the stationary source's state permit.

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

C. An owner or operator shall comply with the requirements related to calculation frequency in subitems (1) to (3).

(1) If the actual emissions of any pollutant listed in this subitem are less than the "Eligibility Limit for Reduced Calculation" for that pollutant for the previous calendar year, then the owner or operator may calculate and record actual emissions for that pollutant on a calendar year basis. The owner or operator shall by January 30 of each year calculate and record the sum of actual emissions for the previous calendar year. This calculation must be made pursuant to the requirements of the permit. Unless otherwise specified in the permit, this calculation must include all emissions units at the stationary source, except for insignificant activities under part 7007.1300, subparts 2 and 3, and conditionally insignificant activities under chapter 7008. The following pollutants have the listed "Eligibility Limit for Reduced Calculation":

[For text of units (a) to (g), see M.R.]

(h) CO, 25 tons/year; ~~and~~

(i) Pb, 0.050 tons/year; and

(j) CO₂e, 25,000 tons/year.

[For text of subitems (2) and (3), see M.R.]

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

7007.1110 REGISTRATION PERMIT GENERAL REQUIREMENTS.

[For text of subps 1 to 11, see M.R.]

Subp. 11a. Regulatory change rendering stationary source ineligible for registration permit or changing applicable registration permit option.

A. If a stationary source having a registration permit becomes subject to a new regulatory requirement due to its emissions of greenhouse gases that results in the stationary source no longer being able to qualify for or meet the requirements for its current registration permit, then the owner or operator must:

(1) submit a written notification to the commissioner within 30 days of the effective date of a new regulation that results in the stationary source no longer being able to qualify for or meet the requirements for its registration permit. The notification must include a description of the regulatory change and a statement of what type of permit application the owner or operator will submit; and

(2) submit either:

(a) a registration permit application for another option category within 30 days of the effective date of a new regulation that results in the stationary source no longer being able to qualify for or meet the requirements for its registration permit; or

(b) a part 70, state, or general permit application within 180 days of the effective date of the regulatory change.

B. Once a stationary source has made a change rendering it ineligible for all registration permit options under parts 7007.1110 to 7007.1130, the stationary source may become eligible for a registration permit again only if it meets the requirements of subpart 14.

C. If the owner or operator fails to submit the required permit application in the time required by this subpart, the owner or operator is considered to not hold a valid permit and is in violation of part 7007.0150, subpart 1. The owner or operator must submit the required permit application for the appropriate air emission permit within the time limits given in item A.

[For text of subps 12 to 22, see M.R.]

7007.1125 REGISTRATION PERMIT OPTION C.

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

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

F. the 12-month rolling sum of calculations determined under calculations 1, 2A, 2B, and 3 in subpart 4 is less than 50; ~~and~~

G. the owner or operator does not anticipate making changes in the next 12 months which will cause the stationary source to be ineligible for this type of registration permit under items A to F; ~~and H;~~ ~~and~~

H. the stationary source does not use or generate nitrous oxide, other than from combustion units, and does not use or generate hydrofluorocarbons, perfluorocarbons, or sulfur hexafluoride.

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

Subp. 3. **Compliance requirements for Option C sources.** Unless a stationary source is eligible under subpart 3a, the owner or operator of a stationary source issued a registration permit under this part shall comply with all of the requirements in items A to J ~~K~~.

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

K. If the registration permit was issued before January 2, 2011, the owner or operator must begin record keeping for greenhouse gases as CO₂e on January 2, 2011.

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

7007.1130 REGISTRATION PERMIT OPTION D.

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

Subp. 3. **Compliance requirements for Option D sources.** Unless a stationary source is eligible under subpart 3a, the owner or operator of a stationary source issued a permit under this part shall comply with all of the requirements in items A to ~~E~~ N.

Exempt Rules

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

B. If the stationary source determined eligibility in the permit application, in whole or in part, by using fuel burned in the calculations in subpart 4, the owner or operator must:

(1) record by the last day of each month the amount of each fuel purchased or used (whichever was stated in the permit application) for the previous month; and

(2) recalculate and record by the last day of each month the 12-month rolling sum of emissions for the previous 12 months, the date the calculation was made, and the calculation itself. This calculation must also include greenhouse gases as CO₂e effective January 2, 2011.

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

M. If the stationary source determined eligibility in the permit application, in whole or in part, by calculating actual emissions as CO₂e of hydrofluorocarbons, perfluorocarbons, nitrous oxide, and sulfur hexafluoride, purchased or used (whichever was stated in the permit application), the owner or operator must:

(1) record, by the last day of each month, the amount purchased or used (whichever was stated in the permit application) of each material containing hydrofluorocarbons, perfluorocarbons, nitrous oxide, and sulfur hexafluoride and the mass content of these pollutants for the previous calendar month;

(2) maintain a record of the material safety data sheet (MSDS) or a signed statement from the supplier stating the maximum content of hydrofluorocarbons, perfluorocarbons, nitrous oxide, and sulfur hexafluoride in each material containing hydrofluorocarbons, perfluorocarbons, nitrous oxide, and sulfur hexafluoride purchased or used (whichever was stated in the permit application);

(3) calculate and record, by the last day of each month, the 12-month rolling sum of actual emissions as CO₂e of hydrofluorocarbons, perfluorocarbons, nitrous oxide, and sulfur hexafluoride purchased or used (whichever was stated in the permit application) for the previous 12 months, the date the calculation was made, and the calculation itself; and

(4) if the owner or operator assumes a reduction of emissions in using the material balance method under subpart 4, item D, due to recycling or disposal of material off-site, keep records of the amount of material shipped off-site for recycling and the calculations done to determine the amount to subtract. Acceptable records include monitoring records, material safety data sheets, invoices, shipping papers, and hazardous waste manifests.

N. If the stationary source determined eligibility in the permit application, in whole or in part, by calculating actual emissions as CO₂e of carbon dioxide, nitrous oxide, or methane resulting from a chemical process such as fermentation, wastewater treatment, or decomposition, the owner or operator must:

(1) record, by the last day of each month, the amount of carbon dioxide, nitrous oxide, or methane generated by the chemical processes for the previous calendar month;

(2) calculate and record, by the last day of each month, the 12-month rolling sum of actual emissions as CO₂e of carbon dioxide, nitrous oxide, or methane for the previous 12 months, the date the calculation was made, and the calculation itself; and

(3) if the owner or operator assumes a reduction of emissions in using the material balance method under subpart 4, item D, due to the collection and reuse, recycling, or disposal of carbon dioxide, nitrous oxide, or methane on- or off-site, keep records of the amount of carbon dioxide, nitrous oxide, or methane used or shipped off-site and the calculations done to determine the amount to subtract. Acceptable records include monitoring records, invoices, shipping papers, operating data for air pollution control equipment, or process equipment.

Subp. 3a. **Compliance requirements for low-emitting Option D sources.** If the actual emissions for the previous calendar year of each pollutant are less than the emission eligibility limits for each pollutant listed in Table 3A, then the owner or operator shall comply with all of the requirements in items A to H.

A. If the stationary source determined eligibility in the permit application, in whole or in part, by calculating greenhouse gases (GHGs) as CO₂e, VOC₃ and HAP actual emissions from GHGs-containing, VOC-containing, or HAP-containing materials, purchased or used (whichever was stated in the permit application), the owner or operator must:

Exempt Rules

(1) maintain records of the amount of each GHGs-containing, VOC-containing, or HAP-containing material purchased or used (whichever was stated in the permit application), and the GHGs or VOC content each calendar year;

(2) maintain a record of the material safety data sheet (MSDS), or a signed statement from the supplier stating the maximum GHGs, VOC, or HAP content, for each GHGs-containing, VOC-containing, or HAP-containing material purchased or used (whichever was stated in the permit application); and

(3) calculate and record, by April 1 of each calendar year, the sum of actual GHGs emissions as CO₂e, VOC emissions, and hazardous air emissions from GHGs-containing, VOC-containing, and HAP-containing materials purchased or used (whichever was stated in the permit application), and the calculation itself for the previous calendar year.

A stationary source in which the only HAP emissions are VOC emissions and that has actual VOC emissions less than five tons per year is not required to maintain records and perform the calculations of HAP emissions under subitems (1) to (3).

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

F. The owner or operator must comply with subpart 3, items F and H to J.

TABLE 3A
OPTION D EMISSION ELIGIBILITY LIMITS FOR REDUCED RECORD KEEPING

POLLUTANT	ELIGIBILITY LIMIT FOR REDUCED RECORD KEEPING
HAP	2.5 tons/year for a single HAP 6.25 tons/year total for all HAPs
PM	25 tons/year
PM-10	25 tons/year for an Attainment Area 0 tons/year for a Nonattainment Area
VOC	25 tons/year
SO ₂	25 tons/year
NO _x	25 tons/year
CO	25 tons/year
Pb	0.05 tons/year
<u>CO₂e</u>	<u>25,000 tons/year</u>

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

H. If the stationary source determined eligibility in the permit application, in whole or in part, by using hours of operation in the calculations in subpart 4, the owner or operator must:

(1) maintain records of the number of hours operated for each emissions unit, rounded to the nearest hour for each calendar year; and

(2) calculate and record by April 1 of each calendar year the sum of emissions and the calculation itself for the previous calendar year.

TABLE 3A
OPTION D EMISSION ELIGIBILITY LIMITS FOR REDUCED RECORD KEEPING

POLLUTANT	ELIGIBILITY LIMIT FOR REDUCED RECORD KEEPING
HAP	2.5 tons/year for a single HAP 6.25 tons/year total for all HAPs
PM	25 tons/year

Exempt Rules

PM-10	25 tons/year for an Attainment Area 0 tons/year for a Nonattainment Area
VOC	25 tons/year
SO ₂	25 tons/year
NO _x	25 tons/year
CO	25 tons/year
Pb	0.05 tons/year

Subp. 4. **Calculation of actual emissions.** The owner or operator of a stationary source may use a calculation worksheet provided by the commissioner for calculating actual emissions under this part, or may use the calculation methods under items A to E. The owner or operator must calculate actual emissions for each emissions unit, except that similar emissions units may be aggregated for emission calculation purposes. The owner or operator of a stationary source shall use the calculation method in item B instead of the calculation method in item A if the data described in item B are available for the stationary source. The alternative methods described in items C, D, and E may be used by the owner or operator without advance notification to the commissioner. The commissioner shall reject data submitted using the methods described in items B to E if the conditions set forth for the method are not fully met. To prevent double counting of emissions, the owner or operator must select one calculation method under this subpart for each emissions unit at the stationary source. Fugitive dust emissions must be included in the calculations under this subpart only if the stationary source is in a category listed in part 7007.0200, subpart 2, item B, subitems (1) to (27).

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

D. A material balance method may be used to calculate greenhouse gases as CO₂e and VOC actual emissions. The owner or operator of a stationary source that uses material balance to calculate greenhouse gases as CO₂e and VOC actual emissions shall determine total greenhouse gases as CO₂e and VOC actual emissions (E) using the following equation: in this item. A separate calculation must be made for each individual gas comprising the pollutant greenhouse gases and the results converted to CO₂e. The amount of CO₂e from each individual gas comprising the pollutant greenhouse gases must be added together for the total tons per year of CO₂e.

$$E = (a - b - c) \times (1 - d), \text{ where}$$

a = the amount of VOC or each individual gas comprising the pollutant greenhouse gases entering the process or the amount of carbon dioxide, nitrous oxide, or methane generated. A signed statement from the supplier or the material safety data sheet must be submitted stating the maximum amount of VOC or each individual gas comprising the pollutant greenhouse gases in any material that was used in the process.

b = the amount of VOC or each individual gas comprising the pollutant greenhouse gases incorporated permanently into the product. This includes VOCs or each individual gas comprising the pollutant greenhouse gases chemically transformed in production. It does not include latent VOC or each individual gas comprising the pollutant greenhouse gases remaining in the product that will at some time be released to the atmosphere. An explanation of this calculation must also be submitted.

c = the amount of VOC or each individual gas comprising the pollutant greenhouse gases, if any, leaving the process as waste, or otherwise not incorporated into the product and not emitted to the air.

d = the control efficiency (percent expressed as a decimal fraction of 1.00) determined according to part 7011.0070.

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

Subp. 5. **Emissions thresholds.** The owner or operator must calculate actual emissions for the stationary source using the calculations under subpart 4 and the calculated 12-month rolling sum of actual emissions must be less than or equal to the thresholds listed in Table 3.

TABLE 3

OPTION D EMISSIONS THRESHOLDS	
POLLUTANT	THRESHOLD (ton/year)
HAP	5 tons/year for a single HAP 12.5 tons/year total for all HAPs
PM	50 tons/year
PM-10	50 tons/year for an Attainment Area 25 tons/year for a Nonattainment Area
VOC	50 tons/year

SO ₂	50 tons/year
NO _x	50 tons/year
CO	50 tons/year
Pb	0.5 tons/year
CO _{2e}	<u>50,000 tons/year</u>

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

7007.1141 CAPPED PERMIT EMISSION THRESHOLDS.

Subpart 1. **Option 1 emission thresholds.**

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

G. CO, 90 tons per year; ~~and~~

H. Pb, 0.50 tons per year; ~~and~~

I. CO_{2e}, 90,000 tons per year.

Subp. 2. **Option 2 emission thresholds.**

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

G. CO, 85 tons per year; ~~and~~

H. Pb, 0.50 tons per year; ~~and~~

I. CO_{2e}, 85,000 tons per year.

7007.1146 CAPPED PERMIT COMPLIANCE REQUIREMENTS.

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

Subp. 2. **Record keeping requirements.** The owner or operator of a stationary source issued a capped permit shall comply with all of the requirements relevant to the stationary source in items A to G. The owner or operator of a stationary source issued a capped permit shall comply with items H and I at all times.

A. If the stationary source determined eligibility in the permit application, in whole or in part, or demonstrates compliance, in whole or in part, by using a material balance that relies on the content of materials in the calculations in part 7007.1147, the owner or operator must:

(1) record, by the last day of each month, the amount of each pollutant-containing material (for example: VOC, greenhouse gases, particulate matter of solids, or HAP) purchased or used, and the relevant pollutant content for the previous calendar month;

(2) maintain a record of the material safety data sheet (MSDS), or a signed statement from the supplier stating the maximum solids, VOC, greenhouse gases, or hazardous air pollutant content, for each pollutant-containing material purchased or used;

[For text of subitems (3) and (4), see M.R.]

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

I. The owner or operator of a stationary source with a capped permit must keep daily operating records that would allow the owner or operator to calculate actual emissions of any pollutant for which a threshold has been established under part 7007.1141 for that period of time not previously accounted for in the 12-month rolling sum calculation required under item H. The owner or operator shall provide these records and calculations if requested to do so by the commissioner. If the capped permit was issued by January 2, 2011, the owner or operator must begin record keeping for greenhouse gases on January 2, 2011.

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

7007.1300 INSIGNIFICANT ACTIVITIES LIST.

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

Exempt Rules

Subp. 2. **Insignificant activities not required to be listed.** The activities described in this subpart are not required to be listed in a permit application under part 7007.0500, subpart 2, item C, subitem (2).

A. Fuel use:

- (1) production of hot water for on-site personal use not related to any industrial process;
- (2) fuel use related to food preparation by a restaurant or cafeteria; and

(3) fuel burning equipment with a capacity less than ~~30,000~~ 19,000 Btu per hour, but only if the combined total capacity of all fuel burning equipment at the stationary source with a capacity less than ~~30,000~~ 19,000 Btu per hour is less than or equal to ~~500,000~~ 420,000 Btu per hour. For example: Facility A has ten fuel burning emission units, each with a capacity of ~~25,000~~ 18,000 Btu per hour. The ten units are all an insignificant activity under this subitem, because their combined capacity is less than ~~500,000~~ 420,000 Btu per hour (i.e., $10 \times 25,000$ ~~18,000~~ 18,000 Btu/hr = ~~250,000~~ 180,000 Btu/hr < ~~500,000~~ 420,000 Btu/hr). Facility B has ~~21~~ 31 fuel burning emission units, each with a capacity of ~~25,000~~ 18,000 Btu/hr. None of the ~~21~~ 31 units are an insignificant activity under this subitem, because their total combined capacity is greater than ~~500,000~~ 420,000 Btu per hour (i.e., 21 ~~31~~ 31 x ~~25,000~~ 18,000 Btu/hr = ~~525,000~~ 558,000 Btu/hr > ~~500,000~~ 420,000 Btu/hr).

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

G. Residential activities: typical emissions from residential structures, not including:

- (1) fuel burning equipment with a total capacity of ~~500,000~~ 420,000 Btu/hour or greater; and
- (2) emergency backup generators.

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

Subp. 3. **Insignificant activities required to be listed.** The activities described in this subpart must be listed in a permit application, and calculation of emissions from these activities shall be provided if required by the agency, under part 7007.0500, subpart 2, item C, subitem (2). If emissions units listed in this subpart are subject to additional requirements under section 114(a)(3) of the act (Monitoring Requirements) or section 112 of the act (Hazardous Air Pollutants), or if part of a title I modification, or, if accounted for, make a stationary source subject to a part 70 permit, emissions from the emissions units must be calculated in the permit application.

A. Fuel use: space heaters fueled by kerosene, natural gas, or propane, but only if the combined total capacity of all space heaters at the stationary source is less than or equal to 420,000 Btu per hour. A space heater is a heating unit that is not connected to piping or ducting to distribute the heat.

B. Furnaces and boilers:

- (1) infrared electric ovens; and

(2) ~~fuel burning indirect heating~~ equipment with a capacity less than ~~500,000~~ 420,000 Btu per hour, but only if the total combined capacity of all ~~fuel burning indirect heating~~ equipment at the stationary source with a capacity less than ~~500,000~~ 420,000 Btu per hour is less than or equal to ~~2,000,000~~ 1,400,000 Btu per hour. For example: Facility A has three ~~fuel burning emission units furnaces~~, each with a capacity of 400,000 Btu per hour. The three units are all an insignificant activity to be listed under this subitem, because their combined capacity is less than ~~2,000,000~~ 1,400,000 Btu per hour. Facility B has six ~~fuel burning emission units furnaces~~, each with a capacity of 400,000 Btu per hour. None of the six units is an insignificant activity under this subitem, because their total combined capacity is greater than ~~2,000,000~~ 1,400,000 Btu per hour. For purposes of this subitem, "indirect heating equipment" has the meaning given under part 7011.0500, subpart 9.

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

I. Individual emission units at a stationary source, each of which have a potential to emit the following pollutants in amounts less than:

- (1) 4,000 pounds per year of carbon monoxide; ~~and~~

(2) 2,000 pounds per year each of nitrogen oxide, sulfur dioxide, particulate matter, particulate matter less than ten microns, VOCs (including hazardous air pollutant-containing VOCs), and ozone; and

- (3) 1,000 tons per year of CO₂e.

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

Exempt Rules

Subp. 4. **Insignificant activities required to be listed in a part 70 application.** If a facility is applying for a part 70 permit, emissions units with emissions less than all the following limits but not included in subpart 2 must be listed in a part 70 permit application:

A. potential emissions of 5.7 pounds per hour or actual emissions of two tons per year of carbon monoxide;

B. potential emissions of 2.28 pounds per hour or actual emissions of one ton per year for particulate matter, particulate matter less than ten microns, nitrogen oxide, sulfur dioxide, and VOCs; ~~and~~

C. for hazardous air pollutants, emissions units with:

(1) potential emissions of 25 percent or less of the hazardous air pollutant thresholds listed in subpart 5; or

(2) combined HAP actual emissions of one ton per year unless the emissions unit emits one or more of the following HAPs: carbon tetrachloride; 1,2-dibromo-3-chloropropane; ethylene dibromide; hexachlorobenzene; polycyclic organic matter; antimony compounds; arsenic compounds, including inorganic arsine; cadmium compounds; chromium compounds; lead compounds; manganese compounds; mercury compounds; nickel compounds; selenium compounds; 2,3,7,8-tetrachlorodibenzo-p-dioxin; or dibenzofuran. If the emissions unit emits one or more of the HAPs listed in this subitem, the emissions unit is not an insignificant activity under this subitem; and

D. potential emissions up to 10,000 tons per year or actual emissions up to 1,000 tons per year CO₂e.

Calculation of emissions from the emissions units listed in this subpart shall be provided if required by the agency under part 7007.0500, subpart 2, item C, subitem (2). If emissions units listed under this subpart are subject to additional requirements under section 114(a)(3) of the act (Monitoring Requirements) or section 112 of the act (Hazardous Air Pollutants), or are part of a title I modification, or if accounted for, make a stationary source subject to a part 70 permit emissions from the emissions units must be calculated in the permit application. If the applicant is applying for a state permit or an amendment to a state permit, this subpart does not apply.

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

7007.1450 MINOR AND MODERATE PERMIT AMENDMENTS.

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

Subp. 2. **Minor amendment applicability.** Except as provided in subpart 1, the agency may amend a permit to allow a modification under the minor permit amendment process of this part; if the modification will not cause an increase in emissions of an air pollutant listed below in an amount greater than the threshold or, if a regulatory change results in existing insignificant activities no longer qualifying as such, to incorporate those emission units or activities into the facility's permit:

Pollutant	Threshold
NO _x	9.13 pounds per hour
SO ₂	9.13 pounds per hour
VOCs	9.13 pounds per hour
PM-10	3.42 pounds per hour
CO	22.80 pounds per hour
Lead	.11 pounds per hour

For purposes of this part, whether or not the modification will cause an increase in emissions shall be calculated as described in part 7007.1200. Modifications which would otherwise qualify for a minor or moderate amendment under this part may be title I modifications, for which a major amendment is required, using the methods of calculation required under title I of the act. Permittees are reminded to review the definition of title I modifications and requirements of title I of the act.

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

Subp. 4. **Minor or moderate application requirements.** An application requesting the use of minor or moderate permit amendment procedures shall meet the requirements of part 7007.0600, subpart 1, and shall also include the following:

A. a description of the modification or regulatory change, the emissions resulting from the modification, the emission units or activities affected by the regulatory change, and any new applicable requirements that will apply if the modification occurs;

Exempt Rules

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

[For text of subps 5 to 9, see M.R.]

EFFECTIVE PERIOD. The amendments to *Minnesota Rules*, parts 7005.0100 to 7007.1450, are effective for a period of two years from publication in the State Register.

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The governor has the authority to issue written statements or orders, called Executive Orders, as well as Emergency Executive Orders. The governor's authority is specified in the *Constitution of the State of Minnesota*, Article V, and in *Minnesota Statutes* § 4.035. Emergency Executive Orders, for protection from an imminent threat to health and safety, become effective immediately, are filed with the secretary of state, and published in the *State Register* as soon as possible after they are issued. Other Executive Orders become effective 15 days after publication in the *State Register* and filing with the secretary of state. Unless otherwise specified, an executive order expires 90 days after the date the governor who issued the order vacates office.

Office of the Governor

Executive Order #11-03: Assigning Emergency Responsibilities to State Agencies; Rescinding Executive Order 10-06

I, MARK DAYTON, GOVERNOR OF THE STATE OF MINNESOTA, by virtue of the authority vested in me by the Constitution and the applicable statutes, including *Minnesota Statutes* 2010, Chapter 12, do hereby issue this Executive Order:

WHEREAS, natural and technological disasters and emergencies have and may occur in any part of the state; and

WHEREAS, national and international events, such as conflict or threats of terrorism can increase the need for emergency preparedness within the state; and

WHEREAS, state agencies may be called upon to respond to and/or assist in the recovery from the effects of these emergency situations and disasters;

NOW, THEREFORE, I hereby order that:

1. Each department and independent state agency included in this Executive Order shall designate a member of its staff as its emergency preparedness response contact/coordinator (EPRC/C). Such individual shall serve as the point of contact for the Division of Homeland Security and Emergency Management and other state agencies with regard to emergency preparedness and response issues, and shall represent that agency on the Minnesota Emergency Preparedness and Response Committee (EPRC).

2. Each department, independent division, bureau, board, commission and independent institution of the State government, hereinafter referred to as "agency," shall carry out the general emergency preparedness, planning, response, recovery, hazard mitigation continuity of operations and service continuation responsibilities described in this Executive Order, the specific emergency assignments contained in the Minnesota Emergency Operations Plan, the State All-Hazard Mitigation Plan and such other duties as may be requested

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by the Division of Homeland Security and Emergency Management. The head of each agency shall be accountable for the execution of the responsibilities described in this Executive Order.

I. Emergency Preparedness/Planning

A. The Division of Homeland Security and Emergency Management shall have overall responsibility for coordinating the development and maintenance of the all-hazard Minnesota Emergency Operations Plan.

B. Each state agency shall develop and update, as necessary, its own emergency plan/procedures, each agency emergency operations plan/procedures must provide for:

1. execution of the emergency responsibilities that are assigned to the agency in this Executive Order, and are elaborated upon in the Minnesota Emergency Operations Plan;
2. pre-delegation of emergency authority;
3. emergency action steps or procedures; and
4. commitment of resources for the development and maintenance of an agency's all-hazard emergency operations plan.

C. Each state agency shall develop and update, as necessary, its own service continuation plan. Minnesota Management and Budget shall manage the state's service continuation program, to include any event that may impact critical government services as it relates to human capital. Each agency's service continuation plan must provide for:

1. prioritizing the agency's service functions, using the state defined priority service function levels one through four; and
2. commitment of resources for the development and maintenance of an agency's service continuity plan.

D. The Office of Enterprise Technology (OET) shall have overall responsibility for the state's enterprise business continuity management program, managing the state's preparedness for and response to business and technology interruptions.

1. Each state agency shall develop and maintain its own continuity of operations plan.
2. Agencies must designate a member of its staff as its business continuity management coordinator who is responsible for managing the agency's business continuity management program and developing and maintaining the agency's continuity of operations plan.
3. Each agency's continuity of operations plan must meet existing state continuity of operations plan standards.

II. Emergency Response

A. All state agencies responding to a disaster or emergency shall use the National Incident Management System (NIMS) Incident Command System. In the event of a disaster or emergency requiring a multiple state agency response, a unified command structure shall be established. If, due to the nature of an incident, a single state agency has a larger/primary role in the response to that incident, that agency may be referred to as the "lead agency." The Division of Homeland Security and Emergency Management shall have the coordinating role in a multiple state agency response to a disaster or emergency. All state agencies shall support this coordinated multi-agency response and carry out their specific assignments, as described in the Minnesota Emergency Operations Plan.

B. All state agencies shall be responsible for assigning necessary personnel to report to the state, regional and/or on-site emergency operations center(s) and information hotline, if such are activated, in accordance with the Minnesota Emergency Operations Plan when directed by the Division of Homeland Security and Emergency Management. The responding personnel shall be prepared to direct the activities of their agency's response personnel, and shall carry out the emergency responsibilities assigned to their agency in this Executive Order and elaborated upon in the Minnesota Emergency Operations Plan.

C. State agency personnel responding to a disaster or emergency shall be familiar with the emergency management role as taught by the Minnesota Emergency Management Certification Program and FEMA Independent Study curriculum.

D. State agencies shall, when requested by the Division of Homeland Security and Emergency Management, provide necessary personnel to participate in Rapid Needs Assessment teams.

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III. Recovery/Hazard Mitigation

A. Each state agency that has a role in emergency management shall participate in the development of hazard mitigation strategies to reduce or eliminate the vulnerability of life and property to the effects of emergencies and disasters.

B. Following a presidential declaration of a major disaster, state agencies shall be responsible for carrying out the hazard mitigation responsibility assignments contained in this Executive Order and elaborated upon in the State All-Hazard Mitigation Plan.

C. State agencies shall, when requested by the Division of Homeland Security and Emergency Management, provide appropriate personnel to assist with the damage assessment activities associated with the Public Assistance, Individual Assistance, and Hazard Mitigation programs. They shall also provide personnel to serve on an Interagency Hazard Mitigation Team or Hazard Mitigation Survey Team, when requested.

D. State agencies shall, when requested by the Division of Homeland Security and Emergency Management, provide appropriate personnel to serve on the Minnesota Recovers Task Force, and be prepared to commit and combine resources toward the long-term recovery/mitigation effort.

E. State agencies shall, when requested by the Division of Homeland Security and Emergency Management, provide necessary personnel to staff the Disaster Recovery Centers (DRCs) that are established, following a disaster.

3. Executive Order 10-06 is rescinded.

Pursuant to *Minnesota Statutes 2010*, Chapter 4 section 4.035, subdivision 2, this Executive Order will be effective fifteen (15) days after publication in the *State Register* and filing with the Secretary of State and will remain in effect, in accordance with *Minnesota Statutes 2010*, Chapter 4, section 4.035, subdivision 3.

IN TESTIMONY WHEREOF, I have set my hand this 14th day of January

Signed: **MARK DAYTON**
Governor

Filed According to Law:

Signed: **MARK RITCHIE**
Secretary of State

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I. DEPARTMENT OF ADMINISTRATION

Section 100 - The Department of Administration shall administer the state self-insurance program as it relates to federal disaster and emergency assistance, as set forth under the Robert T. Stafford Disaster Relief Act (Public Law 93-288, as amended) (Stafford Act). This will be accomplished in conformance with Federal Emergency Management Agency (FEMA) guidance, as it relates to insuring public buildings for eligibility for the Public Assistance Program following a presidential declaration of a major disaster or emergency.

Section 101 - The Department of Administration shall provide administrative assistance to state government agencies during a disaster or emergency. This support may include, but is not limited to, assigning administrative staff and equipment, and maintenance to State Emergency Operations Centers (SEOCs).

Section 102 - The Department of Administration shall provide support to state agencies in the identification of alternate sites for their personnel.

Section 103 - The Department of Administration shall provide transportation assistance to state agencies.

Section 104 - The Department of Administration, through the Minnesota Geospatial Information Office (MnGeo), shall coordinate support for the GIS desk in the State Emergency Operations Center (SEOC) when requested by the Division of Homeland Security and Emergency Management (excluding REP events). MnGeo shall work with the Division of Homeland Security and Emergency Management to coordinate GIS support outside of the SEOC during a declared state emergency.

Section 105 - The Department of Administration shall provide assistance to state agencies with the procurement of goods and services through the Materials and Management Division (MMD).

Section 106 - The Department of Administration shall provide resource management assistance to state agencies through the operation of mail services, Plant Management Division (PMD).

II. DEPARTMENT OF AGRICULTURE

Section 200 - The Department of Agriculture shall provide guidance to state and local authorities for the protection of milk, food products, and crops affected by natural and man-made emergencies and disaster (including radiological).

Section 201 - The Department of Agriculture shall be responsible for preparing plans and procedures for monitoring/sampling of agricultural land, milk, food products, and crops affected by natural and man-made emergencies and disaster (including radiological).

Section 202 - The Department of Agriculture shall make its laboratory capabilities available, as needed, for the identification and analysis of potential radiological, biological and chemical agents.

Section 203 - The Department of Agriculture shall provide qualified personnel, as needed, to participate in a preliminary damage assessment (PDA) effort, following the occurrence of a disaster.

Section 204 - The Department of Agriculture shall provide a representative, as needed, to serve on the Minnesota Recovers Task Force to evaluate projects proposed for funding.

Section 205 - The Department of Agriculture shall coordinate with the Board of Animal Health for preparedness and response of an outbreak of highly pathogenic avian influenza in domestic birds.

Section 206 - The Department of Agriculture shall coordinate with the Board of Animal Health for a foreign animal disease outbreak in domestic animals.

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Section 207 - The Department of Agriculture shall provide radiological field monitoring teams to conduct intermediate/ingestion pathway sampling of milk, food products and crops within the affected zone for nuclear power plant incidents, including drills and exercises.

Section 208 - The Department of Agriculture shall provide materials or representatives at Disaster Recovery Centers (DRCs) to assist individuals with Agriculture and Farming needs when requested by the Division of Homeland Security and Emergency Management.

III. BOARD OF ANIMAL HEALTH

Section 300 - The Board of Animal Health shall develop and maintain procedures for responding to animal disease emergencies. The Board shall provide leadership and technical expertise to local, state and federal authorities in the event of an animal disease emergency in order to prevent the spread of the disease.

Section 301 - The Board of Animal Health shall develop fact sheets and provide other animal disease-related information to the public and other local and state agencies, in the event of an animal disease emergency.

Section 302 - The Board of Animal Health, in coordination with Minnesota Pollution Control Agency (MPCA), during an animal disease outbreak, shall determine the acceptable methods of livestock or poultry carcass disposal to control the spread of the animal disease.

Section 303 - The Board of Animal Health, upon request, may advise local and state officials on methods of livestock carcass disposal during a catastrophic domestic animal mortality event.

Section 304 - The Board of Animal Health shall be the lead agency in preparing and responding to a Highly Pathogenic Avian Influenza outbreak in domestic birds or other foreign animal disease outbreak in domestic animals.

Section 305 - The Board of Animal Health, for a zoonotic disease event will be a supporting agency to the Minnesota Department of Health (MDH) for livestock and poultry technical and operational issues.

IV. ATTORNEY GENERAL

Section 400 - The Attorney General shall be responsible for providing legal advice and opinions in support of state emergency operations.

Section 401 - The Attorney General shall provide materials or representation at Disaster Recovery Centers (DRCs) and public meetings, as requested by the Division of Homeland Security and Emergency Management, to provide consumer information to persons affected by a disaster or emergency.

Section 402 - The Attorney General shall provide guidance on contracting requirements to state agencies, after a major disaster or emergency.

Section 403 - The Attorney General shall represent the state for isolation and quarantine proceedings.

V. DEPARTMENT OF COMMERCE

Section 500 - The Department of Commerce shall provide materials or representation at Disaster Recovery Centers (DRCs) and public meetings, as requested by the Division of Homeland Security and Emergency Management, to furnish information relative to insurance claim procedures to persons affected by a disaster or emergency.

Section 501 - The Department of Commerce shall develop procedures and provide the necessary staff at the State Emergency Operations Center to support the state's responsibility in emergency banking and fiscal matters of any economic stabilization program established by the Federal Reserve Bank of Minneapolis and/or the Federal Reserve System.

Section 502 - The Department of Commerce shall coordinate with other state agencies in supporting the utility restoration by the gas
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and electric utilities.

Section 503 - The Department of Commerce shall identify resources and assist vulnerable individuals and families, through the energy assistance program, during and after a disaster.

Section 504 - The Department of Commerce shall identify resources and assist vulnerable individuals and families, through the weatherization program, during and after a disaster.

Section 505 - The Department of Commerce shall assist state and local government with damage assessment of private or individual dwellings and businesses, which may include seeking cooperation of insurance underwriters' adjustment resources, as requested by the Division of Homeland Security and Emergency Management.

Section 506 - The Department of Commerce shall develop and make available consumer fact sheets about disaster assistance and insurance regulations.

Section 507 - The Department of Commerce-Telecommunications Access Minnesota (DOC-TAM) shall, in coordination with the Department of Human Services-Deaf and Hard of Hearing Services Division (DHS-DHHS), provide Telecommunications Devices for the Deaf (TDD), TDD operators and American Sign Language Interpreters when the State Emergency Operations Center and Information Hotline are activated.

Section 508 - The Department of Commerce shall develop procedures for the conservation and management of energy resources during energy emergencies, in coordination with energy suppliers in the state.

Section 509 - The Department of Commerce shall coordinate its activities with the Division of Homeland Security and Emergency Management in the implementation of energy emergency procedures.

Section 510 - The Department of Commerce shall develop various public information releases for use in an energy emergency.

Section 511 - The Department of Commerce shall provide personnel, as needed, to participate in a preliminary damage assessment (PDA) effort, following the occurrence of a disaster or emergency.

Section 512 - The Department of Commerce shall provide personnel, as needed, to serve on an Interagency Hazard Mitigation Team/Hazard Mitigation Survey Team, following a presidential declaration of a major disaster.

Section 513 - The Department of Commerce shall provide a representative, as needed, to serve on the Minnesota Recovers Task Force, in order to assist in the evaluation of projects proposed for funding.

Section 514 - The Department of Commerce shall maintain the state's Energy Emergency Plan and communicate emergency tasks outlined in the plan to the appropriate state agencies designated to perform them.

VI. DEPARTMENT OF EDUCATION

Section 600 - The Department of Education shall coordinate with the Division of Homeland Security and Emergency Management School Safety Center for the development and updating, as required, of emergency plan guidance to be provided to local schools. Such guidance shall be designed to assist schools in developing an emergency plan that provides for the protection of children in the event of a disaster or emergency. The department shall be responsible for the distribution of such planning guidance to local school districts.

Section 601 - The Department of Education shall assist local school districts in preparing and submitting a request for federal financial assistance if public school facilities are damaged or destroyed as a result of a federally declared major disaster.

Section 602 - The Department of Education shall provide technical assistance in locating appropriate alternate school facilities, which are inspected and approved by the State Fire Marshal, when local facilities are damaged or destroyed as a result of a disaster.

Section 603 - The Department of Education shall work with schools to develop school-specific, all-hazard emergency plans compat-

ible with local, county, state and federal all-hazard plans. The plans and response procedures developed for schools should specifically address violence within the buildings and the development of “safe areas” around schools.

Section 604 - The Department of Education shall provide a liaison to the State Emergency Operations Center for nuclear power plant emergencies.

Section 605 - The Department of Education shall provide notification for evacuation and relocation to schools in affected areas during radiological emergencies.

Section 606 - The Department of Education shall provide a representative, to serve on the Minnesota Recovers Task Force, to assist in the evaluation of projects proposed for funding if requested by the Division of Homeland Security and Emergency Management.

Section 607 - The Commissioner of the Department of Education may direct the closure of schools during emergencies.

VII. EMERGENCY MEDICAL SERVICES REGULATORY BOARD

Section 700 - The Emergency Medical Services Regulatory Board, with technical assistance from the Department of Transportation, shall develop and maintain a statewide emergency medical services radio communication plan.

Section 701 - The Emergency Medical Services Regulatory Board shall, in coordination with other state agencies, provide guidance to pre-hospital Emergency Medical Services agencies in areas affected by all-hazard health/medical response events, including but not limited to, accidents/incidents involving hazardous materials, explosions, storage and transportation of radioactive materials, and fixed nuclear facilities, weather related events and pandemics.

Section 702 - The Emergency Medical Services Regulatory Board shall coordinate resources for local ambulance service providers including, when required, coordinating pre-hospital Emergency Medical Services and transportation of patients requiring an ambulance, and for patients needing an ambulance during the evacuation of health/medical facilities.

Section 703 - The Emergency Medical Services Regulatory Board shall assign personnel, as necessary, to state, regional, and local emergency operations centers, for the purpose of coordinating pre-hospital emergency medical services.

Section 704 - The Emergency Medical Services Regulatory Board shall establish and maintain a list of the critical pre-hospital medical resources throughout the state and develop a system for rapid access to the data required to determine the availability of these resources.

Section 705 - The Emergency Medical Services Regulatory Board shall, as needed, assist in coordinating Critical Incident Stress Management (CISM) support to pre-hospital Emergency Medical Services (EMS) Providers.

VIII. DEPARTMENT OF EMPLOYMENT AND ECONOMIC DEVELOPMENT

Section 800 - The Department of Employment and Economic Development shall develop and maintain procedures to provide unemployment assistance, and dislocated worker and job training programs, to eligible individuals whose unemployment results from a major disaster declared under the federal Stafford Act (Public Law 93-288, as amended). The Department will also arrange for payment of benefits, under regular unemployment compensation laws, to eligible individuals in cases where a major disaster has not been declared.

Section 801 - The Department of Employment and Economic Development shall provide materials or representation at Disaster Recovery Centers (DRCs) and public meetings, as requested by the Division of Homeland Security and Emergency Management, to furnish information relative to disaster unemployment, dislocated worker, job training, and applicable programs.

Section 802 - The Commissioner of the Department of Employment and Economic Development shall, when requested by the Division of Homeland Security and Emergency Management, provide an estimate of the immediate economic impact of a disaster or emergency, including Highly Pathogenic Avian Influenza or influenza pandemic outbreaks. Where possible and applicable, the Department shall provide estimated projections of long range effects of a major disaster or emergency, using relevant data from a variety of sources including: residents, businesses, and local, state, and federal agencies, if needed.

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Section 803 - The Department of Employment and Economic Development shall provide a representative, as needed, to serve on the Minnesota Recovers Task Force, in order to assist in the evaluation of projects proposed for funding.

Section 804 - The Department of Employment and Economic Development shall provide personnel to assist with the Rapid Needs Assessment (RNA) process to determine the impact on the local business and economic community following a major disaster or emergency when requested by the Division of Homeland Security and Emergency Management.

IX. OFFICE OF ENTERPRISE TECHNOLOGY

Section 900 - The Office of Enterprise Technology shall coordinate planning and delivery of statewide telecommunications systems and services for operations during an emergency and shall provide emergency telecommunications support.

Section 901 - The Office of Enterprise Technology shall provide support to state agencies in the identification of alternate recovery sites for priority services and technology.

Section 902 - The Office of Enterprise Technology shall coordinate planning and recovery of all enterprise technology systems.

Section 903 - The Office of Enterprise Technology shall manage the state's enterprise business continuity management program by establishing policies and standards, providing and maintaining an enterprise plan development tool, providing plan development templates, managing recovery strategies and funding, providing planners to assist agencies and by reviewing agency plans.

Section 904 - The Office of Enterprise Technology shall coordinate furnishing computer services needed for state operations in an emergency.

Section 905 - The Office of Enterprise Technology shall manage the state's enterprise security program by establishing policies and standards, providing enterprise tools for cyber security, monitoring cyber security threats and taking the lead in managing cyber security incidents.

Section 906 - The Office of Enterprise Technology shall coordinate the consequence response to a Cyber Security Emergency with the Division of Homeland Security and Emergency Management and the State Emergency Operations Center.

X. DEPARTMENT OF HEALTH

Section 1000 - The Department of Health shall have primary responsibility for the technical aspects of protecting the public's health during and after a disaster or emergency, including an actual or potential terrorist incident involving biological, chemical, or radiological agents. The Department shall develop and maintain procedures for: disease surveillance, control and prevention, including protocols for quarantine, isolation, mass prophylaxis, mass vaccination, and mass care clinics, infection prevention and sanitation for mass sheltering and feeding programs, safety of food and water; behavioral health support for responders and the public; coordination of healthcare services, including medical surge; protection of human health from biological, chemical, or radiological hazards; ensuring safe food preparation and handling; provision of training and assistance in the security of public water supply systems, and the maintenance of potable water supplies; handling, identification and safe disposition of human remains in the event of mass casualties; health assessment of persons affected by the incident and/or training programs for health care and support personnel.

Section 1001 - The Department of Health shall be responsible for providing health-based guidance to state and local authorities in areas affected by incidents involving hazardous radioactive, biological, or chemical materials.

Section 1002 - The Department of Health, in conjunction with the local health agency shall, provide assistance to local officials as needed to ensure the safety of food and water for human consumption during and after a disaster or emergency.

Section 1003 - The Department of Health shall provide personnel to assist in the preliminary damage assessment (PDA) process for health facilities and public water supply systems damaged by a disaster or emergency when requested by the Division of Homeland Security and Emergency Management. The Department will assist communities in determining the cost to repair or replace damaged facilities and water supply systems, so federal financial assistance can be requested under the Stafford Act (Public Law 93-288 as amended).

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Section 1004 - The Department of Health laboratory is responsible for providing 24-hour analysis capability in the event of an emergency involving radioactive material.

Section 1005 - The Department of Health shall make its laboratory capabilities available for the analysis and identification of biological or chemical hazards on a 24-hour basis, in the event of acts of terrorism, natural disasters, emerging health threats, and accidental or deliberate environmental contamination.

Section 1006 - The Department of Health shall conduct inspections for food, water safety, and sanitation at mass feeding or sheltering facilities in coordination with the local health agency as needed.

Section 1007 - The Department of Health shall coordinate with local health agencies and healthcare systems to provide a behavioral health response that may extend into long-term recovery for communities affected by a disaster.

Section 1008 - The Department of Health shall direct the coordination of medical surge with regional healthcare systems and providers to expand services, relocate patients or staff, and use alternate care delivery models.

Section 1009 - The Department of Health shall determine the need for federal healthcare resources through the Strategic National Stockpile program and work with other state agencies and local officials to implement the plan for receipt, storage, and staging of resources to areas of the state in need of support.

Section 1010 - The Department of Health shall provide mortuary or death-related services for major disasters or emergencies.

Section 1011 - The Department of Health shall be the lead agency for all human infectious disease outbreaks and pandemic influenza. The Department of Health will coordinate consequence management of infectious disease and pandemic outbreaks with the Division of Homeland Security and Emergency Management and the State Emergency Operations Center.

Section 1012 - The Department of Health shall provide personnel to assist local units of government in resourcing Family Assistance Centers.

Section 1013 - The Department of Health shall provide materials or representatives at Disaster Recovery Centers (DRCs) to assist individuals with health protection and behavioral health needs when requested by the Division of Homeland Security and Emergency Management.

Section 1014 - The Department of Health shall provide a representative to serve on the Minnesota Recovers Task Force, to assist in the evaluation of projects proposed for funding when requested by the Division of Homeland Security and Emergency Management.

Section 1015 - The Department of Health shall provide technical advisors to the Planning and Assessment Center and personnel to fill the role of deputy state incident manager during State Emergency Operation Center activations for nuclear power plant incidents, including drills and exercises.

Section 1016 - The Department of Health shall coordinate and maintain the ability to receive, stage, and store the Strategic National Stockpile resources through an interagency agreement with Minnesota Incident Command System partnership.

XI. MINNESOTA HOUSING FINANCE AGENCY

Section 1100 - The Minnesota Housing Finance Agency shall administer home improvement grants, and/or loans, available through its programs to homeowners of low and moderate incomes, who have sustained disaster-related damage to their principal residence.

Section 1101 - The Minnesota Housing Finance Agency shall immediately, upon notification of a disaster or emergency, inventory the availability of rental property suitable for temporary or long-term housing for disaster/emergency victims.

Section 1102 - The Minnesota Housing Finance Agency shall provide a representative, as needed, to serve on the Minnesota Recovers Task Force, in order to assist in the evaluation of projects proposed for funding when requested by the Division of Homeland Security and Emergency Management.

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Section 1103 - The Minnesota Housing Finance Agency shall provide materials or representatives at Disaster Recovery Centers (DRCs) to assist individuals with agency housing recovery assistance resources when requested by the Division of Homeland Security and Emergency Management.

XII. DEPARTMENT OF HUMAN SERVICES

Section 1200 - The Department of Human Services shall coordinate mass care, housing and human services efforts by assigning personnel to the State Emergency Operations Center.

Section 1201 - The Department of Human Services shall assist in notifying county human service departments and other human services agencies that an emergency or disaster has occurred.

Section 1202 - The Department of Human Services shall coordinate with county human services agencies, the American Red Cross, the Division of Homeland Security and Emergency Management, and others to evaluate the human services needs of emergency and disaster victims, including support for persons with functional needs.

Section 1203 - The Department of Human Services shall provide representation at Disaster Recovery Center (DRCs) and the disaster area itself to identify and assist disaster victims as deemed necessary when requested by the Division of Homeland Security and Emergency Management.

Section 1204 - The Department of Human Services shall coordinate the delivery of emergency human services with the American Red Cross, county human services agencies, and other human services agencies following an emergency or disaster.

Section 1205 - The Department of Human Services shall coordinate with county human services agencies to meet the needs of emergency and disaster victims (food, shelter, clothing and medical) through state and federal income maintenance programs.

Section 1206 - The Department of Human Services shall coordinate with county human services agencies regarding childcare needs of emergency and disaster victims.

Section 1207 - The Department of Human Services shall apply for and administer FEMA crisis counseling and long term mental health program grants for emergency and disaster victims and provide crisis counseling training for human service providers in the disaster area for a presidential declared disaster.

Section 1208 - The Department of Human Services shall coordinate the Disaster Supplemental Nutrition Assistance Program (D-SNAP) for disaster victims.

Section 1209 - The Department of Human Services shall, through the Emergency Food Assistance Program (TEFAP), provide USDA donated food to disaster relief agencies and emergency food programs and assist with its distribution and storage.

Section 1210 - The Department of Human Services shall assist with, in coordination with the Department of Commerce-Telecommunications Access Minnesota, the provision of Telecommunication Devices for the Deaf (TDD), TDD operators and American Sign Language Interpreters when the State Emergency Operations Center and Information Hotline are activated.

Section 1211 - The Department of Human Services shall provide, as requested by the Division of Homeland Security and Emergency Management, personnel to assist the state in delivering individual assistance following a presidential declaration of a major disaster.

Section 1212 - The Department of Human Services shall provide assistance in long-term disaster recovery, using existing programs, streamlining or waiving regulatory functions where possible, and providing technical assistance and/or administrative support to stricken communities.

Section 1213 - The Department of Human Services, in coordination with the Department of Public Safety, shall designate and activate staff, and manage the evacuee reception centers during a nuclear generating plant incident.

Section 1214 - The Department of Human Services shall provide personnel to assist the state in supporting Family Assistance Centers when needed.

Section 1215 - The Department of Human Services shall maintain a State Emergency Group Repatriation Plan and be the lead agency for repatriation preparedness and response.

Section 1216 - The Department of Human Services shall provide a representative, to serve on the Minnesota Recovers Task Force, in order to assist in the evaluation of projects proposed for funding when requested by the Division of Homeland Security and Emergency Management.

XIII. DEPARTMENT OF LABOR AND INDUSTRY

Section 1300 - When an emergency or disaster involves employee fatalities/serious injuries, the Department of Labor and Industry, Occupational Safety and Health Division, shall respond, investigate and determine the cause, so that similar hazards to workers are prevented, or minimized, in the future.

Section 1301 - The Department of Labor and Industry, Occupational Safety and Health Division shall provide support, as needed, in the detection of air contaminants caused by chemical or biological agents and in the implementation of appropriate procedures.

Section 1302 - The Department of Labor and Industry, Occupational Safety and Health Division shall, as needed, assist in assessing hazards and personal protective equipment needs.

Section 1303 - The Department of Labor and Industry, Construction Codes and Licensing Division, shall assist in assessing damage of affected structures and provide staff to report to the State Emergency Operations Center when requested by the Division of Homeland Security and Emergency Management.

Section 1304 - The Department of Labor and Industry shall provide a representative to serve on the Minnesota Recovers Task Force, in order to provide guidance and technical support with inspections, building codes, and permitting when requested by the Division of Homeland Security and Emergency Management.

XIV. MINNESOTA MANAGEMENT AND BUDGET

Section 1400 - Minnesota Management and Budget will provide coordination of emergency messaging to state agency employees.

Section 1401 - Minnesota Management and Budget will provide coordination of state agency service continuation response activities during any event or disaster that may threaten to disrupt critical government services.

Section 1402 - Minnesota Management and Budget shall support state agencies in the management of personnel services at state and regional Emergency Operations Centers during a disaster, and will assist in the development of emergency employment utilization procedures.

Section 1403 - Minnesota Management and Budget shall interface with union officials and appropriate representatives to develop strategies for resolving conflicts between labor organizations and state agencies proactively, and during times of disaster and emergency including a pandemic. Minnesota Management and Budget shall be proactive relative to developing options to sustain staffing for the State Emergency Operations Center (SEOC) and the implications thereof on labor agreements, whenever the SEOC is activated.

Section 1404 - Minnesota Management and Budget shall provide support to state agencies in the management of labor contracts during emergency operations, ensuring fair, uniform and consistent interpretation of contract language.

Section 1405 - Minnesota Management and Budget shall coordinate the reassignment of state employees between agencies.

Section 1406 - Minnesota Management and Budget shall facilitate and coordinate with the labor bargaining units on the procedures and processes for change in state employee scheduling, work locations, and temporary work assignments during declared emergencies, including a pandemic.

Section 1407 - Minnesota Management and Budget shall develop and maintain procedures to streamline fiscal management of the state during an emergency, including a highly pathogenic avian influenza or influenza pandemic outbreak.

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Section 1408 - Minnesota Management and Budget shall work with the Department of Public Safety to establish procedures to estimate and monitor potential state match commitments associated with requests for presidential disaster declarations, and accompanying strategies for appropriation authority for such matching funds.

Section 1409 - Minnesota Management and Budget shall assist state agencies in identifying potential additional costs associated with supporting local agencies during emergencies when federal disaster assistance is not provided, and accompanying strategies to request appropriation authority for such additional costs.

Section 1410 - Minnesota Management and Budget will assist state agencies in identifying and maintaining a list of mission critical staff needed to assure continuity of top priority services.

Section 1411 - Minnesota Management and Budget will assist the Minnesota Department of Health in prophylaxing mission critical state employees by providing staffing to and assistance in coordination of clinics.

XV. METROPOLITAN COUNCIL/METRO TRANSIT

Section 1500 - Metropolitan Council/Metro Transit can provide direct support with transit and emergency operations planning, and provide emergency Metro Transit buses and rail, personnel, temporary shelter and protect personnel from adverse weather conditions at the emergency site or other locations during a disaster in the Twin Cities Metropolitan Area. Metropolitan Council/Metro Transit shall provide consultative services with Mn/DOT for out state transit planning, coordination and response.

Section 1501 - Metropolitan Council/Metro Transit shall assign personnel, as necessary, to primary, alternate and/or regional emergency operations center(s) (EOCs) to coordinate with the State Patrol, Mn/DOT, and other agencies involved in the evacuation effort when requested by the Division of Homeland Security and Emergency Management.

Section 1502 - Metropolitan Council/Metro Transit shall assist political subdivisions and local law enforcement agencies in coordinating public rail and transit transportation resources needed during a large-scale evacuation when requested by the Division of Homeland Security and Emergency Management.

Section 1503 - Metropolitan Council/Metro Transit shall develop and maintain procedures, support transit and emergency operations planning, with available resources, as requested.

Section 1504 - Metropolitan Council/Metro Transit shall maintain emergency plans and procedures enabling the closure of the Northstar Rail service during nuclear generating plant emergencies. Metro Transit will provide staff to the State Emergency Operations Center during activations for radiological emergencies.

XVI. DEPARTMENT OF MILITARY AFFAIRS

Section 1600 - The Department of Military Affairs (Minnesota National Guard) shall prepare, and maintain, plans and procedures, to support civil authorities, when an emergency exceeds local resources. As Commander-In-Chief of the National Guard, the Governor can direct the National Guard to take whatever action is needed to respond to the emergency. Upon the order of the Governor, the Adjutant General shall order to state active duty, such personnel, equipment, and facilities of the military forces of the state, as required, and for such a period of time as necessary, to assist and support civil authorities. National Guard assistance may be made available when a natural disaster, civil disturbance, hazardous materials incident, or other emergency beyond the capabilities of local government, occurs. Both local government and state agencies forward requests for National Guard assistance to the Minnesota Duty Officer (MDO), who will contact the Division of Homeland Security and Emergency Management with the request. The National Guard shall maintain 24-hour liaison with the MDO. County sheriffs, and mayors of cities of the first class, are authorized to request National Guard assistance.

Section 1601 - The Department of Military Affairs (Minnesota National Guard) shall prepare and maintain plans and procedures for responding to and supporting state and local authorities in their response to weapons of mass destruction including, but not limited to, biological, nuclear, incendiary, chemical and explosive devices, and compounds or materials. In the event of terrorist-type activity, the Department of Military Affairs shall provide support to the State Emergency Operations Center and the local incident command post.

Section 1602 - The Department of Military Affairs shall maintain the 55th Weapons of Mass Destruction – Civil Support Team (CST)

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and make them available to support a local response to terrorist activity when requested through the Minnesota Duty Officer. When the National Guard deploys the 55th CST and technically qualified personnel to the affected jurisdictions to assess the extent of the terrorist situation, it will advise the civilian incident commander, facilitate requests for state and federal assistance, and provide policy and technical-level support in the State Emergency Operations Center, Planning and Assessment Center and Operations Section.

Section 1603 - The Department of Military Affairs shall provide assistance for route alerting, security, personnel and vehicle decontamination, and sustainment staffing for traffic control points during nuclear power plant emergencies and exercises.

Section 1604 - The Department of Military Affairs shall maintain a Quick Reaction Force (QRF) that provides a ready force capable of delivering units of 50-75 personnel within 4-8 hours when requested by the Division of Homeland Security and Emergency Management and a follow-on force of up to 400 personnel within 24-36 hours. The QRF can provide site security, presence patrols, establish roadblocks and/or checkpoints, or provide support to control civil disturbances.

Section 1605 - The Department of Military Affairs shall maintain a Chemical, Biological, Radiological, Nuclear, and high-yield Explosives (CBRNE) Enhanced Response Force Package (CERFP) available to respond to a CBRNE incident to support local, tribal, state, and federal agencies in managing the consequences of the event. The CERFP will provide casualty/patient decontamination, medical support, and casualty search and extractions needed or required. The CERFP response will include searching an incident site (including damaged buildings); rescuing any casualties (including extracting anyone trapped in the rubble); personnel decontamination; and performing medical triage (including trauma resuscitation and stabilization).

XVII. DEPARTMENT OF NATURAL RESOURCES

Section 1700 - The Department of Natural Resources shall be responsible for preparing and maintaining plans and procedures for chemical, biological and radiological monitoring/sampling of plants, animals and water in cooperation with the Departments of Health and Agriculture.

Section 1701 - The Department of Natural Resources shall be responsible for providing technical assistance, personnel and equipment for debris and wreckage removal from state waterways and state-owned lands, subject to the availability of funds.

Section 1702 - The Department of Natural Resources shall assist in tracking plumes on waterways and monitoring shorelines, identifying wildlife populations within the ingestion pathway/vulnerable zone and providing personnel to conduct ingestion pathway sampling of fish and wildlife.

Section 1703 - The Department of Natural Resources shall provide aircraft to assist in damage assessment efforts, serve as state inspectors on federal/state damage survey teams, assist the Department of Administration in the inspection of damaged public buildings and facilities, and assist the Department of Transportation in the inspection of damaged road systems.

Section 1704 - The Department of Natural Resources shall provide technically qualified personnel, as needed, to participate in a preliminary damage assessment (PDA) effort, following a disaster when requested by the Division of Homeland Security and Emergency Management.

Section 1705 - The Department of Natural Resources shall provide personnel to serve on an Interagency Hazard Mitigation Team/Hazard Mitigation Survey Team, following a presidential declaration of a major disaster and provide hazard mitigation information to the general public when requested by the Division of Homeland Security and Emergency Management.

Section 1706 - The Department of Natural Resources shall, in the case of wildfires, coordinate with the Department of Public Safety to fulfill public information functions and requirements, work within the Minnesota Incident Command System (MNICS) partnership to design communication plans, and coordinate communications with all participating agencies.

Section 1707 - The Department of Natural Resources shall keep affected county Sheriffs advised of evacuation forecasts.

Section 1708 - The Department of Natural Resources shall provide technical assistance in locating alternate water supplies, and provide equipment and/or assistance in the restoration of critical public works.

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Section 1709 - The Department of Natural Resources shall pre-plan for sensitive area designation, and provide for wildlife and waterfowl rehabilitation, in cooperation with the U.S. Fish and Wildlife Service.

Section 1710 - The Department of Natural Resources shall provide pathology laboratory services, with regard to the collection of dead and injured animals and their analysis; coordinate the chemical analysis of fish and wildlife samples with the Minnesota Department of Agriculture Chemistry Laboratory; and assist the Department of Health, as needed, in assessing the long-term environmental impact of a radiological accident/incident.

Section 1711 - The Department of Natural Resources shall be a lead technical agency in coordination with Board of Animal Health and the Department of Agriculture for preparedness and response during an outbreak of highly pathogenic avian influenza in wild birds.

Section 1712 - The Department of Natural Resources shall be a lead technical agency in coordination with Board of Animal Health and the Department of Agriculture for preparedness and response during a foreign animal disease outbreak in fish and wildlife animals.

Section 1713 - The Department of Natural Resources shall maintain Radiological Field Monitoring Teams.

Division of Enforcement

Section 1720 - The Enforcement Division and other DNR divisions shall provide personnel and equipment support to the State Patrol in emergency law enforcement, evacuation or sheltering in-place, traffic control and public alerting operations, when requested by the Division of Homeland Security and Emergency Management.

Section 1721 - The Enforcement Division shall prepare and maintain procedures for providing communications support, for example MINCS, in a designated disaster area.

Section 1722 - The Enforcement Division shall prepare and maintain plans and provide support to local government agencies during floods, storms, and other disasters and emergencies. The Division shall assist local law enforcement with search and rescue, shall provide special equipment such as boats, ATVs, snowmobiles, etc., and provide any other needs identified.

Division of Forestry

Section 1730 - The Forestry Division shall provide personnel and equipment support to the State Fire Marshal in emergency operations if needed.

Section 1731 - The Forestry Division shall prevent and extinguish wildfires, coordinate fire suppression planning and direct fire suppression activities work, through agreements with the Minnesota Incident Command System (MNICS) partnership.

Section 1732 - The Forestry Division shall coordinate with the Division of Homeland Security and Emergency Management when Federal Emergency Management Agency assistance, through the Fire Management Assistance Grant Program, may be/has been made available to the State.

Section 1733 - The Forestry Division shall be responsible for coordinating fire suppression activities in forested and grassland areas of the state.

Section 1734 - The Forestry Division shall assist state and local governments in applying for grants from the federal government for the purpose of reimbursing expenses actually incurred by a property owner in the removal of timber damaged by a disaster.

Section 1735 - The Forestry Division shall assist local government with training for fire and rescue operations in coordination with the State Fire Marshal Division and the Minnesota State Colleges and Universities.

Section 1736 - The Forestry Division shall assist state and local governments with tree disposal recommendations and support personnel, following a major wind event and other natural disasters causing damage to the state's forests.

Section 1737 - The Forestry Division shall coordinate with the Department of Public Safety, State Patrol Division, and the Department of Transportation, Aeronautics Division, for air operations and air transportation services, during an emergency or disaster.

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Section 1738 - The Forestry Division shall be the lead coordination agency for coordinating aircraft during wildfire emergencies.

Section 1739 - The Forestry Division shall coordinate and maintain Type II Incident Management Team capability through the MNICS partnership.

Section 1740 - The Forestry Division shall support local law enforcement with search and rescue vehicles, helicopters (when under contract and on duty), communications equipment, support personnel and any other operational support, when requested by the Division of Homeland Security and Emergency Management.

Division of Ecological & Water Resources

Section 1750 - The Division of Ecological & Water Resources shall be responsible for coordinating the Flood Plain Management Program and the National Flood Insurance Program (NFIP) in Minnesota, including facilitating enrollment of communities in the NFIP and assisting FEMA and the Department of Commerce with the training and dissemination of information related to flood insurance availability.

Section 1751 - The Division of Ecological & Water Resources shall assign staff to Interagency Hazard Mitigation Team and to the Minnesota Recovers Task Force when requested by the Division of Homeland Security and Emergency Management. Department of Natural Resources staff shall assist the Division of Homeland Security and Emergency Management in implementing floodplain management provisions of the State All-Hazard Mitigation Plan and in updating the Plan, as it relates to programs administered by Department of Natural Resources Division of Ecological & Waters Resources.

Section 1752 - The Division of Ecological & Water Resources shall assist local units of government in applying for grants, through the Department of Natural Resources, Flood Damage Reduction Grant Program.

Section 1753 - The Division of Ecological & Water Resources shall assign staff to compile data and prepare climatological and hydrologic reports, as well as other related hydrologic data, in support of emergency operations when requested by the Division of Homeland Security and Emergency Management.

Section 1754 - The Division of Ecological & Water Resources shall provide information or personnel at Disaster Recovery Centers (DRCs) to disseminate information to, and solicit information from, flood victims when requested by the Division of Homeland Security and Emergency Management.

XVIII. MINNESOTA POLLUTION CONTROL AGENCY

Section 1800 - The Minnesota Pollution Control Agency shall, upon instructions from the office of the Governor or the Governor's Authorized Representative, waive, modify or suspend selected enforcement rules of the agency for areas stricken by an emergency or disaster, when statute provides for such waivers. This action will relieve or expedite recovery operations and avert an even greater disaster from occurring, while ensuring continued protection of the public.

Section 1801 - The Minnesota Pollution Control Agency shall provide technically qualified personnel, as needed, to participate in a preliminary damage assessment (PDA) effort, following the occurrence of a disaster when requested by the Division of Homeland Security and Emergency Management.

Section 1802 - The Minnesota Pollution Control Agency shall provide personnel, to serve on an Interagency Hazard Mitigation Team/Hazard Mitigation Survey Team, following a presidential declaration of major disaster when requested by the Division of Homeland Security and Emergency Management.

Section 1803 - The Minnesota Pollution Control Agency shall provide a representative to serve on the Minnesota Recovers Task Force to evaluate projects proposed for funding when requested by the Division of Homeland Security and Emergency Management.

Section 1804 - The Minnesota Pollution Control Agency shall review the environmental effects of emergency dike projects and recommend approval or disapproval before work begins.

Section 1805 - The Minnesota Pollution Control Agency shall provide technical and policy-level staff to the State Emergency

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Operations Center, specifically to the Planning and Assessment Center and the Operations Section, when requested by the Division of Homeland Security and Emergency Management.

Section 1806 - The Minnesota Pollution Control Agency shall develop and provide guidelines and procedures, assisting local authorities to manage and dispose of debris after a disaster/emergency.

XIX. DEPARTMENT OF PUBLIC SAFETY

Capitol Complex Security Division

Section 1900 - The Capitol Complex Security Division shall be responsible for providing protection to property and equipment on the Capitol Complex, during an emergency.

Section 1901 - The Capitol Complex Security Division shall provide 24-hour security for the Joint Information Center (JIC) and media briefing room if located on the Capitol Complex during an emergency.

Section 1902 - The Capitol Complex Security Division shall provide 24 hour security for an incident requiring a Strategic National Stockpile supported state mission critical dispensing clinic located on the capitol complex.

Office of Communications

Section 1910 - The Office of Communications shall provide emergency public information support, following the occurrence of an emergency or disaster, including disaster exercises, in coordination with the Division of Homeland Security and Emergency Management and the Governor's Office.

Section 1911 - The Office of Communications shall provide and maintain a state level media briefing room for use during State Emergency Operations Center activations.

Section 1912 - The Office of Communications shall provide staff to serve as the Lead PIO for State Emergency Operations Center activations and coordinate the Joint Information Center (JIC) and media briefing room.

Bureau of Criminal Apprehension

Section 1920 - The Bureau of Criminal Apprehension shall make its field agents available, when possible, to assist other state agencies with search and rescue, evacuation and traffic control, and law enforcement, during a disaster or emergency.

Section 1921 - The Bureau of Criminal Apprehension shall lend forensics capabilities to the analysis and identification of evidence during potential weapons of mass destruction event.

Section 1922 - The Bureau of Criminal Apprehension shall maintain the 24-hour Minnesota Duty Officer system to ensure the proper receipt and dissemination of disaster/emergency notifications and requests for emergency resources to appropriate state and local government agencies, including security and transportation needed to support receipt and distribution of the federal Strategic National Stockpile.

Section 1923 - The Bureau of Criminal Apprehension Minnesota Duty Officer, in coordination with the Division of Homeland Security and Emergency Management, shall coordinate flights in search and rescue missions with the Civil Air Patrol.

Section 1924 - The Bureau of Criminal Apprehension shall support the function of the Minnesota Joint Analysis Center (MNJAC), the designated state fusion center tasked to collect, evaluate, analyze and disseminate information regarding organized criminal, terrorist and all-hazards activity in Minnesota. The MNJAC will provide analysis and information sharing capability prior to and during emergencies and in support of the State Emergency Operations Center. The MNJAC will provide a liaison to the State Emergency Operations Center planning section during activations.

State Fire Marshal

Section 1930 - The State Fire Marshal Division shall assist local jurisdictions, in coordination with the Division of Homeland Security and Emergency Management, in obtaining, through implementation of the Fire Service Intrastate Mutual Aid Plan, fire fighting and rescue response assistance (except for missing or lost person search and rescue) during an emergency, and providing technical expertise and general

assistance with the coordination of local fire and rescue emergency response operations.

Section 1931 - The State Fire Marshal Division shall, when requested by local authorities or deemed necessary by the State Fire Marshal (in accordance with Minn. Stat. § 299F.04 (2006)), investigate fires and explosions to determine their origin and cause. If the cause is determined to be other than accidental, the Division shall assist local authorities with the collection and analysis of evidence, and the preparation of criminal cases for prosecution.

Section 1932 - The State Fire Marshal Division shall, upon the request of a local jurisdiction, provide technical expertise necessary to examine major structure fires (large dollar loss or multiple fire deaths) to identify the effectiveness of fire protection systems and prevention programs in place prior to the fire. The results of such examinations shall be used in efforts to prevent similar future losses.

Section 1933 - The State Fire Marshal Division personnel shall be assigned to conduct fire and life safety inspections of jurisdictional facilities damaged or otherwise impacted during a disaster or emergency, when requested by local authorities or deemed necessary by the State Fire Marshal.

Section 1934 - When requested by local authorities, or deemed necessary by the State Fire Marshal, personnel shall be assigned to provide basic fire inspections of emergency shelters and temporary housing used for mass care during an emergency.

Office of Pipeline Safety

Section 1940 - The Office of Pipeline Safety shall act as a liaison with pipeline companies and other utilities local, units of government and federal pipeline authorities and provide post-incident enforcement, investigation and damage prevention education.

Section 1941 - The Office of Pipeline Safety, shall act as the contact with U.S. Department of Transportation, Pipeline and Hazardous Materials Safety Administration (PHMSA) for security-related pipeline issues, distribute alerts received, and participate in pipeline security inspections, as required under federal regulations 49 CFR, as adopted by the state.

Fiscal and Administrative Services

Section 1950 - Fiscal and Administrative Services will provide direction to Department of Public Safety Divisions on the procedures to follow to document the extraordinary costs incurred during emergency operations, State Emergency Operations Center activations and recovery operations as needed (e.g., personnel overtime, call back, equipment used/expended, contracts initiated etc).

State Patrol Division

Section 1960 - The State Patrol Division shall be responsible for law enforcement and traffic control on all interstate and state trunk highways in an emergency.

Section 1961 - The State Patrol Division shall use available resources to assist local police agencies with law enforcement and traffic control during an emergency when requested by the proper local authority.

Section 1962 - The State Patrol Division shall act as net control for the National Warning System (NAWAS) within the state for the dissemination of national and local emergency information and warnings.

Section 1963 - The State Patrol Division shall provide assistance, as needed, to the Capitol Complex Security Division to protect the personnel in the Capitol Complex during an emergency, and shall prepare and maintain plans and procedures to accomplish this.

Section 1964 - The Chief of the State Patrol Division shall be in charge of the law enforcement function and shall coordinate its emergency operations in the state, including the assignment of personnel as law enforcement representatives at the state and regional emergency operations centers.

Section 1965 - The State Patrol radio frequencies shall serve as the redundant direction and control net.

Section 1966 - The State Patrol Division shall provide backup radio operators to serve as State Emergency Operations Center communications personnel to operate the radio console in the State Emergency Operations Center, as needed.

Section 1967 - The State Patrol Division shall maintain a Special Response Team (SRT) that is available for deployment statewide in support of tactical operations for local law enforcement.

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Section 1968 - The State Patrol Division shall develop and maintain a Mobile Field Force that is available for deployment statewide in support of local law enforcement efforts to quell civil unrest.

Section 1969 - The State Patrol Division shall develop and maintain an Emergency Deployment team that is available to rapidly provide security and law enforcement duties during the initial days of an emergency.

Section 1970 - The State Patrol Division shall provide 24-hour security for the State Emergency Operations Center and the Joint Information Center (JIC) media briefing room during an emergency.

Section 1971 - The State Patrol Division, Air Section, shall provide at the time of a disaster or large-scale emergency, aerial photography and assessment of the disaster or emergency area. State Patrol helicopters with cameras shall be utilized to do aerial filming of the area and shall provide that information directly to the State Emergency Operations Center when requested by the Division of Homeland Security and Emergency Management.

Section 1972 - The State Patrol Division, Air Section, shall request the restriction of flights and access over disaster and emergency areas, when requested by the Division of Homeland Security and Emergency Management or local authorities.

Section 1973 - The State Patrol Division, Air Section, shall provide personnel to participate in a preliminary damage assessment (PDA) for airports and airport facilities damaged in any type of major disaster in conjunction with the Department of Transportation, Aeronautics Division, and the Department of Natural Resources, when requested by the Division of Homeland Security and Emergency Management.

Section 1974 - The State Patrol Division, Air Section, shall provide transportation and/or reconnaissance, in conjunction with the Department of Transportation, Aeronautics Division, as requested by the Division of Homeland Security and Emergency Management, during a declared emergency or disaster situation.

Section 1975 - The State Patrol Division, Air Section, shall develop and maintain plans for the utilization of agency aircraft available for emergency operations, including records of agency aircraft, pilots, and available airports.

Section 1976 - The State Patrol Division, Air Section, shall coordinate with the Department of Transportation, Aeronautics Division, and the Department of Natural Resources for the provision and use of air transportation resources within state government, during an emergency or disaster.

Section 1977 - The State Patrol Division, Air Section shall be the lead coordination agency for coordinating state aircraft during non-wildfire emergencies.

Section 1978 - The State Patrol Division shall assist the Department of Health by providing security to the transportation vehicles for the Strategic National Stockpile, including postal service vehicles for the comprehensive postal plan.

Office of Technical Support Services

Section 1980 - The Office of Technical Support Services shall provide 24-7 technical support services to the State Emergency Operations Center during activation.

Section 1981 - The Office of Technical Support Services shall provide web site management and support services for State Emergency Operations Center web sites during activations.

Warehouse

Section 1990 - The Public Safety Warehouse shall assist with the relocation of furniture, equipment, and supplies from the State Emergency Operations Center to an alternate site, when requested by the Division of Homeland Security and Emergency Management.

XX. DEPARTMENT OF PUBLIC SAFETY

Division of Homeland Security and Emergency Management

Section 2000 - The Director of the Division of Homeland Security and Emergency Management, or designee, shall serve as the State

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Coordinating Officer (SCO) and the Governor's Authorized Representative (GAR) for all presidentially declared disasters and emergencies.

Section 2001 - The Division of Homeland Security and Emergency Management shall annually review, update and revise the Minnesota Emergency Operations Plan.

Section 2002 - The Division of Homeland Security and Emergency Management shall ensure that the nuclear power plant-related portions of the Minnesota Emergency Operations Plan required in Minnesota Statutes, Section 12.09, and the applicable local emergency operations plans, are updated and revised as necessary annually in accord with state and federal regulations and requirements. In the event of an actual accident/incident, the Director shall assess the need for protective actions required to mitigate the effects of an incident at a nuclear generating plant.

Section 2003 - The Director of the Division of Homeland Security and Emergency Management or designee shall make protective action decisions necessary to protect the public from a release of radioactive material from an emergency at a nuclear generating plant in Minnesota. The protective actions include but are not limited to; sheltering or evacuating of persons within the 10-mile Emergency Planning Zone (EPZ), establishment of restricted areas, relocation zones, placing restrictions on re-entry, and establishment of return areas during nuclear power plant emergencies. The default protective actions for rapidly escalating events is the evacuation or sheltering of the 2-mile area and 5-miles downwind based on the plant conditions and recommendations at the time.

Section 2004 - The Director of the Division of Homeland Security and Emergency Management, or designee, shall chair regular meetings, and facilitate the activities of the Minnesota Emergency Preparedness and Response Committee (EPRC).

Section 2005 - The Division of Homeland Security and Emergency Management shall monitor the operations of the state portion of the National Warning System (NAWAS) and coordinate any actions necessary to maintain service or extend coverage.

Section 2006 - The Division of Homeland Security and Emergency Management shall activate the State Emergency Operations Center (SEOC) when any major emergency/disaster occurs that poses a significant threat to public safety and/or health. When warranted, Division staff shall establish regional emergency operations centers or field offices in/or adjacent to the emergency or disaster area to coordinate field operations. When a regional emergency operation center or field office is opened, the Division shall notify state agencies, so that they may provide the staff necessary to ensure that their emergency responsibilities are carried out.

Section 2007 - The Division of Homeland Security and Emergency Management shall keep the Commissioner of Public Safety, Governor, Executive Council, and the Legislature informed of actual or impending emergency operations as necessary.

Section 2008 - The Division of Homeland Security and Emergency Management shall designate personnel to serve as the State Hazard Mitigation Officer (SHMO). The SHMO is responsible for ensuring that the hazard mitigation requirements contained in the federal Stafford Act (Public Law 93-288, as amended) including implementation and administration of the Hazard Mitigation Grant Program, are carried out.

Section 2009 - The Division of Homeland Security and Emergency Management shall facilitate long-term disaster recovery by maintaining communication and leading the activities of the Minnesota Recovers Task Force.

Section 2010 - The Division of Homeland Security and Emergency Management shall facilitate hazard mitigation efforts statewide by: coordinating maintenance of the State All-Hazard Mitigation Plan and working with local jurisdictions to develop and enhance mitigation plans and projects.

Section 2011 - The Division of Homeland Security and Emergency Management shall implement and administer the Public Assistance Program under the federal Stafford Act, (Public Law 93-288, as amended).

Section 2012 - The Division of Homeland Security and Emergency Management shall support the Federal Emergency Management Agency Individual Assistance Program, including FEMA's implementation of the Individuals and Households Program, following a presidential declaration of a major disaster.

Section 2013 - The Division of Homeland Security and Emergency Management shall obtain initial damage assessment information
(Cite 35 SR 1127)

Executive Orders

from state agencies and local governments. If it appears that the extent of the damage is beyond state and local capabilities, the Division of Homeland Security and Emergency Management will request that FEMA conduct a preliminary damage assessment (PDA) to determine whether a request by the Governor for a presidential disaster declaration is warranted.

Section 2014 - The Division of Homeland Security and Emergency Management shall request all appropriate state agencies to provide materials and/or representatives for those Disaster Recovery Centers (DRCs) that may be established, following a disaster.

Section 2015 - The Division of Homeland Security and Emergency Management shall coordinate the development and maintenance of emergency operations plans by local political subdivisions, and provide such subdivisions with planning requirements and guidance. The Division shall regularly review local emergency plans to determine their conformance with those requirements.

Section 2016 - The Division of Homeland Security and Emergency Management shall provide ongoing coordination of hazard mitigation planning efforts in Minnesota, to include maintaining a comprehensive, state all-hazard mitigation plan, and coordinating the preparation of local government hazard mitigation plans.

Section 2017 - The Division of Homeland Security and Emergency Management shall coordinate the development and conducting of emergency preparedness drills and exercises, involving multiple Minnesota state agencies.

Section 2018 - The Division of Homeland Security and Emergency Management shall be responsible for the overall coordination of the State Hazardous Materials Regional Response Team program. This responsibility includes the maintenance of contracts with the Teams, coordination of Team deployment, and performance of other administrative tasks associated with the Program.

Section 2019 - The Division of Homeland Security and Emergency Management shall receive the advance notification of shipments of high-level radioactive waste and spent nuclear fuel through or within the State of Minnesota, in accord with the requirements contained in federal regulations, 10 CFR Parts 71 and 73. The Division shall make all necessary notifications and coordinate state agency shipment preparedness and response activities.

Section 2020 - The Division of Homeland Security and Emergency Management shall maintain the state's contracts with designated bomb disposal squads, and shall coordinate the deployment of those squads when they are called upon to carry out a state mission.

Section 2021 - The Division of Homeland Security and Emergency Management, in coordination with of the Bureau of Criminal Apprehension Minnesota Duty Officer, shall coordinate flights in search and rescue missions with the Civil Air Patrol.

Section 2022 - The Division of Homeland Security and Emergency Management shall coordinate with local emergency management officials to determine the need for Transitional Shelter Assistance (TSA) and other Alternative Interim Housing needs following a presidential declaration of a major disaster.

Section 2023 - The Division of Homeland Security and Emergency Management shall coordinate with FEMA to facilitate the use of Direct Housing and other housing options to provide a safe, secure and sanitary environment for disaster survivors.

Section 2024 - The Division of Homeland Security and Emergency Management's Emergency Planning and Community Right-to-Know Act (EPCRA) Program staff shall provide state and local emergency response personnel with hazardous chemical storage information provided to the EPCRA Program by facilities subject to Title III of the Superfund Amendments and Reauthorization Act of 1986 (SARA Title III).

Section 2025 - The Division of Homeland Security and Emergency Management's EPCRA Program staff shall provide technical guidance and assistance to political subdivisions in meeting EPCRA requirements.

Section 2026 - The Division of Homeland Security and Emergency Management Director shall require that the Regional Review Committees review county emergency operations plans, and determine whether they believe those plans adequately address the required EPCRA plan content items.

Section 2027 - The Division of Homeland Security and Emergency Management shall be responsible for the Rapid Needs Assessment (RNA) program. This coordination includes all aspects of the program to effectively assess the needs of the state during and after large

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incidents or disaster. This coordination shall include the formation of needed state agencies to assist in the assessment of damages to enhance the mitigation of an incident.

Section 2028 - The Division of Homeland Security and Emergency Management shall provide ongoing coordination of a network of state, local and federal government agencies and private organizations to ensure the smooth coordination of donations and volunteerism during major emergencies and disasters.

Section 2029 - The Division of Homeland Security and Emergency Management shall develop and maintain appropriate mutual aid plans and procedures necessary to manage and implement the interstate Emergency Management Assistance Compact as outlined in Chapter 192.89 of state statute.

Section 2030 - The Division of Homeland Security and Emergency Management shall coordinate consequence management preparedness and response impacts of human and avian influenza outbreaks.

Section 2031 - The Minnesota School Safety Center in cooperation with the Department of Education shall work with schools to develop school-specific, all-hazard emergency plans compatible with local, county, state and federal all-hazard plans. The plans and response procedures developed for schools should specifically address violence within the buildings and the development of "safe areas" around schools.

Section 2032 - The Minnesota School Safety Center in cooperation with the Department of Education shall coordinate the development and updating, as required, of emergency plan guidance to be provided to local schools. Such guidance shall be designed to assist schools in developing an emergency plan that provides for the protection of children in the event of a disaster or emergency. The School Safety Center shall be responsible for the distribution of such planning guidance to local school districts.

Section 2033 - The Division of Homeland Security and Emergency Management shall coordinate the deployment of the structural collapse rescue teams when they are requested to carry out a state or local mission.

Section 2034 - The Division of Homeland Security and Emergency Management shall support the Minnesota Department of Health in the communication and coordination with other state agencies in an incident requiring the deployment of the Strategic National Stockpile including securing additional resources needed to maintain the response.

Section 2035 - The Division of Homeland Security and Emergency Management, shall coordinate support for the GIS desk in the State Emergency Operations Center for Radiological Emergency Preparedness (REP) events.

XXI. DEPARTMENT OF REVENUE

Section 2100 - The Department of Revenue shall provide materials or representatives at Disaster Recovery Centers (DRCs) to provide guidance to clients on how their tax burden shall be affected by their disaster losses, when requested by the Division of Homeland Security and Emergency Management.

Section 2101 - The Department of Revenue shall coordinate with county assessment officials to assist local government in conducting damage assessment of private homes and businesses, and provide guidance relating to property tax relief when requested by the Division of Homeland Security and Emergency Management.

Section 2102 - The Department of Revenue shall provide a representative, to serve on the Minnesota Recovers Task Force, in order to provide technical assistance when requested by the Division of Homeland Security and Emergency Management.

XXII. MINNESOTA STATE COLLEGES AND UNIVERSITIES

Section 2200 - The Minnesota State Colleges and Universities shall assist local government, state agencies, and other public and private entities as appropriate by providing training and education in all-hazards emergency operations and planning through its colleges and universities.

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XXIII. DEPARTMENT OF TRANSPORTATION

Section 2300 - The Department of Transportation shall provide personnel, to serve on an Interagency Hazard Mitigation Team/Hazard Mitigation Survey Team, following a presidential declaration of a major disaster when requested by the Division of Homeland Security and Emergency Management.

Section 2301 - The Department of Transportation shall be responsible for debris and wreckage removal from all interstate and state trunk highways, and for assistance to political subdivisions on other roadways.

Section 2302 - The Department of Transportation shall approve emergency construction projects on the interstate and trunk highway system before work begins.

Section 2303 - The Department of Transportation shall provide technically qualified personnel to participate in preliminary damage assessment (PDA) efforts for all interstate and state trunk highways, general aviation facilities, and for other political subdivisions' roadways, as needed and as resources permit. The Department shall also provide personnel, as needed, for the preparation of project worksheets for general aviation facilities and other political subdivisions' roadways.

Section 2304 - The Department of Transportation shall assist in radiological emergency response and protection efforts such as evacuation, traffic control, and supporting radiological monitoring and decontamination of state highways and vital facilities performed by others, in coordination with the Department of Health and Department of Public Safety.

Section 2305 - The Department of Transportation shall prepare and maintain emergency highway traffic plans and procedures for the regulation of highway travel, during periods of emergency, in coordination with the Department of Public Safety and local law enforcement.

Section 2306 - The Department of Transportation shall process Temporary Flight Restriction (TFR) requests, through the Federal Aviation Authority (FAA), as needed.

Section 2307 - The Department of Transportation shall coordinate air transportation and reconnaissance with the FAA, Metropolitan Airports Commission, Department of Military Affairs, Department of Natural Resources, Department of Public Safety and general aviation, as requested by the Division of Homeland Security and Emergency Management. The Department shall support this effort through utilization of its aircraft for emergency operations, when feasible.

Section 2308 - The Department of Transportation shall maintain current records of general aviation airport facilities and aircraft registered in the state. The Department shall also act as liaison with FAA for access to the FAA listing of licensed pilots.

Section 2309 - The Department of Transportation shall provide emergency engineering services in disaster operations and shall assign personnel, as needed, to state and regional emergency operations centers.

Section 2310 - The Department of Transportation shall coordinate emergency relief efforts with the motor carrier industry to enlist their assistance in emergency response efforts.

Section 2311 - The Department of Transportation shall develop and maintain procedures for receiving and disseminating information to appropriate agencies, concerning the shipment of chemicals, radiological substances, and other materials that are potentially hazardous.

Section 2312 - The Department of Transportation shall assist in preparing emergency executive orders granting relief from the motor carrier safety regulations, including overweight and over-dimension permits, upon instruction from the Governor's Authorized Representative. The Department shall also coordinate state emergency declarations with the United States Department of Transportation, Federal Motor Carrier Safety Administration, to ensure consistent application of the emergency relief to interstate carriers providing direct assistance to the emergency.

Section 2313 - The Department of Transportation shall coordinate with all rail, bus and waterway transportation providers, and the federal agencies with jurisdiction over these modes, as requested by the Division of Homeland Security and Emergency Management.

Section 2314 - The Department of Transportation shall provide technical radio communications assistance to the Division of Homeland Security and Emergency Management and incident commanders, as requested.

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Section 2315 - The Department of Transportation shall provide technical assistance in developing radio capabilities for statewide emergency preparedness, when multiple state agencies or multiple levels of government need to carry out a coordinated response.

Section 2316 - The Department of Transportation shall provide for the maintenance of state radio communications systems essential to operations, during an emergency or disaster.

Section 2317 - The Department of Transportation shall assist the Department of Health in a deployment of the Strategic National Stockpile by securing roads and routes for transportation of the Stockpile and may provide vehicles and other resources to support the response.

XXIV. BOARD OF WATER AND SOIL RESOURCES

Section 2400 - The Board of Water and Soil Resources shall be responsible for directing local governments to include provisions for water and soil related property protection and hazard mitigation in state approved local water management plans.

Section 2401 - The Board of Water and Soil Resources shall be the lead state agency responsible for providing financial and technical assistance for water and soil control projects and practices, subject to the availability of funds. The Board of Water and Soil Resources shall also be the lead state agency to coordinate with Federal disaster funding available from the United States Department of Agriculture Natural Resources Conservation Service and Farm Services Agency.

Section 2402 - The Board of Water and Soil Resources shall designate a point of contact and coordinator for emergency preparedness and to represent the Board of Water and Soil Resources on the Emergency Preparedness and Response Committee (EPRC).

Section 2403 - The Board of Water and Soil Resources shall be the lead state agency, in coordination with the Department of Health and local government units, to provide technical and financial assistance to seal abandoned private wells that are a threat to groundwater or drinking water supplies, subject to the availability of funds.

Section 2404 - The Board of Water and Soil Resources shall assign staff to the Minnesota Recovers Task Force when requested by the Division of Homeland Security and Emergency Management. The Board of Water and Soil Resources staff shall assist the Division of Homeland Security and Emergency Management in implementing water and soil conservation provisions of the State All-Hazard Mitigation Plan and in updating the Plan, as it relates to programs administered by the Board of Water and Soil Resources.

Section 2405 - The Board of Water and Soil Resources shall coordinate local government unit assistance to property owners applying for State and Federal water and soil related disaster relief funding.

Section 2406 - The Board of Water and Soil Resources may provide information or coordinate the involvement of personnel or local government unit representatives at Disaster Recovery Centers (DRCs) or other venues to disseminate information to, and solicit information from, flood victims when requested by the Division of Homeland Security and Emergency Management.

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.

Announcements, Comments Sought, Meetings

The Official Notices section gives you a “heads up” on important state meetings and announcements. The *State Register* reaches a huge audience of interested “eyes” every week. Remember to publish your notices here - it only costs \$13.60 per 1/10 of a page used in the *State Register* - it's the least expensive legal advertising in the state.

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Emergency Medical Services Regulatory Board (EMSRB) Notice of Completed Application in the Matter of the License Application of the Cook County Ambulance Service, Grand Marais, Minnesota

PLEASE TAKE NOTICE that the Emergency Medical Services Regulatory Board (hereinafter EMSRB) has received a completed application from the **Cook County Ambulance Service, Grand Marais, Minnesota**, for a new license, advanced ambulance – part time.

NOTICE IS HEREBY GIVEN that, pursuant to *Minnesota Statutes*, Section 144E.11, subd. 3, each municipality, county, community health board, governing body of a regional emergency medical services system, ambulance service and other person wishing to make recommendations concerning the disposition of the application, shall make written recommendations or comments opposing the application to the EMSRB within 30 days or by February 24, 2011, 4:30 p.m.

Written recommendations or comments opposing the application should be sent to:

Debra Teske, Interim Director
EMSRB
2829 University Avenue S.E., Suite 310
Minneapolis, Minnesota 55414-3222

If fewer than six comments opposing the application are received during the comment period, and the EMSRB approves the application, the applicant will be exempt from a contested case hearing, pursuant to *Minnesota Statutes*, Section 144E.11, subd. 4. If six or more comments in opposition to the application are received during the comment period or the EMSRB denies the application, the applicant may immediately request a contested case hearing, or may try to resolve the objections of the public and/or the EMSRB within 30 days, pursuant to *Minnesota Statutes*, Section 144E.11, sub. 5(a), (b). If the applicant is unable to resolve the objections within 30 days, or if the applicant initially requests a contested case hearing one will be scheduled and notice of the hearing given pursuant to Minn. Stat. sec. 144E.11, subd. 5(c), (e).

Dated: 14 January 2011

Debra K. Teske, Interim Director
Emergency Medical Services Regulatory Board

Emergency Medical Services Regulatory Board (EMSRB) NOTICE OF COMPLETED APPLICATION In the Matter of the License Application of the Pipestone County Ambulance Service, Pipestone, Minnesota

PLEASE TAKE NOTICE that the Emergency Medical Services Regulatory Board (hereinafter EMSRB) has received a completed application from the **Pipestone County Ambulance Service, Pipestone, Minnesota**, for a new license, advanced ambulance – part time.

NOTICE IS HEREBY GIVEN that, pursuant to *Minnesota Statutes*, Section 144E.11, subdivision 3, each municipality, county, community health board, governing body of a regional emergency medical services system, ambulance service and other person wishing to make recommendations concerning the disposition of the application, shall make written recommendations or comments opposing the application to the EMSRB within 30 days or by February 24, 2011, 4:30 p.m.

Written recommendations or comments opposing the application should be sent to:

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Dated: 14 January 2011

Debra K. Teske, Interim Director
Emergency Medical Services Regulatory Board

Minnesota Department of Health (MDH) Notice of the List of Analytes Available for Accreditation Related to Rules Governing Environmental Laboratory Accreditation, *Minnesota Rules*, 4740.2010 through 4740.2120

This notice is given to meet requirements in *Minnesota Rules* 4740.2050, Subpart 3.

Every six months, the Minnesota Department of Health reviews the list of analytes available for accreditation and publishes revisions to the list. The department revises the list based on recommendations from the state and federal agencies utilizing the environmental laboratory accreditation program. The department reviewed the list of analytes and has added analytes not previously offered.

The list of analytes available for accreditation by the department is available on the program's website:

<http://www.health.state.mn.us/accreditation>.

Analytes are listed by date of publication. New analytes will be listed with a publication date matching the date of publication of this notice. To submit comments on the list or request additional information, please contact Susan Wyatt, Minnesota Department of Health, Environmental Laboratory Accreditation Program, 601 Robert Street North, St. Paul, MN 55164-0899, **phone:** (651) 201-5323, **e-mail:** susan.wyatt@state.mn.us.

Official Notices

Minnesota Department of Human Services (DHS) REQUEST FOR COMMENTS on Possible Adoption of Rules Governing Critical Access Dental Payment Plan, *Minnesota Rules*, Chapter 9505

Subject of Rules. The Minnesota Department of Human Services requests comments on its possible adoption of rules governing the critical access dental payment plan (CADPP) referred to in *Minnesota Statutes*, Sections 256B.76 and 256L.11. These provisions authorize the department to designate critical access dental providers as eligible for increased reimbursement. The department is considering adopting rules, procedures, and standards to designate and remove designation from providers, and specify provider appeal rights and procedures related to the designation process.

The creation of these rules could result in the addition of designated dental providers to the CADPP. With a clearer provider designation process and standards, managed care plans contracted with the Minnesota Health Care Program (MHCP), and their dental administrators, may be better able to increase or maintain their dental provider networks serving enrollees.

The development of rules for procedures and standards for termination of designations will ensure that CADPP payments are made to providers who provide quality care based on prevailing community standards and that payments are not made to providers with issues such as overutilization and abuses in billing.

Persons Affected. The proposed rules would likely affect dental providers, managed care plans, third party dental administrators, and MHCP enrollees.

Statutory Authority. *Minnesota Statutes*, section 256B.04, authorizes the department to adopt rules “to the end that the medical assistance system may be administered uniformly throughout the state, having regard for varying costs of medical care in different parts of the state and the conditions in each case, and in all things to carry out the spirit and purpose of this program, which rules shall be furnished immediately to all county agencies, and shall be binding on such county agencies.”

Public Comment. Interested persons or groups may submit comments or information on these possible rules in writing or orally until further notice is published in the *State Register* that the department intends to adopt or to withdraw the rules. The department will not publish a notice of intent to adopt the rules until more than 60 days have elapsed from the date of this request for comments. The Department will consult with the Dental Services Advisory Committee (DSAC) as it develops the possible rules.

Rule Drafts. The department has not yet prepared a draft of the possible rules and does not anticipate that a draft of the rules will be available before the publication of the proposed rules.

Agency Contact Person. Written or oral comments, questions, requests to receive a draft of the rules when it has been prepared, and requests for more information on these possible rules should be directed to: Christine Reisdorf, Mary Morales or Jon Hall at the Minnesota Department of Human Services, P.O. Box 64984, St. Paul, MN 55164-0984; **phone:** (651) 431-2480; **fax:** (651) 431-7420; **e-mail:** Christine.reisdorf@state.mn.us, mary.morales@state.mn.us or jon.hall@state.mn.us **TTY** users may call the Department at 1-888-206-6513.

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

NOTE: Comments received in response to this notice will not necessarily be included in the formal rulemaking record submitted to the administrative law judge if and when a proceeding to adopt rules is started. The agency is required to submit to the judge only those written comments received in response to the rules after they are proposed. If you submitted comments during the development of the rules and you want to ensure that the Administrative Law Judge reviews the comments, you should resubmit the comments after the rules are formally proposed.

Dated: 7 January 2011

Anne Barry, Acting Commissioner
Department of Human Services

Minnesota Racing Commission**REQUEST FOR COMMENTS on Possible Amendment to Rules Governing Horse Racing, *Minnesota Rules*, 7876 Stabling, 7890 Horse Medication, and 7897 Prohibited Acts**

Subject of Rules. The Minnesota Racing Commission requests comments on its possible amendment to rules governing Horse Racing. The Commission is considering rule amendments that require a record of a negative test for Equine Piroplasmiasis, add or revise definitions to Horse Medication definitions, set regulatory limits on medications, and prohibit acts with regard to feed and medication.

Persons Affected. The amendment to the rules would likely affect Class A & B Licensees, Class C licensees, and the betting public, and horsemen.

Statutory Authority. *Minnesota Statutes*, sections 240.03, 240.24, and 240.25, authorize the Racing Commission to amend rules which affect the integrity of racing or the public health, welfare, or safety.

Public Comment. Interested persons or groups may submit comments or information on these possible rules in writing or orally until further notice is published in the *State Register* that the Commission intends to adopt or to withdraw the rules. The Commission does not contemplate appointing an advisory committee to comment on the possible rules.

Rules Drafts. The Commission has prepared a draft of the possible rules amendments.

Agency Contact Person. Written or oral comments, questions, requests to receive a draft of the rules, and requests for more information on these possible rules should be directed to:

Richard G. Krueger, Executive Director
Minnesota Racing Commission
P. O. Box 630
Shakopee, MN 55379
Phone: (952) 496-7950
Fax: (952) 496-7954
E-mail: richard.krueger@state.mn.us.
TTY users may call the Commission at 1-800-627-3529.

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

NOTE: Comments received in response to this notice will not necessarily be included in the formal rulemaking record submitted to the administrative law judge if and when a proceeding to adopt rules is started. The agency is required to submit to the judge only those written comments received in response to the rules after they are proposed. If you submitted comments during the development of the rules and you want to ensure that the Administrative Law Judge reviews the comments, you should resubmit the comments after the rules are formally proposed.

Dated: 5 January 2011

Richard G. Krueger, Executive Director
Minnesota Racing Commission

Official Notices

Department of Transportation (Mn/DOT) Engineering Services Division, Office of Construction and Innovative Contracting Notices of Suspension and Debarment

NOTICE OF SUSPENSION

NOTICE IS HEREBY GIVEN that the Department of Transportation (Mn/DOT) has ordered that the following vendors be suspended effective December 28, 2009, until final disposition of the hearing or hearing appeal:

Riley Bros. Companies Inc. and its affiliates, Morris MN
Riley Bros. Construction Inc. and its affiliates, Morris MN
Riley Bros. Properties, LLC, and its affiliates, Morris MN
Riley Bros. Utilities, Inc. dba/Chris Riley Utilities, Inc. and its affiliates, Morris MN

NOTICE OF DEBARMENT

NOTICE IS HEREBY GIVEN that the Department of Transportation (Mn/DOT) has ordered that the following vendors be debarred for a period of three (3) years effective February 24, 2010 until February 24, 2013:

Joseph Edward Riley, Morris, MN
John Thomas Riley, Morris, MN

Minnesota Statutes, Section 161.315, prohibits the Commissioner, counties, towns or home rule or statutory cities from awarding or approving the award of a contract for goods or services to a person who is suspended or debarred; including

- 1) any contract under which a debarred or suspended person will serve as a subcontractor or material supplier,
- 2) any business or affiliate which the debarred or suspended person exercises substantial influence or control, and
- 3) any business or entity which is sold or transferred by a debarred person remains ineligible during the period of the seller's or transfer's debarment.

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.

Active Grant Opportunities

The *State Register* is one of the best ways to advertise your grants - it's a required read for public works projects. And it's cost is one of the least expensive legal advertising rates in Minnesota. At \$13.60 per 1/10 of a page you cannot go wrong.

Check up on all the "active" state grants in the "Contracts & Grants" section, available only to *State Register* subscribers. Open the *State Register* and click on Bookmarks on the left. You will also see a list of ALL the current rules, a growing INDEX, and previous years' indices. Subscribers also receive LINKS to the *State Register*. Subscriptions cost \$180 a year (an \$80 savings). Here's what you receive via e-mail:

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Emergency Medical Services Regulatory Board (EMSRB) Notice of Availability of Grants for Regional Emergency Medical Services Systems

Eligible Applicants: Entities in each of the state’s eight emergency medical services (EMS) regions: Northwest, Northeast, West Central, Central, Southwest, South Central, Southeast and Metropolitan. The governing body of each applicant must include representatives from each county in its region and from a wide range of EMS providers in the region.

Grant Period: July 1, 2011, through June 30, 2013, with a possible extension for an additional period from July 1, 2013, to June 30, 2015.

Amount of Funding: To be determined by budget deliberations and state appropriations. The amount for the first two-year period to be awarded through grant contracts with the designated grantees is estimated at \$1,169,196 (\$146,149.50 per region) from the Emergency Medical Services System Support Act and an additional estimated amount of \$3,600,000 (\$450,000 per region) to be distributed from the State EMS Relief Account (seatbelt fines). Please note that the State EMS Relief Account is a forecasted amount that could change due to the amount of fines collected or legislative action.

Letter of Intent: Interested parties must submit a *Letter of Intent to Apply for Funds* in order to become eligible to submit a proposal. The letter must include: 1) the name of the applicant organization, 2) a brief description of the organization, 3) the name, address, e-mail and telephone number of a contact person, and 4) the format the organization would like to receive the *Request for Proposal* (mailed or e-mailed). *Letters of Intent* are due not later than 4:00 p.m., Friday, February 18, 2011.

Request for Proposal: Each party submitting a *Letter of Intent* will receive a *Request for Proposal* (RFP) that will contain detailed information on grant requirements and procedures, a geographic description of the eight regions, and the required content, organization and format of proposals. The RFP is expected to be available for distribution on Tuesday, February 22, 2011.

Proposal Deadline: Proposals will be accepted only from parties that have submitted a *Letter of Intent*. Proposals will be due no later than 4:00 p.m., Friday, April 22, 2011.

Description of Grant Program: The purpose of this grant program is to reduce death and disability due to medical emergencies through the promotion of prevention efforts and the development, maintenance and improvement of EMS systems on a regional basis throughout Minnesota. Following a review of all proposals received, the Emergency Medical Services Regulatory Board (EMSRB) will select no more than one proposal from each region and designate the applicant organization as the Regional EMS System (grantee). During the review process, the EMSRB may request additional information and/or modification of objectives and tasks contained in the proposal. This notice does not obligate the EMSRB to fund proposed projects; the right is reserved to modify or cancel the solicitation if it is deemed in the right interest of the State to do so.

Award Decisions: The designation of grantees is expected at the EMSRB’s meeting on Thursday, May 19, 2011.

Contact Person: The contact person for this grant program, including the *Letter of Intent*, the *Request for Proposal*, and the submission of proposals, is: Melody Nagy, EMS Regulatory Board, 2829 University Ave. S.E., Suite 310, Minneapolis, MN 55414-3222. **Telephone:** (651) 201-2802, or 1-800-747-2011.

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

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State Department of Administration (Admin)

State Designer Selection Board Project #11-03

Notice of Availability of Request for Proposal (RFP) for Designer Selection for: Digital Multi-purpose Training Range (DMPTR) / Scout Reconnaissance Range (SCOUT RECCE), Camp Ripley, Little Falls, Minnesota

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 National Guard's website <http://www.MinnesotaNationalGuard.org/rfp>.

A **MANDATORY** informational meeting is scheduled for **Tuesday, January 25, 2011 at 9:30 a.m.** at the National Guard Armory, Building 11-1, Facilities Management Office, Camp Ripley, 15000 Highway 115, Little Falls, Minnesota 56345-4173. All firms interested in this meeting should contact Major Randy Erickson at **phone:** (320) 616-2615 or **e-mail:** randy.erickson@us.army.mil to sign up to attend the meeting. Project questions will also be taken by this individual only.

Proposals must be delivered to Sherry Van Horn, Executive Secretary, State Designer Selection Board, Real Estate and Construction Services, Room 309, Administration Building, 50 Sherburne Ave., St. Paul, MN 55155, phone: (651) 201-2376 not later than **12:00 noon on Monday, January 31, 2011**. Late responses will not be considered.

The Minnesota National Guard 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.

State Department of Administration**State Designer Selection Board Project #11-04****Notice of Availability of Request for Proposal (RFP) for Designer Selection for Convoy Live Fire (CLF) Range, Camp Ripley, Little Falls, Minnesota**

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 National Guard's website <http://www.MinnesotaNationalGuard.org/rfp>.

A **MANDATORY** informational meeting is scheduled for **Tuesday, January 25, 2011 at 9:30 a.m.** at the National Guard Armory, Building 11-1, Facilities Management Office, Camp Ripley, 15000 Highway 115, Little Falls, Minnesota 56345-4173. All firms interested in this meeting should contact Captain Pat Foley at **phone:** (320) 616-3172 or **e-mail:** pat.foley@us.army.mil to sign up to attend the meeting. Project questions will also be taken by this individual only.

Proposals must be delivered to Sherry Van Horn, Executive Secretary, State Designer Selection Board, Real Estate and Construction Services, Room 309, Administration Building, 50 Sherburne Ave., St. Paul, MN 55155, phone: (651) 201-2376 not later than **12:00 noon on Monday, January 31, 2011**. Late responses will not be considered.

The Minnesota National Guard 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.

Minnesota State Colleges and Universities (MnSCU)**Anoka Ramsey Community College****Notice of Availability of Request for Qualifications (RFQ) for Construction Manager at Risk for Health and Wellness Center 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, is soliciting qualifications from interested consultants for construction management at risk services for the above referenced project.

A full Request for Qualification is available on the Minnesota State Colleges Universities website, <http://www.finance.mnscu.edu/facilities/design-construction/index.html> click on "Announcements". A copy of the pre-design is available for review at this same location. An informational meeting is scheduled for 2:00 PM, January 25, 2011 in the Student Center Building, Legacy Room, SC270, on the Anoka Ramsey Community College, Coon Rapids Campus, 11200 Mississippi Blvd NW. Coon Rapids MN 55433. All firms interested in this meeting should contact Louise Duff, at 763-433-1469 or by email at louise.duff@anokaramsey.edu to sign up to attend the meeting.

Proposals must be delivered to Information Desk, Anoka Ramsey Community College, 11200 Mississippi Blvd NW. Coon Rapids MN 55433, not later than 2:00 P.M., February 8, 2011. 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.

State Contracts

Minnesota State Colleges and Universities (MnSCU)

Metropolitan State University

Request for Proposals on Web Site Content Management System Solution

GENERAL STATEMENT/SCOPE:

Metropolitan State University is seeking proposals from vendors to provide a Content Management System (CMS) solution for managing the University web site(s).

TO RECEIVE A COMPLETE COPY OF THE PROPOSAL REQUEST/SPECS, PLEASE CONTACT ROBERT GRANVIN BY E-MAIL AT: *robert.granvin@metrostate.edu*.

Proposals must be sealed with a notation on the outside of the envelope stating: CMS PROJECT PROPOSAL – DELIVER IMMEDIATELY

Mail or deliver (faxes and email will not be accepted) sealed proposal by FRIDAY, FEBRUARY 28, 2011, NO LATER THAN 2:00 PM CST to:

Metropolitan State University
Financial Management
Attn. Dave Peasley
700 East Seventh Street
Saint Paul, MN 55106
Phone: (651) 793-1880

PROPOSAL CLOSE DATE IS **MONDAY, FEBRUARY 28, 2011** – 2:00 PM CST

Minnesota State Colleges and Universities (MnSCU)

St. Cloud Community and Technical College

Formal Request for Bid (RFB) for Purchase of Plasma Cutting System for the Welding Lab

RESPONSE DUE DATE AND TIME: Tuesday, February 1, 2011 by 2:00pm Central Time. The complete Request for Bid will be available on Tuesday, January 18, 2011 on the website: <http://www.sctcc.edu/rfp>

TITLE OF PROJECT: Purchase of Plasma Cutting System for the Welding Program Lab

GEOGRAPHIC LOCATION REQUIREMENTS: St. Cloud Technical and Community College, 1540 Northway Drive, St Cloud, MN 56303

RESPONSES MUST BE RECEIVED AT THE LOCATION LISTED BELOW:

St. Cloud Technical and Community College
1540 Northway Drive
St. Cloud, MN 56303
Susan Meyer, Purchasing Agent Room 1-401
Phone: (320) 308-5973
Fax: (320) 308-5027
E-mail: *smeyer@sctcc.edu*

CONTACT FOR QUESTIONS: Bruce Peterson, **phone:** (320) 290-2185, **e-mail:** *bpeterson@sctcc.edu*

Your response to this Request for Bid (RFB) must be returned sealed. Sealed responses must be received no later than the due date and time specified above, at which time the names of the vendors responding to this RFB will be read. **Late responses** cannot be considered and the responses will be rejected.

The laws of Minnesota and MnSCU Board of Trustees policies and procedures apply to this RFB.

All attached General RFB Terms and Conditions, Specifications and Special Terms and Conditions are part of this RFB and will be incorporated into any contract(s) entered into as a result of this RFB.

All responses to this RFB must be prepared as stated herein and properly signed. **Address all correspondence and inquiries regarding this RFB to the Contact person named above. This is a request for responses to an RFB and is not a purchase order.**

Minnesota State Colleges and Universities (MnSCU) St. Cloud Community and Technical College Formal Request for Bid (RFB) for Purchase of Level and Flow Process Control Learning System for the Mechatronics/Energy Lab

RESPONSE DUE DATE AND TIME: Tuesday, February 1, 2011 by 2:00pm Central Time. The complete Request for Bid will be available on Tuesday, January 18, 2011 on the website: <http://www.sctcc.edu/rfp>

TITLE OF PROJECT: Purchase of Level and Flow Process Control Learning System for the Mechatronics/Energy Program Lab

GEOGRAPHIC LOCATION REQUIREMENTS: St. Cloud Technical and Community College, 1540 Northway Drive, St Cloud, MN 56303

RESPONSES MUST BE RECEIVED AT THE LOCATION LISTED BELOW:

St. Cloud Technical and Community College
1540 Northway Drive
St. Cloud, MN 56303
Susan Meyer, Purchasing Agent Room 1-401
Phone: (320) 308-5973
Fax: (320) 308-5027
E-mail: smeyer@sctcc.edu

CONTACT FOR QUESTIONS: Bruce Peterson, **phone:** (320) 290-2185, **e-mail:** bpeterson@sctcc.edu

Your response to this Request for Bid (RFB) must be returned sealed. Sealed responses must be received no later than the due date and time specified above, at which time the names of the vendors responding to this RFB will be read. **Late responses** cannot be considered and the responses will be rejected.

The laws of Minnesota and MnSCU Board of Trustees policies and procedures apply to this RFB.

All attached General RFB Terms and Conditions, Specifications and Special Terms and Conditions are part of this RFB and will be incorporated into any contract(s) entered into as a result of this RFB.

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State Contracts

Minnesota Department of Employment and Economic Development (DEED)

Office of JOBZ and Business Finance

Request for Information, Ideas and Suggestions on the Type of Programs that the State Should Utilize in Using These Federal Funds

The Minnesota Department of Employment and Economic Development (DEED) is interested in comments related to the Minnesota's application to receive \$15.4 million in federal funds from the State Small Business Credit Initiative included in the Small Business Jobs Act of 2010. Limited information on the program is below; additional information may be found at <http://www.treasury.gov/resource-center/sb-programs/Pages/ssbci.aspx>.

Background. On September 27, 2010, President Obama signed into law the Small Business Jobs Act of 2010 (the "Act") to help increase credit availability for small businesses. The Act created the State Small Business Credit Initiative (SSBCI) and appropriated \$1.5 billion to be used by the U.S. Department of the Treasury ("Treasury") to provide direct support to states for use in programs designed to increase access to credit for small businesses. Pursuant to the Act, Treasury allocated \$15.5 million to Minnesota for two program categories: capital access programs ("CAPs") and other credit support programs ("OCSPs").

CAPs provide portfolio insurance for business loans based on a separate loan loss reserve fund for each participating financial institution. The reserve fund will be used to provide portfolio insurance for all loans enrolled in the CAP by participating financial institutions. To enroll a loan in the CAP, both the lender and the borrower of the loan make insurance premium payments to the reserve fund. The state also must make a payment to the reserve fund for each loan to match the insurance premium. Under the Act, states may use the federal funds allocated to them under the Act to make their matching contributions to the reserve fund. Under the Act, for a loan to be eligible for enrollment in the CAP, the borrower must have 500 employees (as defined in 13 CFR 121.106) or less and the loan cannot exceed \$5 million.

OCSPs include collateral support programs, loan participation programs, state-sponsored venture capital programs, loan guarantee programs or similar programs. Under the Act, OCSPs must target an average borrower-size of 500 employees (as defined in 13 CFR 121.106) or less and cannot extend credit support to borrowers with more than 750 employees. The OCSP must target loans with an average principal amount of \$5 million or less and cannot extend credit for loans with principal amounts in excess of \$20 million. OCSPs also include qualifying loan or swap funding facilities, which are contractual arrangements between a participating state and a private financial entity. Under such facilities, the state delivers funds to the private financial entity as collateral; that entity, in turn, provides funding to the state. The full amount resulting from the arrangement, less any fees or other costs of the arrangement, is contributed to, or for the account of, an approved state program.

Comments. DEED is developing Minnesota's SSBCI application that will be submitted to the United States Department of Treasury and is interested in ideas and suggestions on the type of programs that the state should utilize using these federal funds. Please submit any ideas by February 15th, 2011 via the United States Postal Service to:

Bob Isaacson
Director, Office of JOBZ and Business Finance
MN Dept. of Employment and Economic Development
322 Minnesota Street, Suite E200
St. Paul, MN 55101

Or Via **E-mail** to: Bob.Isaacson@state.mn.us

This request for information (RFI) is published for the sole purpose of gaining knowledge on SSCBI alternatives and should not be construed as intent, commitment or promise to use or implement information offered. No contract will result from any response to this RFI. Information submitted in response to this RFI becomes the property of the State of Minnesota

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

Department of Transportation (Mn/DOT)**Engineering Services Division****Notice of Potential Availability of Contracting Opportunities for a Variety of General Organizational Related Activities**

(This document is available in alternative formats for persons with disabilities by calling Melissa McGinnis at 651-366-4644; for persons who are hearing or speech impaired by calling the Minnesota Relay Service at 800-627-3529.)

Mn/DOT, in conjunction with the Department of Administration, have developed a streamlined approach for fast-tracking select general organization service projects. These general organizational projects may include, but are not limited to, work in the following categories: 1) Develop, implement and summarize internal and external surveys; 2) Recommend best practices in an organizational structure; 3) Assist with organizational health structure; 4) Provide marketing support; 5) Develop, implement and provide support of ad hoc forums; 6) Establish and facilitate collaborative groups, including cross-organization and public-private teams; 7) Provide project management for non-technical initiatives; and 8) Facilitate non-technical activities and events.

This streamlined approach includes developing an email list of firms that are interested in receiving direct notification of general organizational projects. Firms will be added on an on-going basis. Fast-tracked projects will have a shorter advertising period and turn-around time. Firms will be asked to submit responses within 5 business days and will be required to work diligently with Mn/DOT toward establishing a contract upon selection. All projects will be advertised to the public. Your firm will be directly notified that there is a project posted on the Consultant Services Website (www.dot.state.mn.us/consult) that requires general organizational skills. Please note that this notice is not a solicitation or request for proposals of any kind. Being placed on the list does not guarantee work nor does it obligate Mn/DOT to provide any contracting opportunities under this program.

Interested firms should send the following information to the e-mail address below: Firm name, firm contact person, phone number, and email address.

Contact: Melissa McGinnis, Contract Administrator
E-mail: melissa.mcginnis@state.mn.us
Telephone: (651) 366-4644

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 Kelly Arneson 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 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
(Cite 32 SR 1143) *State Register*, Monday 24 January 2011 Page 1143

State Contracts

Consultant Services web site at: <http://www.dot.state.mn.us/consult>.

Send completed application material to:

Kelly Arneson
Consultant Services
Office of Technical Support
Minnesota Department of Transportation
395 John Ireland Blvd. Mail Stop 680
St. Paul, MN 55155

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.

Minnesota Department of Veterans Affairs Minnesota Veterans Home Silver Bay Notice of Availability of Contract for Registered Dietician

The Minnesota Department of Veterans Affairs, Minnesota Veterans Home Silver Bay is soliciting proposals for the purpose of providing Professional Registered Dietitian Services for the Residents of an 83 bed Skilled Nursing Facility for Veterans and their spouses, located at 45 Banks Boulevard, Silver Bay, Minnesota.

Work is proposed to start on **March 14, 2011**.

A Request for Proposals will be available by direct mail or e-mail from this office. **A written request (by direct mail, e-mail or fax) is required to receive the Request for Proposals.**

The Request for Proposals can be obtained from:

Carla Floen
Minnesota Department of Veterans Affairs
Minnesota Veterans Home Silver Bay
45 Banks Boulevard
Silver Bay, Minnesota 55614
E-mail: Carla.floen@state.mn.us
Telephone: (218) 226-6332
Fax: (218) 226-6336

Proposals submitted in response to the Request for Proposals in this advertisement must be received at the address above no later than **Monday February 14, 2011, 2:30 PM Central Standard Time.**

Late proposals will NOT be considered. Fax or e-mailed proposals will **NOT** be considered.

This request does not obligate the State to complete the work contemplated in this notice. The State reserves the right to cancel this solicitation. All expenses incurred in responding to this notice are solely the responsibility of the responder.

Non-State 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.

Work with Governmental Units

The *State Register* offers one of the cheapest, yet far reaching methods, of notifying the public about your agency's bids, contracts and grants. It is available to any government, non-profit, or private agency. Space is charged at the current rate of \$13.60 per each 1/10th of a page used in the *State Register*. Agencies are only billed for the space used in the *State Register*.

Agencies wishing to take advantage of this offer should submit what you want printed in the *State Register* via e-mail to: robin.panlener@state.mn.us. Attach to your entry a short note indicating when you wish the notice to be published (one, or many dates), if you want a copy of the issue your notice appears in (a TEAR SHEET will be sent free with your bill), and whether you want an "Affidavit of Publication."

Metropolitan Airports Commission (MAC) Minneapolis-Saint Paul International Airport Notice of Call for Bids for 2011 Parking Structure Rehabilitation

MAC Contract No.:	106-3-460
Bids Close At:	2:00PM, Tuesday, February 15, 2011

Notice to Contractors

Sealed Bid Proposals for the project listed above will be received by the MAC, a public corporation, at the office thereof located at 6040-28th Avenue South, Minneapolis, Minnesota 55450, until the date and hour indicated. The project provides for miscellaneous repairs and maintenance to the parking structure facilities at the Terminal 1-Lindbergh and Terminal 2-Humphrey. The work includes miscellaneous structural repairs, expansion joint replacement, construction joint rehabilitation, deck sealant, floor drain replacement, painting, and miscellaneous electrical and communications work.

Non-State Bids, Contracts & Grants

Targeted Group Businesses (TGBs): The goal of the MAC for the utilization of TGBs on this project is 5%.

Bid Security

Each Bid shall be accompanied by a "Bid Security" in the form of a certified check made payable to the MAC in the amount of not less than five percent (5%) of the total bid, or a surety bond in the same amount, running to the MAC, with the surety company thereon duly authorized to do business in the State of Minnesota.

Availability of Bidding Documents

Bidding documents are on file for inspection at the office of Kimley-Horn and Associates, Inc.; at the Minneapolis and Saint Paul Builders Exchanges; McGraw Hill Construction Dodge; and NAMC-UM Plan Room. Bidders desiring bidding documents may secure a complete set from Kimley-Horn and Associates, Inc.; 2550 University Avenue West, Suite 238N; Saint Paul, Minnesota, 55114; **phone:** (651) 645-4197; **fax:** (651) 645-5116. Make checks payable to Kimley-Horn and Associates, Inc. Deposit per set (refundable) \$100.00. Requests for mailing sets will require a separate, non-refundable \$15.00 check for mailing charges. Deposit will be refunded upon return of bidding documents in good condition within 10 days of opening of bids.

MAC Internet Access of Additional Information: A comprehensive Notice of Call for Bids (00021) will be available on January 17, 2011 at MAC's web address of www.metroairports.org/business/solicitations (construction bids).

Metropolitan Airports Commission (MAC) St. Paul Downtown Airport Notice of Call for Bids for 2011 Pavement Rehabilitation

MAC Contract No.:	107-1-059
Bids Close At:	2:00 p.m. February 15, 2011

Notice to Contractors

Sealed Bid Proposals for the project listed above will be received by the MAC, a public corporation, at the office thereof located at 6040-28th Avenue South, Minneapolis, Minnesota 55450, until the date and hour indicated.

Major items of work include Pavement removal, aggregate base, P-401 bituminous pavement, pavement marking, pavement jointing, turf restoration, electrical improvements and tree/brush clearing.

Disadvantaged Business Enterprises (DBEs): The goal of the MAC for the utilization of DBEs on this project is 7%.

Bid Security

Each Bid shall be accompanied by a "Bid Security" in the form of a certified check made payable to the MAC in the amount of not less than five percent (5%) of the total bid, or a surety bond in the same amount, running to the MAC, with the surety company thereon duly authorized to do business in the State of Minnesota.

Availability of Bidding Documents

Bidding documents are on file for inspection at the office of Short Elliott Hendrickson, Inc., at the Minneapolis & Saint Paul Builders Exchanges; McGraw Hill Construction Dodge; and NAMC-UM Plan Room. Bidders desiring bidding documents may secure a complete set from Docunet Corporation; 2435 Xenium Lane North; Plymouth, Minnesota, 55441, **phone:** (763) 475-9600. Deposit per set (non-refundable): \$300.

MAC Internet Access of Additional Information

A comprehensive Notice of Call for Bids (Document 00021) will be available for this project at MAC's web address of www.metroairports.org/business/solicitations (construction bids) on January 17, 2011.

Non-State Bids, Contracts & Grants

Metropolitan Airports Commission (MAC)

Minneapolis-St. Paul International Airport

NOTICE OF CALL FOR BIDS for Taxiway C Extension

MAC Contract No.: 106-1-231
Bids Close At: 2:00 PM on February 15, 2011

Notice to Contractors

Sealed Bid Proposals for the project listed above will be received by the MAC, a public corporation, at the office thereof located at 6040-28th Avenue South, Minneapolis, Minnesota 55450, until the date and hour indicated. This project provides for the construction of Taxiway C between Taxiway S and the Humphrey Remote Apron. Project also includes relocation of a sanitary lift station and installation of sanitary sewer force main.

Disadvantaged Business Enterprises (DBEs): The goal of the MAC for the utilization of DBEs on this project is 7%.

Bid Security

Each Bid shall be accompanied by a "Bid-Security" in the form of a certified check made payable to the MAC in the amount of not less than five percent (5%) of the total bid, or a surety bond in the same amount, running to the MAC, with the surety company thereon duly authorized to do business in the State of Minnesota.

Availability of Bidding Documents

Bidding documents are on file for inspection at the office of TKDA, the Minneapolis and Saint Paul Builders Exchanges; McGraw Hill Construction Plan Room; NAMC-UM Plan Room. Bidders desiring bidding documents may secure a complete set from TKDA; 444 Cedar Street, Suite 1500; St. Paul, MN 55101, **phone:** (651) 292-4400; **fax:** (651) 292-0083. Make checks payable to TKDA. Deposit per set (refundable) \$200.00. Requests for mailing sets will be invoiced for mailing charges. Deposit will be refunded upon return of bidding documents in good condition within (10) days of opening of bids.

MAC Internet Access of Additional Information

A comprehensive Notice of Call for Bids (Document 00021) for this project will be available on January 17, 2011, at MAC's web address of www.metroairports.org/business/solicitations (construction bids).

University of Minnesota (U of M)

Subscribe to Bid Information Service (BIS)

The University of Minnesota offers 24-hour/day, 7-day/week access to all Request for Bids/Proposals through its web-based Bid Information Service (BIS). Subscriptions to BIS are free. Visit our website at bidinfo.umn.edu or call the BIS Coordinator at (612) 625-5534.

Request for Bids/Proposals are also available to the public each business day from 8:00 a.m. to 4:30 p.m. in the Purchasing Services lobby, Suite 560, 1300 S. 2nd Street, Minneapolis, Minnesota 55454.



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- ♦ **Retail store** Open 8 a.m. - 5 p.m. Monday - Friday, 660 Olive Street, St. Paul
- ♦ **Phone** (credit cards): 8 a.m. - 5 p.m. Monday - Friday, 651.297.3000 (Twin Cities) or 1.800.657.3757 (nationwide toll-free)
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PREPAYMENT REQUIRED. Prices and availability subject to change.

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Daytime phone (In case we have a question about your order) _____

Credit card number: _____

Expiration date: _____ Signature: _____

Shipping Charges

<i>If Product</i>	<i>Please</i>
<i>Subtotal is:</i>	<i>Add:</i>
Up to \$15.00	\$ 5.00
\$15.01-\$25.00	\$ 6.00
\$25.01-\$50.00	\$ 9.00
\$50.01-\$100.00	\$ 14.00
\$100.01-\$1,000	\$ 17.00*
*\$17 to an address in MN, WI, SD, ND, IA. If delivered to an address in other states, Canada or internationally, we will contact you if there are additional charges.	
More than \$1,000	Call

Product Subtotal _____

Shipping _____

Subtotal _____

Sales tax _____

(6.875% sales tax if shipped to MN address, 7.625% if shipped to St. Paul address. 7.125% MN transit tax or other local sales tax if applicable)

TOTAL _____

If tax exempt, please provide ES number or completed exemption form.
ES# _____