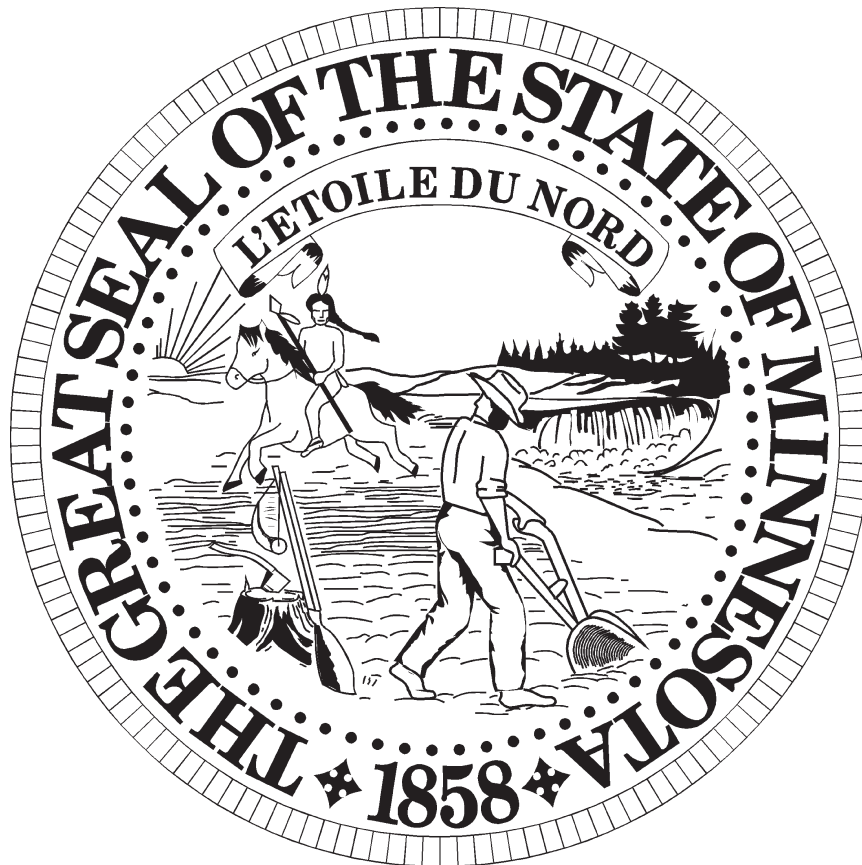


Minnesota State Register

Published every Monday (Tuesday when Monday is a holiday)



**Proposed, Adopted, Emergency, Expedited, Withdrawn, Vetoed Rules;
Executive Orders; Appointments; Commissioners' Orders; Revenue Notices;
Official Notices; State Grants & Loans; State Contracts;
Non-State Public Bids, Contracts and Grants**

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Minnesota State Register

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

The *Minnesota 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. It contains:

- Proposed Rules
- Adopted Rules
- Exempt Rules
- Expedited Rules
- Withdrawn Rules
- Executive Orders of the Governor
- Appointments
- Proclamations
- Vetoed Rules
- 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. 40 Issue Number	PUBLISH DATE (BOLDFACE shows altered publish date)	Deadline for: all Short Rules, Executive and Commissioner's Orders, Revenue and Official Notices, State Grants, Professional-Technical- Consulting Contracts, Non-State Bids and Public Contracts	Deadline for LONG, Complicated Rules (contact the editor to negotiate a deadline)
# 42	Monday 18 April	Noon Tuesday 12 April	Noon Thursday 24 March
# 43	Monday 25 April	Noon Tuesday 19 April	Noon Thursday 31 March
# 44	Monday 2 May	Noon Tuesday 26 April	Noon Thursday 5 April
# 45	Monday 9 May	Noon Tuesday 3 May	Noon Thursday 12 April

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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. TTY relay service phone number: (800) 627-3529.

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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 §§ 14.1414.20, which state that if an agency decides to hold a public hearing, it must publish a notice of intent in the *State Register*.

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

Minnesota Department of Natural Resources Notice Of Hearing On Proposed Rules Governing Mississippi River Corridor Critical Area

Minnesota Rules, Chapters 6106 And 4410; Revisor's Id Numbeerr-04240

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

The Department will hold public hearings on the above-named rules starting at the time listed with each location and continuing until each hearing is completed at the following locations:

Tuesday, June 14, 2016, at 4:30 p.m., at Schaar's Bluff Gathering Center, 8395 127th Street East,
Hastings, Minnesota 55033

Wednesday, June 15, 2016, at 4:30 p.m., at Greenhaven Golf Course Event Center, 2800 Greenhaven Road,
Anoka, Minnesota 55303

Thursday, June 16, 2016, at 10:00 a.m., at Mississippi Watershed Management Organization, 2522 Marshall Street NE,
Minneapolis, Minnesota 55418

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

Administrative Law Judge. Administrative Law Judge Eric L. Lipman will conduct the hearing. The judge can be reached at the Office of Administrative Hearings, 600 North Robert Street, P.O.Box64620, Saint Paul, Minnesota 55164-0620, telephone

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651-361-7875, and fax 651-539-0310. The rule hearing procedure is governed by *Minnesota Statutes*, sections 14.131 to 14.20, and by the rules of the Office of Administrative Hearings, *Minnesota Rules*, parts 1400.2000 to 1400.2240. You should direct questions about the rule hearing procedure to the administrative law judge.

Subject of Rules, Statutory Authority, and Department Contact Person. The proposed rules will provide for management of the Mississippi River Corridor Critical Area (MRCCA) as a multi-purpose resource in a manner consistent with *Minnesota Statutes*, section 116G.15, subd. 2, that:

- conserves scenic, environmental recreational, mineral, economic, cultural, and historic resources and functions;
- maintains the river channel for transportation, including barging and fleeting areas;
- provides for continuation, development and redevelopment of a variety of urban uses;
- uses the river for water supply and as a receiving water for properly treated effluents; and
- protects the biological and ecological functions of the corridor.

The proposed rules are authorized by *Minnesota Statutes*, section 116G.15, as amended in Laws of Minnesota 2013, chapter 137, article 2, sections 18 to 21.

A copy of the proposed rules is published in the *State Register* and attached to this notice as mailed, and is available at the Department's website at <http://www.dnr.state.mn.us/input/rules/mrcca>. A free copy of the rules is available upon request from the Department contact person.

The Department contact person is Dan Petrik, Land Use Specialist, at Department of Natural Resources, 500 Lafayette Road, Saint Paul, MN 55155-4025, telephone 651-259-5714.

Statement of Need and Reasonableness. The statement of need and reasonableness contains a summary of the justification for the proposed rules, including a description of who will be affected by the proposed rules and an estimate of the probable cost of the proposed rules. It is now available from the Department contact person. You may review or obtain copies for the cost of reproduction by contacting the Department contact person.

Public Comment. You and all interested or affected persons, including representatives of associations and other interested groups, will have an opportunity to participate. The administrative law judge will accept your views either orally at the hearing or in writing at any time before the close of the hearing record. Submit written comments to the administrative law judge at the address above.

All evidence that you present 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 hearings end. At the hearing, the administrative law judge may order this five-day comment period extended for a longer period but for no more than 20 calendar days.

Following the comment period, there is a five-working-day rebuttal period during which the Department 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.

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 are public and will be available for review at the Office of Administrative Hearings or online at that Office's e-Comments website: <https://minnesotaoah.granicusideas.com/>.

The Department 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 send a copy of the written views or data to the agency contact person at the address stated above.

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 Department contact person at the address or telephone number listed above.

Modifications. The Department may modify the proposed rules as a result of the rule hearing process. It must support modifications by data and views presented during the rule hearing process. The adopted rules may not be substantially different than these proposed rules, 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.

Proposed Rules

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

Lobbyist Registration. *Minnesota Statutes*, chapter 10A, requires each lobbyist to register with the State Campaign Finance and Public Disclosure Board. You should direct questions regarding this requirement to the Campaign Finance and Public Disclosure Board at: Suite #190, Centennial Building, 658 Cedar Street, St. Paul, Minnesota 55155, telephone 651-539-1180 or 1-800-657-3889.

Order. I order that the rule making hearing be held at the dates, times, and locations listed above.

April 1, 2016

Tom Landwehr, Commissioner of Natural Resources

Department of Natural Resources

Proposed Permanent Rules Relating to Mississippi River Corridor Critical Area

6106.0010 POLICY.

It is in the interest of present and future generations to preserve and enhance the natural, aesthetic, economic, recreational, cultural, and historical values of the Mississippi River corridor within the Twin Cities metropolitan area and protect its environmentally sensitive areas. In furtherance of the policies declared in Minnesota Statutes, chapters 116G, 394, 462, and 473, this chapter provides standards and criteria for the preservation, protection, and management of the Mississippi River Corridor Critical Area.

6106.0020 PURPOSE; DESIGNATION.

The minimum standards and criteria in this chapter are provided for the subdivision, use, and development of land within the Mississippi National River and Recreation Area, established pursuant to United States Code, title 16, section 460k, which is designated the Mississippi River Corridor Critical Area, according to the purposes described under Minnesota Statutes, section 116G.15, subdivision 1.

6106.0030 SCOPE; OTHER LAW.

Subpart 1. **Applicability.** The standards and criteria established in this chapter for the Mississippi River Corridor Critical Area pertain to public waters and to nonfederal public land and private lands within the river corridor boundary.

Subp. 2. **Government actions.** The state and all local governments, including councils, commissions, boards, districts, departments, and all other public authorities, must exercise their powers to further the purposes of this chapter.

Subp. 3. **State land.** Land owned by the state and its agencies and subdivisions must be administered according to this chapter.

Subp. 4. **Conflicting standards.** In case of a conflict between this chapter and any other rule or ordinance, the more protective provision applies.

Subp. 5. **Superseding standards.** Specific standards found in this chapter supersede parts 4410.8100 to 4410.9910 for management of the Mississippi River Corridor Critical Area.

6106.0050 DEFINITIONS.

Subpart 1. **Scope of terms and measurement of distances.** For the purposes of this chapter, the terms used have the meaning given in this part. All distances, unless otherwise specified, are measured horizontally.

Subp. 2. **Access path.** "Access path" means an area designated to provide ingress and egress to public waters.

Subp. 3. **Adjacent.** "Adjacent" means having a boundary that physically touches or adjoins.

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Subp. 4. **Agricultural use.** “Agricultural use” has the meaning given under Minnesota Statutes, section 40A.02.

Subp. 5. **Alternative design.** “Alternative design” means subdivision design methods such as conservation design, transfer of development density, or similar zoning and site design techniques that protect open space and natural areas.

Subp. 6. **Barge fleeting.** “Barge fleeting” means temporarily parking and securing barges on the river, on or off channel, while tows are assembled or broken up.

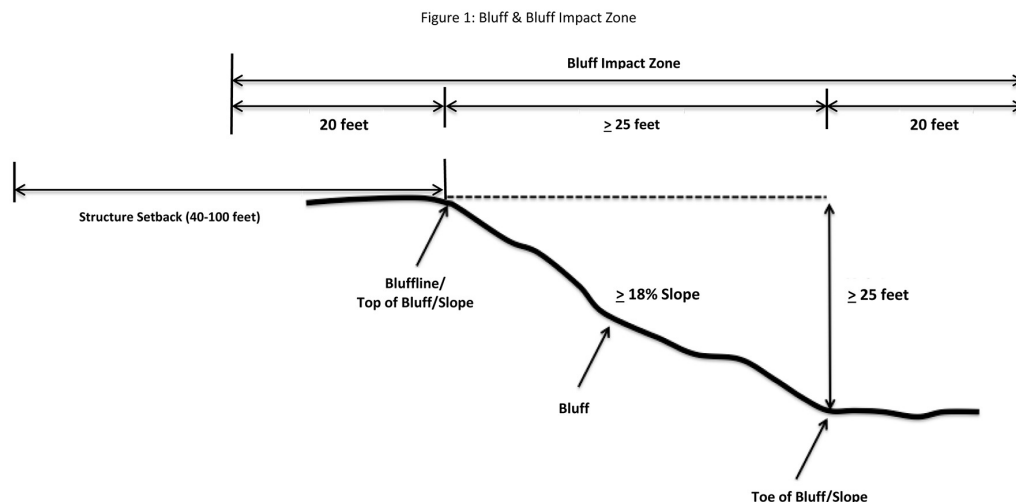
Subp. 7. **Biological and ecological functions.** “Biological and ecological functions” means the functions of vegetation in stabilizing soils and slopes, retaining and filtering runoff, providing habitat, and recharging groundwater.

Subp. 8. **Bluff.** “Bluff” means a natural topographic feature having:

A. a slope that rises at least 25 feet above the ordinary high water level or toe of the slope to the top of the slope and the grade of the slope from the ordinary high water level or toe of the slope to the top of the slope averages 18 percent or greater, measured over a horizontal distance of 25 feet. See Figure 1; or

B. a natural escarpment or cliff with a slope that rises at least ten feet above the ordinary high water level or toe of the slope to the top of the slope with an average slope of 100 percent or greater.

Subp. 9. **Bluff impact zone.** “Bluff impact zone” means the bluff and land within 20 feet of the bluff. See Figure 1.



Subp. 10. **Bluffline.** “Bluffline” means a line delineating the top of the bluff. More than one bluffline may be encountered proceeding landward from the river. See also subpart 9, Figure 1, and subpart 78, “top of the bluff.”

Subp. 11. **Buildable area.** “Buildable area” means the area upon which structures may be placed on a lot or parcel of land and excludes land areas needed to meet requirements for setback, rights-of-way, bluff impact zones, historic properties, wetlands, designated floodways, land below the ordinary high water level of public waters, and other areas restricted from development by local ordinance.

Subp. 12. **Building.** A structure with two or more outside rigid walls and a fully secured roof and affixed to a permanent site.

Subp. 13. **Certificate of compliance.** “Certificate of compliance” means a document, written after a compliance inspection, certifying that the development is in compliance with applicable requirements at the time of the inspection.

Subp. 14. **Commissioner.** “Commissioner” means the commissioner of natural resources.

Subp. 15. **Conditional use.** “Conditional use” has the meaning given under Minnesota Statutes, section 394.22.

Subp. 16. **Conservation design.** “Conservation design” means a pattern of subdivision that is characterized by grouping lots

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within a portion of a parcel, where the remaining portion of the parcel is permanently protected as open space.

Subp. 17. **Conventional subdivision.** “Conventional subdivision” means a pattern of subdivision that is characterized by lots that are spread regularly throughout a parcel in a lot and block design.

Subp. 18. **Deck.** “Deck” means a horizontal, unenclosed, aboveground level structure open to the sky, with or without attached railings, seats, trellises, or other features, attached or functionally related to a principal use or site.

Subp. 19. **Developer.** “Developer” has the meaning given under Minnesota Statutes, section 116G.03.

Subp. 20. **Development.** “Development” has the meaning given under Minnesota Statutes, section 116G.03.

Subp. 21. **Discretionary action.** “Discretionary action” means an action under this chapter related to land use that requires a public hearing by local ordinance or statute, such as preliminary plats, final subdivision plats, planned unit developments, conditional use permits, interim use permits, variances, appeals, and rezonings.

Subp. 22. **Dock.** “Dock” has the meaning given under part 6115.0170.

Subp. 23. **Electric power facilities.** “Electric power facilities” means equipment and associated facilities for generating electric power as identified and defined under Minnesota Statutes, section 216E.01, and devices for converting wind energy to electrical energy.

Subp. 24. **Essential services.** “Essential services” means underground or overhead gas, electrical, communications, steam, or water distribution, collection, supply, or disposal systems, including storm water. Essential services includes poles, wires, mains, drains, pipes, conduits, cables, fire alarm boxes, traffic signals, hydrants, navigational structures, aviation safety facilities, or other similar equipment and accessories in conjunction with the systems. Essential services does not include buildings, treatment works as defined in Minnesota Statutes, section 115.01, electric power facilities, or transmission services.

Subp. 25. **Feedlot.** “Feedlot” has the meaning given for animal feedlot under part 7020.0300.

Subp. 26. **Floodplain.** “Floodplain” has the meaning given under part 6120.5000.

Subp. 27. **Hard-surface trail.** “Hard-surface trail” means a trail surfaced in asphalt, crushed aggregate, or other hard surface, for multipurpose use, as determined by local, regional, or state agency plans.

Subp. 28. **Historic property.** “Historic property” means an archaeological site, standing structure, site, district, or other property that is:

A. listed in the National Register of Historic Places or the State Register of Historic Places or locally designated as a historic site under Minnesota Statutes, chapter 471;

B. determined to meet the criteria for eligibility to the National Register of Historic Places or the State Register of Historic Places; or

C. an unplatted cemetery that falls under the provisions of Minnesota Statutes, chapter 307, in consultation with the Office of the State Archeologist.

Subp. 29. **Impervious surface.** “Impervious surface” means a constructed hard surface that either prevents or retards the entry of water into the soil and causes water to run off the surface in greater quantities and at an increased rate of flow than prior to development. Examples are rooftops, decks, sidewalks, patios, parking lots, storage areas, roads, and driveways, including those with concrete, asphalt, or gravel surfaces.

Subp. 30. **Intensive vegetation clearing.** “Intensive vegetation clearing” means removal of all or a majority of the trees or shrubs in a contiguous patch, strip, row, or block.

Subp. 31. **Interim use.** “Interim use” has the meaning given under Minnesota Statutes, sections 394.303 and 462.3597.

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Subp. 32. **Land alteration.** “Land alteration” means an activity that exposes the soil or changes the topography, drainage, or cross section of the land, excluding gardening or similar minor soil disturbances.

Subp. 33. **Local government.** “Local government” means counties, cities, and townships.

Subp. 34. **Local park agencies.** “Local park agencies” means the Minneapolis Park and Recreation Board and the Three Rivers Park District.

Subp. 35. **Lot.** “Lot” has the meaning given under part 6120.2500.

Subp. 36. **Lot width.** “Lot width” means the shortest distance between lot lines measured at both the ordinary high water level and at the required structure setback from the ordinary high water level.

Subp. 37. **Marina.** “Marina” has the meaning given under chapter 6115.

Subp. 38. **Mooring facility.** “Mooring facility” has the meaning given under part 6115.0170.

Subp. 39. **Native plant community.** “Native plant community” means a plant community that has been mapped as part of the Minnesota biological survey or other scientifically based studies.

Subp. 40. **Natural-surface trail.** “Natural-surface trail” means a trail composed of native soil and rock or compacted granular stone, primarily intended for hiking, equestrian, or mountain bike use, as determined by local, regional, or state agency plans.

Subp. 41. **Natural vegetation.** “Natural vegetation” means any combination of ground cover, understory, and tree canopy that, while it may have been altered by human activity, continues to stabilize soils, retain and filter runoff, provide habitat, and recharge groundwater.

Subp. 42. **Nonconformity.** “Nonconformity” has the meaning given under Minnesota Statutes, section 394.22.

Subp. 43. **Nonmetallic mining.** “Nonmetallic mining” means construction, reconstruction, repair, relocation, expansion, or removal of any facility for the extraction, stockpiling, storage, disposal, or reclamation of nonmetallic minerals such as stone, sand, and gravel. Nonmetallic mining does not include ancillary facilities such as access roads, bridges, culverts, and water level control structures. For purposes of this subpart, “facility” includes all mine pits, quarries, stockpiles, basins, processing structures and equipment, and any structures that drain or divert public waters to allow mining.

Subp. 44. **Off-premise advertising signs.** “Off-premise advertising signs” means those signs that direct attention to a product, service, business, or entertainment venue that is not exclusively related to the premises where the sign is located.

Subp. 45. **Ordinary high water level.** “Ordinary high water level” has the meaning given under Minnesota Statutes, section 103G.005.

Subp. 46. **Overlay district.** “Overlay district” means a zoning district that is applied over one or more previously established zoning districts, establishing additional or stricter standards and criteria for covered properties in addition to those of the underlying zoning district. Overlay districts are often used to protect historic features and natural resources such as shoreland or floodplain.

Subp. 47. **Parcel.** “Parcel” has the meaning given under Minnesota Statutes, section 116G.03.

Subp. 48. **Patio.** “Patio” means a constructed hard surface located at ground level with no railings and open to the sky.

Subp. 49. **Picnic shelter.** “Picnic shelter” is a roofed structure open on all sides, accessory to a recreational use.

Subp. 50. **Planned unit development.** “Planned unit development” means a method of land development that merges zoning and subdivision controls, allowing developers to plan and develop a large area as a single entity, characterized by a unified site design, a mix of structure types and land uses, and phasing of development over a number of years. Planned unit development includes any conversion of existing structures and land uses that use this method of development.

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Subp. 51. **Plat.** “Plat” has the meaning given under Minnesota Statutes, sections 505.01, subdivision 3, and 515B.2-110.

Subp. 52. **Port.** “Port” means a water transportation complex established and operated under the jurisdiction of a port authority according to Minnesota Statutes, chapter 458.

Subp. 53. **Primary conservation areas.** “Primary conservation areas” means key resources and features, including shore impact zones, bluff impact zones, floodplains, wetlands, gorges, areas of confluence with tributaries, natural drainage routes, unstable soils and bedrock, native plant communities, cultural and historic properties, significant existing vegetative stands, tree canopies, and other resources identified in local government plans.

Subp. 54. **Professional engineer.** “Professional engineer” means an engineer licensed to practice in Minnesota.

Subp. 55. **Public recreational facilities.** “Public recreational facilities” means recreational facilities provided by the state or a local government and dedicated to public use, including parks, scenic overlooks, observation platforms, trails, docks, fishing piers, picnic shelters, water access ramps, and other similar water-oriented public facilities used for recreation.

Subp. 56. **Public river corridor views.** “Public river corridor views” means views toward the river from public parkland, historic properties, and public overlooks, as well as views toward bluffs from the ordinary high water level of the opposite shore, as seen during the summer months.

Subp. 57. **Public transportation facilities.** “Public transportation facilities” means all transportation facilities provided by federal, state, or local government and dedicated to public use, such as roadways, transit facilities, railroads, and bikeways.

Subp. 58. **Public utilities.** “Public utilities” means electric power facilities, essential services, and transmission services.

Subp. 59. **Public waters.** “Public waters” has the meaning given under Minnesota Statutes, section 103G.005.

Subp. 60. **Readily visible.** “Readily visible” means land and development that are easily seen from the ordinary high water level of the opposite shore during summer months.

Subp. 61. **Resource agency.** “Resource agency” means a federal, state, regional, or local agency that engages in environmental, natural, or cultural resource protection or restoration activities, including planning, implementation, and monitoring.

Subp. 62. **Retaining wall.** “Retaining wall” means a vertical or nearly vertical structure constructed of mortar and rubble masonry, rock, or stone regardless of size, vertical timber pilings, horizontal timber planks with piling supports, sheet pilings, poured concrete, concrete blocks, or other durable material.

Subp. 63. **Riprap.** “Riprap” means coarse stones, boulders, cobbles, broken rock or concrete, or brick materials placed or constructed to armor shorelines, streambeds, bridge abutments, pilings, and other shoreline structures against scour or water or ice erosion.

Subp. 64. **River corridor boundary.** “River corridor boundary” means the boundary approved and adopted by the Metropolitan Council under Minnesota Statutes, section 116G.06, as approved and adopted by the legislature in Minnesota Statutes, section 116G.15, and as legally described in the State Register, volume 3, pages 1681 to 1691.

Subp. 65. **River-dependent use.** “River-dependent use” means the use of land for commercial, industrial, or utility purposes, where access to and use of a public water feature is an integral part of the normal conduct of business and where the use is dependent on shoreline facilities.

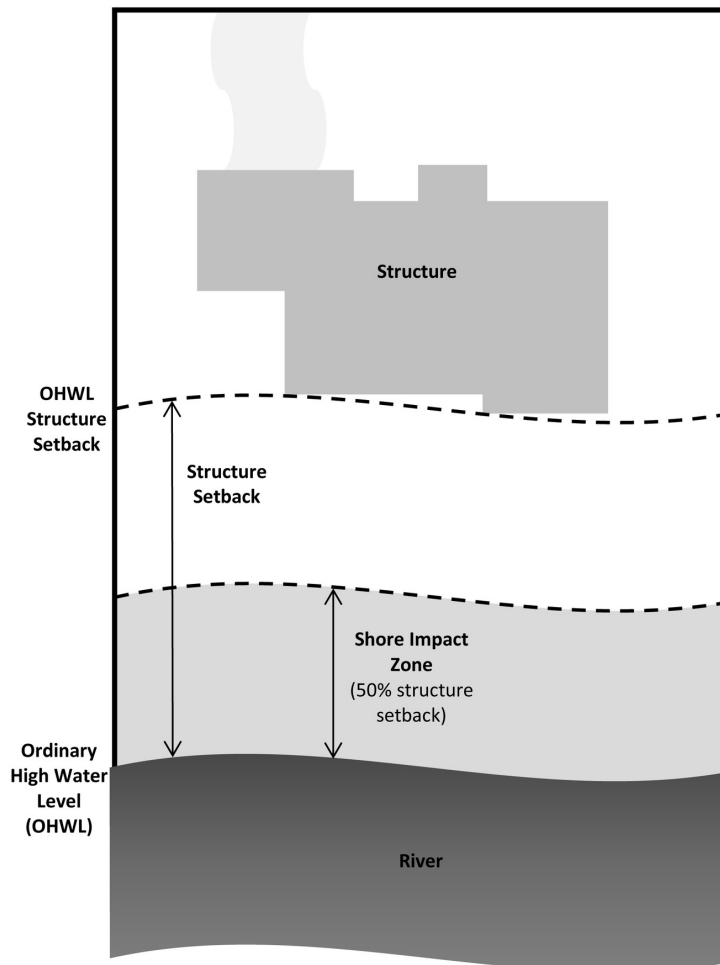
Subp. 66. **Selective vegetation removal.** “Selective vegetation removal” means removal of isolated individual trees or shrubs that are not in a contiguous patch, strip, row, or block and that does not substantially reduce the tree canopy or understory cover.

Subp. 67. **Setback.** “Setback” means a separation distance measured horizontally.

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Subp. 68. **Shore impact zone.** “Shore impact zone” means land located between the ordinary high water level of public waters and a line parallel to it at a setback of 50 percent of the required structure setback or 50 feet landward of the ordinary high water level in areas of agricultural use. See Figure 2.

Figure 2: Shore Impact Zone



Subp. 69. **Shoreline facilities.** “Shoreline facilities” means facilities that require a location adjoining public waters for ingress and egress, loading and unloading, and water intake and outflow, such as barge facilities, port facilities, commodity loading and unloading equipment, watercraft lifts, marinas, short-term watercraft mooring facilities for patrons, and water access ramps. Structures that would be enhanced by a shoreline location, but do not require a location adjoining public waters as part of their function, are not shoreline facilities, such as restaurants, bait shops, and boat dealerships.

Subp. 70. **Special purpose unit of government.** “Special purpose unit of government” means the University of Minnesota; the St. Paul Port Authority; watershed management organizations established under Minnesota Statutes, chapter 103B; watershed districts established under Minnesota Statutes, chapter 103D; and any other unit of government other than those listed in subparts 33 and 71.

Subp. 71. **State or regional agency.** “State or regional agency” means the Metropolitan Airports Commission, Minnesota Historical Society, Department of Natural Resources, Department of Transportation, and Metropolitan Council and other state agencies.

Subp. 72. **Steep slope.** “Steep slope” means a natural topographic feature with an average slope of 12 to 18 percent, measured over a horizontal distance equal to or greater than 50 feet.

Subp. 73. **Storm water.** “Storm water” has the meaning given under part 7090.0080.

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Subp. 74. **Structure.** “Structure” means a building, sign, or appurtenance thereto, except for aerial or underground utility lines, such as sewer, electric, telephone, telegraph, or gas lines, and utility line towers, poles, and other supporting appurtenances.

Subp. 75. **Subdivision.** “Subdivision” has the meaning given under Minnesota Statutes, section 462.352.

Subp. 76. **Subsurface sewage treatment system.** “Subsurface sewage treatment system” has the meaning given under part 7080.1100.

Subp. 77. **Toe of the bluff.** “Toe of the bluff” means a line along the bottom of a bluff, requiring field verification, such that the slope above the line exceeds 18 percent and the slope below the line is 18 percent or less, measured over a horizontal distance of 25 feet. See subpart 9, Figure 1.

Subp. 78. **Top of the bluff.** “Top of the bluff” means a line along the top of a bluff, requiring field verification, such that the slope below the line exceeds 18 percent and the slope above the line is 18 percent or less, measured over a horizontal distance of 25 feet. See subpart 9, Figure 1.

Subp. 79. **Transmission services.** “Transmission services” means:

A. electric power lines, cables, pipelines, or conduits that are:

(1) used to transport power between two points, as identified and defined under Minnesota Statutes, section 216E.01, subdivision 4; or

(2) for mains or pipelines for gas, liquids, or solids in suspension, used to transport gas, liquids, or solids in suspension between two points; and

B. telecommunication lines, cables, pipelines, or conduits.

Subp. 80. **Treeline.** “Treeline” means the more or less continuous line formed by the tops of trees in a wooded area when viewed from a particular point. The treeline is determined during all seasons as if under full foliage.

Subp. 81. **Twin Cities metropolitan area.** “Twin Cities metropolitan area” is the area over which the Metropolitan Council has jurisdiction according to Minnesota Statutes, section 473.121, subdivision 2.

Subp. 82. **Variance.** “Variance” has the meaning given under Minnesota Statutes, section 394.22.

Subp. 83. **Water access ramp.** “Water access ramp” means a boat ramp, carry-down site, boarding dock, and approach road, or other access that allows launching and removal of a boat, canoe, or other watercraft with or without a vehicle and trailer.

Subp. 84. **Water-oriented accessory structure.** “Water-oriented accessory structure” means a small building or other improvement, except stairways, fences, docks, and retaining walls, that, because of the relationship of its use to public waters, needs to be located closer to public waters than the normal structure setback. Examples include gazebos, screen houses, fish houses, pump houses, and detached decks and patios.

Subp. 85. **Wetlands.** “Wetlands” has the meaning given under Minnesota Statutes, section 103G.005.

Subp. 86. **Wharf.** “Wharf” has the meaning given under part 6115.0170.

6106.0060 ADMINISTRATION OF PROGRAM.

Subpart 1. **Purpose, terms, and time frames.** This part establishes the roles, responsibilities, and authorities for administration of this chapter. For the purposes of this chapter:

A. “plan,” “ordinance,” and “plan and ordinance” mean Mississippi River Corridor Critical Area plans and ordinances, and updates or amendments to the plans and ordinances, prepared to implement this chapter; and

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B. time frames are measured in calendar days.

Subp. 2. **Responsibilities and authorities.** The standards and criteria for the Mississippi River Corridor Critical Area established in this chapter apply to:

A. the commissioner for reviewing and approving plans and ordinances and reviewing discretionary actions;

B. the Metropolitan Council for reviewing plans and ordinances;

C. local governments when preparing, amending, and administering plans and ordinances and reviewing and approving discretionary actions and permits required under this chapter; and

D. state or regional agencies, local park agencies, and special purpose units of government for permit regulation, plan development, and management activities within their jurisdiction and to the extent they have jurisdiction.

Subp. 3. **Consistent plans and ordinances.** Local governments within the Mississippi River Corridor Critical Area must adopt, administer, and enforce plans and ordinances consistent with this chapter. Plans and ordinances must be submitted to the Metropolitan Council for review and must be approved by the commissioner before they are adopted as provided under part 6106.0070. For the purpose of this part, “consistent” means that each local plan and ordinance, while it may be structured or worded differently, meets the purpose, scope, and numeric thresholds and standards set forth in this chapter. Plans and ordinances that are not consistent with this chapter require approval of flexibility, according to part 6106.0070, subpart 6.

Subp. 4. **Greater restrictions.** Nothing in this chapter shall be construed as prohibiting or discouraging a local government from adopting and enforcing plans and ordinances that are more restrictive than this chapter.

Subp. 5. **Duties of commissioner.** The commissioner must:

A. consult with the United States Army Corps of Engineers, Minnesota Department of Transportation, National Park Service, and Metropolitan Council and other state or regional agencies, special purpose units of government, local governments, and local parks and recreation agencies to ensure that the Mississippi River Corridor Critical Area is managed as a multipurpose resource, according to Minnesota Statutes, section 116G.15, subdivision 2, paragraph (a);

B. provide advice and assistance to local governments in the Mississippi River Corridor Critical Area for development, adoption, administration, and enforcement of plans and ordinances, consistent with the purposes under part 6106.0020;

C. be the lead agency to coordinate preparation, submission, review, and modification of plans and ordinances that are prepared by local governments as provided under part 6106.0070;

D. review and approve final draft plans and ordinances before adoption by a local government as provided under part 6106.0070; and

E. consult with those government units identified in subpart 1 that own or manage land within the Mississippi River Corridor Critical Area to ensure that they administer lands and programs under their jurisdictions consistent with this chapter.

Subp. 6. **Duties of Metropolitan Council.** The Metropolitan Council must:

A. incorporate the standards and criteria in this chapter into the council’s planning processes;

B. work with local governments and the commissioner to ensure that the standards and criteria in this chapter are adopted and implemented; and

C. provide written comments and recommendations to the commissioner on all proposed plans and ordinances submitted by local governments as provided under part 6106.0070.

Subp. 7. **Duties of cities.** Cities must:

A. prepare or amend plans and ordinances to meet or exceed the minimum standards and criteria in this chapter and as

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provided under part 6106.0070:

B. submit proposed plans and ordinances that affect lands within the river corridor boundary to the Metropolitan Council for review and subsequent review and approval by the commissioner, before adoption as provided under part 6106.0070, subpart 3;

C. adopt, administer, and enforce plans and ordinances as provided under part 6106.0070, subpart 3;

D. send notice of public hearings to consider plans and ordinances, and amendments thereto, and other development requiring discretionary action affecting lands within the river corridor boundary to the following parties so that the parties receive the notice at least ten days before the public hearing:

(1) the commissioner, in a format prescribed by the commissioner;

(2) the National Park Service; and

(3) adjoining local governments, including those with overlapping jurisdiction and those across the river, where buildings exceed the height limits specified in part 6106.0120, as part of the conditional use permit or variance process; and

E. send notice of final decisions for actions under item D, including findings of fact, within ten days following the final decision, to those parties listed under and in the manner prescribed by item D.

Subp. 8. Duties of counties and townships.

A. Counties must prepare or amend plans and may prepare ordinances consistent with this chapter under the authority of Minnesota Statutes, chapters 394 and 473, using the process set forth in subpart 7.

B. Townships must prepare or amend plans and ordinances consistent with this chapter under the authority of Minnesota Statutes, chapters 394, 462, and 473, using the process set forth in subpart 7. If a county has adopted ordinances under this part:

(1) a township's plan and ordinances must be consistent with and at least as restrictive as the plan and ordinances adopted by the county in which the township is located, as provided under Minnesota Statutes, section 394.33;

(2) a township must provide for administration and enforcement of Mississippi River Corridor Critical Area ordinances;
and

(3) a township may adopt a county's ordinances by reference.

Subp. 9. Duties of state or regional agencies and other government entities. Any state or regional agency, local park agency, or special purpose unit of government that owns or manages lands within the river corridor boundary must manage the lands under its authority in a manner consistent with this chapter.

6106.0070 PREPARATION, REVIEW, AND APPROVAL OF PLANS AND ORDINANCES.

Subpart 1. Purpose. The purpose of this part is to establish the process, responsibilities, time frames, content requirements, and evaluation criteria for preparation, review, and approval of plans and ordinances, in order to ensure an efficient process aligned with other regional and local planning processes.

Subp. 2. Adoption of plans and ordinances.

A. The commissioner, in consultation with the Metropolitan Council, shall notify local governments of the schedule for preparing or amending plans and ordinances consistent with this chapter. The schedule must align as closely as possible with the comprehensive plan update schedule under Minnesota Statutes, section 473.864.

B. All plans and ordinances adopted by local governments pursuant to Executive Order 79-19 that are in existence on the effective date of this chapter remain in effect and must be enforced until plans and ordinances are amended consistent with this chapter, approved by the commissioner, and adopted by the local government as provided under subpart 3.

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C. Where a local government has not adopted plans and ordinances pursuant to Executive Order 79-19, development must be governed by this chapter until such time as plans and ordinances consistent with this chapter are approved by the commissioner and adopted by the local government as provided under subpart 3.

D. The adoption of plans and ordinances consistent with this chapter does not limit or modify the rights of a person to complete a development that has previously been authorized as provided under Minnesota Statutes, section 116G.13.

Subp. 3. Plan and ordinance review.

A. Within one year of notification from the commissioner according to subpart 2, local governments must prepare or amend plans and ordinances consistent with this chapter. The commissioner shall grant extensions to local governments if requested in writing and if the local government demonstrates it has made a good-faith effort to meet the deadline specified in this subpart. The extension, if granted, must include a timetable and plan for completion of the ordinance.

B. Local governments must formally submit drafts of plans and ordinances to the Metropolitan Council and the commissioner for review, in a format prescribed by the commissioner.

C. If ordinances prepared under item B refer to standards in underlying zoning, then the underlying zoning documents must be submitted and considered in combination with the ordinance. Both the ordinance and underlying zoning standards must be consistent with this chapter. Ordinances not consistent with this chapter must be submitted as part of a flexibility request according to subpart 6.

D. The commissioner and the Metropolitan Council must review the plan or ordinance and communicate a decision to the local government as follows:

(1) within 45 days after receipt from the local government, the Metropolitan Council must review and comment on draft plans and ordinances for consistency with:

(a) this chapter;

(b) regional systems and policies, as specified in Minnesota Statutes, section 473.859; and

(c) the council's comprehensive development guide for the metropolitan area, as specified in Minnesota Statutes, section 473.145; and

(2) within 45 days after receipt of the plan and ordinance from the Metropolitan Council, the commissioner must review the draft plan and ordinance to determine their consistency with this chapter, with Minnesota Statutes, chapter 116G, and with the comprehensive plan adopted by a local government. The commissioner shall consider the comments submitted by the Metropolitan Council.

E. Upon completing the review, the commissioner must take an action under subitem (1) or (2) and provide a copy of the decision to the Metropolitan Council and the National Park Service:

(1) approve the draft plan and ordinance by written decision; or

(2) return the draft plan and ordinance to the local government for modifications, with a written explanation of the need for modification.

F. When the commissioner returns a draft plan and ordinance to the local government for modification, the local government must revise the draft plan and ordinance within 60 days after receipt of the commissioner's written explanation and must resubmit the revised draft plan and ordinance to the commissioner. Upon receiving the revised draft plan and ordinance from the local government, the Metropolitan Council and the commissioner must conduct the review as provided under item D.

(1) If a meeting is requested by the local government or the Metropolitan Council, a final revision need not be made until a formal meeting has been held with the commissioner on the draft plan and ordinance. The request extends the 60-day time limit specified in this item until after the meeting has been held.

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(2) The commissioner must grant extensions to local governments if the local government requests an extension in writing and if the local government is making a good-faith effort to meet the submittal deadline. The extension, if granted, must include a timetable and plan for completion of the plan and ordinance.

G. Within 60 days after receiving the commissioner's approval of a draft plan or ordinance, the local government must adopt the commissioner-approved draft plan and ordinance. The local government must submit a copy of the final adopted plan and ordinance, with evidence of adoption, to the commissioner, the Metropolitan Council, and the National Park Service, within ten days after the adoption.

H. Only those plans and ordinances approved by the commissioner have the force and effect of law.

I. Once in effect, the local government must implement and enforce the commissioner-approved plan and ordinance.

J. If a local government fails to prepare and submit a draft plan and ordinance within one year of notification as provided under item A, fails to incorporate necessary modifications as provided under item E, subitem (2), or fails to adopt the commissioner-approved plan or ordinance as provided under item G, the commissioner must:

(1) prepare a plan and ordinance consistent with this chapter within 90 days of the deadline for preparation or adoption of plans and ordinances as provided under items A to E or G or the end date of an extension of time approved by the commissioner as provided under item F;

(2) conduct a public hearing as provided by Minnesota Statutes, section 14.58, and other statutes as applicable;

(3) within 60 days after the conclusion of the public hearing, adopt by written order the plan and ordinance for the local government's portion of the Mississippi River Corridor Critical Area; and

(4) give notice of the adopted plan and ordinance to the affected local government, the Metropolitan Council, and the National Park Service.

K. Plans and ordinances that have been adopted by the commissioner under this subpart have the same effect as if adopted by the local government and must be administered and enforced by the local government.

L. Local governments may amend plans and ordinances at any time following the procedures under items C to I.

M. Plans must be updated regularly on the same schedule as other comprehensive plan elements according to Minnesota Statutes, section 473.864, and in a manner consistent with items C to I.

Subp. 4. Contents of plans.

A. The plan must be a component of the local government's comprehensive plan prepared according to Minnesota Statutes, section 473.859, and must be consistent with the purposes and scope of this chapter.

B. Plans must contain maps, policies, and implementation provisions to:

(1) identify and protect primary conservation areas;

(2) identify and protect those public river corridor views and other scenic views deemed important by the community;

(3) identify areas that are priorities for restoration of natural vegetation, erosion prevention, bank and slope stabilization, or other restoration activities;

(4) minimize potential conflict of water surface uses as authorized under Minnesota Statutes, chapter 86B;

(5) provide for commercial barge terminals, barge fleeting, and recreational marinas, if applicable;

(6) provide for future commercial and industrial uses that require water access;

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(7) provide for and encourage creation, connection, and maintenance of open space and recreation facilities, such as parks, scenic overlooks, natural areas, islands, and wildlife areas;

(8) identify potential public access points and trail locations; and

(9) provide for transportation and public utility development in a manner consistent with this chapter.

Subp. 5. Contents of ordinances.

A. Local ordinances must be consistent with the standards in this chapter and must include:

(1) definitions consistent with part 6106.0050;

(2) administrative provisions consistent with part 6106.0080;

(3) districts consistent with part 6106.0100;

(4) minimum standards and criteria consistent with parts 6106.0110 to 6106.0180; and

(5) alternative design methods consistent with part 6106.0170.

B. The local ordinance must be structured as an overlay district. If a conflict exists with underlying zoning, the provisions of the overlay district govern. Where specific numeric thresholds or standards are listed in this chapter, those numeric thresholds or standards must be included in the overlay district.

Subp. 6. Flexibility requests for ordinances.

A. Local governments may, under special circumstances and with the commissioner's prior approval, adopt ordinances that are not consistent with this chapter, provided that the purposes of Minnesota Statutes, section 116G.15, and the purposes and scope of this chapter are met and the ordinance is consistent with the plan prepared by the local government and approved according to this chapter. Special circumstances include the following situations:

(1) areas where existing urban, residential, commercial, or industrial development patterns have been in place since before the designation of the Mississippi River Corridor Critical Area and where the majority of the development does not meet the minimum state standards;

(2) areas managed under other water and related land resource management programs authorized by state or federal legislation with goals compatible with this chapter;

(3) existing or planned wastewater, storm water, water supply, or utility facilities and similar physical or infrastructural constraints make the use of particular minimum standards impractical; and

(4) areas where detailed modeling of visual, physical, or other resource impacts has been completed as part of a public planning process.

B. A local government requesting ordinance flexibility must submit a written request to the commissioner as part of the ordinance submittal required under subpart 3. The request must:

(1) be approved by the governing body with authority to approve the request;

(2) include the proposed ordinance and any associated maps;

(3) include a detailed description of the proposed alternative standards that are not consistent with this chapter, together with documentation that the alternative standards are consistent with the purposes and scope of this chapter;

(4) describe the special circumstances that justify the use of alternative standards;

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(5) describe the potential impacts to primary conservation areas and mitigation actions proposed to address the impacts;

(6) include documentation of any input from adjoining local governments, including those with overlapping jurisdiction and those across the river, and from other potentially affected interests, including community members; and

(7) include any other supporting information, maps, and documents that the local government considers necessary to explain the request to the commissioner.

C. Within 60 days after receiving a complete request for ordinance flexibility as provided in item B, the commissioner must:

(1) evaluate the request based on:

(a) the extent to which the proposed alternative standards satisfy the purposes of Minnesota Statutes, section 116G.15, subdivision 1, and the purposes and scope of this chapter;

(b) the likely impact of the proposed alternative standards on primary conservation areas and public river corridor views;

(c) comments from adjoining local governments and other potentially affected interests; and

(d) the local government's identification of mitigation measures and its commitment to mitigate any adverse impacts resulting from the proposed alternative standards; and

(2) approve or deny the request, state in writing to the local government the reasons for the approval or denial, and suggest any alternative solutions or regulatory approaches that would be granted ordinance flexibility.

Subp. 7. Plans and projects for parks and other public lands. State or regional agencies, local park agencies, special purpose units of government, and local governments with parks or other public lands within their jurisdiction must comply with the standards and criteria in this chapter. The agencies and government entities must include the following elements in plans and project designs for parks and other public lands they own or manage within the Mississippi River Corridor Critical Area:

A. documentation of the location of the park or other owned or managed land within the Mississippi River Corridor Critical Area and recognition of the purposes of the Mississippi River Corridor Critical Area designation and this chapter;

B. standards for public utilities and facilities consistent with those in part 6106.0130; and

C. provisions for protection of primary conservation areas and public river corridor views.

6106.0080 ADMINISTRATIVE PROVISIONS FOR ORDINANCES.

Subpart 1. **Purpose.** The purpose of this part is to identify administrative provisions that must be included in local ordinances to ensure that ordinances are administered consistent with the purposes of this chapter.

Subp. 2. Variances.

A. A local government must consider applications for variances in a manner consistent with Minnesota Statutes, sections 394.27, subdivision 7, and 462.357, subdivision 6. The local government's review must consider the potential impacts of a proposed variance on primary conservation areas, public river corridor views, and other resources identified in the local governments' plan.

B. If a local government determines that a variance would negatively affect primary conservation areas, public river corridor views, or other identified resources, mitigation is required. Mitigation must be proportional to, have a relationship to, and offset the impact on the affected resource as provided in subpart 5.

C. The local government's findings of fact accompanying the issuance of any variance must include a finding and evidence

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supporting a finding that the requested variance is consistent with the purposes and scope of this chapter.

Subp. 3. **Nonconformities.**

A. The purpose of this subpart is to allow uses and structures that came into existence legally prior to the effective date of this part and in conformance with then-applicable requirements to continue to exist and be put to productive use.

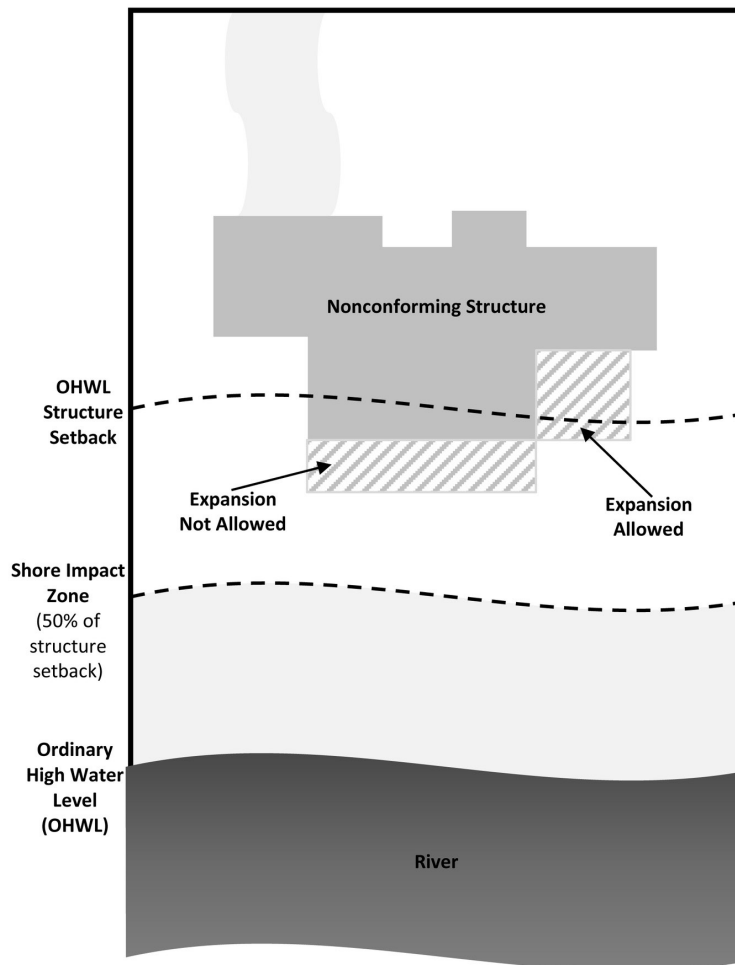
B. Nonconformities must be regulated by local governments in a manner consistent with Minnesota Statutes, sections 394.36 and 462.357, subdivision 1e.

C. Local governments may choose to allow lateral expansion of legally nonconforming principal structures that do not meet the setback requirements in part 6106.0120, provided that:

(1) the expansion does not extend into the shore impact zone or bluff impact zone or further into the required setback than the building line of the existing principal structure. See Figure 3; and

(2) the expanded structure's scale and bulk is consistent with that of the original structure and existing surrounding development.

Figure 3: Expansion of Nonconforming Structure within OHWL Setback



D. New structures erected in conformance with the setback averaging provisions of part 6106.0120, subpart 3, item D, are considered to be in conformance with local ordinance requirements.

E. Site alterations that were legally made prior to the effective date of local ordinances adopted under this chapter are considered conforming. Site alterations include vegetation, erosion control, storm water control measures, and other nonstructural

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site improvements. Expansion of site alterations must comply with this chapter.

Subp. 4. Conditional and interim use permits.

A. In addition to meeting the requirements of Minnesota Statutes, sections 394.301, 394.303, 462.3595, and 462.3597, a local government's review of conditional and interim uses must consider potential impacts of the conditional use on primary conservation areas, public river corridor views, and other resources identified in a local government's plan.

B. When evaluation and assessment identify a negative impact under item A, issuance of a conditional or interim use permit must include conditions for mitigation according to subpart 5.

Subp. 5. Mitigation.

A. In evaluating a request for a variance or conditional or interim use permit, if a local government identifies a potential negative impact to primary conservation areas, public river corridor views, or other resources identified in the local government's plan, the variance or conditional or interim use permit must require mitigation.

B. Mitigation must be directly related to and must bear a rough proportionality to the impact of the project on primary conservation areas, public river corridor views, and other resources identified in the local government's plan.

Subp. 6. Project information.

A. An applicant must submit relevant information to the responsible local government to evaluate how any development that requires discretionary action or a permit under this chapter complies with the plans and ordinances adopted under this chapter.

B. In addition to local government requirements, project information must include the following, unless the responsible local government determines that the information is not necessary:

(1) a detailed description of the project; and

(2) scaled maps and plans, dimensional renderings, maintenance agreements, and other materials that identify and describe:

(a) primary conservation areas;

(b) public river corridor views;

(c) buildable area;

(d) existing and proposed topography and drainage patterns;

(e) proposed storm water and erosion and sediment control practices;

(f) existing and proposed vegetation to be removed and established;

(g) ordinary high water level, blufflines, and all required setbacks;

(h) existing and proposed structures;

(i) existing and proposed impervious surfaces; and

(j) existing and proposed subsurface sewage treatment systems.

Subp. 7. Accommodating disabilities. Ramps or other facilities to provide persons with disabilities access to the persons' property, as required by the federal Americans with Disabilities Act and the federal Fair Housing Act and as provided by chapter 1341, are allowed by administrative permit, subject to the following standards:

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- A. parts 6106.0120 to 6106.0180 must be complied with to the maximum extent practicable; and
- B. upon expiration of the permit, the ramp or other facilities must be removed.

6106.0090 INCORPORATIONS BY REFERENCE.

The following documents are incorporated by reference as guidance for complying with the plans and ordinances adopted under this chapter. Unless specified otherwise, these documents are not subject to frequent change and are available through the Minitex interlibrary loan system:

- A. The Minnesota Stormwater Manual, Minnesota Pollution Control Agency (2013 and as subsequently amended);
- B. Conserving Wooded Areas in Developing Communities: Best Management Practices in Minnesota, Minnesota Department of Natural Resources (1999 and as subsequently amended);
- C. Design Handbook for Recreational Boating and Fishing Facilities, States Organization for Boating Access (2006 and as subsequently amended);
- D. Trail Planning, Design, and Development Guidelines, Minnesota Department of Natural Resources (2007 and as subsequently amended);
- E. Native Vegetation Establishment and Enhancement Guidelines, Minnesota Board of Water and Soil Resources (2015 and as subsequently amended), available online at http://www.bwsr.state.mn.us/native_vegetation/;
- F. Shoreline Alterations: Riprap, Minnesota Department of Natural Resources (2012 and as subsequently amended), available online at http://www.dnr.state.mn.us/publications/waters/shoreline_alteration.html; and
- G. Best Practices for Meeting DNR General Public Waters Work Permit GP 2004-0001, Minnesota Department of Natural Resources (2014 and as subsequently amended), available online at http://www.dnr.state.mn.us/waters/watermgmt_section/pwpermits/gp_2004_0001_manual.html.

6106.0100 DISTRICTS.

Subpart 1. **Establishment of districts.** For purposes of this chapter, six districts are established in the Mississippi River Corridor Critical Area, as described in this part, to protect and enhance the resources and features identified in Minnesota Statutes, section 116G.15, subdivision 3.

Subp. 2. **Purpose.** The six districts are established based on the natural and built character of different areas of the river corridor. All districts include diverse land uses, including parks and open space and scenic, natural, and historic areas.

Subp. 3. **Rural and open space district (CA-ROS).**

A. The rural and open space district (CA-ROS) is characterized by rural and low-density development patterns and land uses, and includes land that is riparian or visible from the river, as well as large, undeveloped tracts of high ecological and scenic value, floodplain, and undeveloped islands. Many primary conservation areas exist in the district.

B. The CA-ROS district must be managed to sustain and restore the rural and natural character of the corridor and to protect and enhance habitat, parks and open space, public river corridor views, and scenic, natural, and historic areas.

Subp. 4. **River neighborhood district (CA-RN).**

A. The river neighborhood district (CA-RN) is characterized by primarily residential neighborhoods that are riparian or readily visible from the river or that abut riparian parkland. The district includes parks and open space, limited commercial development, marinas, and related land uses.

B. The CA-RN district must be managed to maintain the character of the river corridor within the context of existing residential and related neighborhood development, and to protect and enhance habitat, parks and open space, public river corridor

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views, and scenic, natural, and historic areas. Minimizing erosion and the flow of untreated storm water into the river and enhancing shoreline habitat are priorities in the district.

Subp. 5. River towns and crossings district (CA-RTC).

A. The river towns and crossings district (CA-RTC) is characterized by historic downtown areas and limited nodes of intense development at specific river crossings, as well as institutional campuses that predate designation of the Mississippi River Critical Corridor Area and includes taller buildings.

B. The CA-RTC district must be managed in a manner that allows continued growth and redevelopment in historic downtowns and more intensive redevelopment in limited areas at river crossings to accommodate compact walkable development patterns and connections to the river. Minimizing erosion and the flow of untreated storm water into the river, providing public access to and public views of the river, and restoring natural vegetation in riparian areas and tree canopy are priorities in the district.

Subp. 6. Separated from river district (CA-SR).

A. The separated from river district (CA-SR) is characterized by its physical and visual distance from the Mississippi River. The district includes land separated from the river by distance, topography, development, or a transportation corridor. The land in this district is not readily visible from the Mississippi River.

B. The CA-SR district provides flexibility in managing development without negatively affecting the key resources and features of the river corridor. Minimizing negative impacts to primary conservation areas and minimizing erosion and flow of untreated storm water into the Mississippi River are priorities in the district.

Subp. 7. Urban mixed district (CA-UM).

A. The urban mixed district (CA-UM) includes large areas of highly urbanized mixed use that are a part of the urban fabric of the river corridor, including institutional, commercial, industrial and residential areas and parks and open space.

B. The CA-UM district must be managed in a manner that allows for future growth and potential transition of intensely developed areas that does not negatively affect public river corridor views and that protects bluffs and floodplains. Restoring and enhancing bluff and shoreline habitat, minimizing erosion and flow of untreated storm water into the river, and providing public access to and public views of the river are priorities in the district.

Subp. 8. Urban core district (CA-UC).

A. The urban core district (CA-UC) includes the urban cores of Minneapolis and St. Paul.

B. The CA-UC district must be managed with the greatest flexibility to protect commercial, industrial, and other high-intensity urban uses, while minimizing negative impacts to primary conservation areas and minimizing erosion and flow of untreated storm water into the river. Providing public access to and public views of the river are priorities in the district.

Subp. 9. District boundaries.

A. The physical boundaries of each district are delineated in the Mississippi River Corridor Critical Area District Map, Minnesota Department of Natural Resources (2015). The map is incorporated by reference, is not subject to frequent change, and is available on the department's Web site at www.dnr.state.mn.us/input/rules/mrcca/map-draft.html. The commissioner must maintain the map and must amend the map as provided in item C.

B. The district boundary lines on the Mississippi River Corridor Critical Area District Map are intended to follow the center lines of rivers and streams, highways, streets, lot lines, and municipal boundaries, unless a boundary line is otherwise indicated on the map. Where district boundaries cross unsubdivided property, the district boundary line is determined by use of dimensions or the scale appearing on the map.

C. The boundaries of a district established under this part must be amended according to subitems (1) to (3).

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(1) A local government or a state or regional agency must submit a written request to the commissioner requesting a district boundary amendment. The request must:

(a) be approved by the governing body with the legal authority to make the request for the state or regional agency or local government;

(b) specifically identify the proposed changes to plans and ordinances to address the proposed change;

(c) identify changes in land uses, infrastructure, or other conditions since the effective date of this chapter that justify the proposed changes;

(d) be consistent with local, regional, state, and federal plans;

(e) address potential negative impacts of the proposed change to primary conservation areas, public river corridor views, and other resources and features identified in local governments' plans; and

(f) contain a summary of feedback from affected parties as provided under subitem (2).

(2) The local government or state or regional agency requesting the district boundary amendment must give notice of the proposed district boundary amendment to adjoining or overlapping local governments, the Metropolitan Council, the commissioner, the National Park Service, and property owners in the area directly affected by the proposed district boundary amendments and must conduct a public hearing.

(3) Upon receiving a complete request for a district boundary amendment as provided under subitem (1), the commissioner must consider the request and determine whether to initiate rulemaking to amend the boundary according to Minnesota Statutes, chapter 14. The commissioner must communicate the determination, in writing, to the local government or state or regional agency requesting the district boundary amendment within 60 days after receiving the request.

D. This subpart does not apply to the defined river corridor boundary.

6106.0110 USES.

Subpart 1. **Underlying zoning.** Uses permissible within the Mississippi River Corridor Critical Area are generally determined by the local government's underlying zoning, with additional provisions for certain uses as specified by this part.

Subp. 2. **Agricultural use.** Where agricultural use is allowed by the local government, perennial ground cover is required within 50 feet of the ordinary high water level and within the bluff impact zone.

Subp. 3. **Feedlots.** New animal feedlots and manure storage areas are prohibited. Existing animal feedlots and manure storage areas must conform with chapter 7020.

Subp. 4. **Forestry.** Where forestry is allowed by the local government, tree harvesting and biomass harvesting within woodlands, and associated reforestation, must be consistent with recommended practices in Conserving Wooded Areas in Developing Communities: Best Management Practices in Minnesota, incorporated by reference under part 6106.0090.

Subp. 5. **Nonmetallic mining.** If allowed by the local government, nonmetallic mining requires a conditional use permit or interim use permit issued by the local government, subject to the following:

A. new nonmetallic mining is prohibited within the shore impact zone, bluff impact zone, and within the required structure setback from the bluffline;

B. processing machinery must be located consistent with setback standards for structures as provided in part 6106.0120;

C. only one barge loading area, which must be limited to the minimum size practicable, is permitted for each mining operation;

D. new and, where practicable, existing nonmetallic mining operations must not be readily visible and must be screened

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by establishing and maintaining natural vegetation. The unscreened boundaries of nonmetallic mining areas are limited to only the barge loading area:

E. a site management plan must be developed by the operator and approved by the local government before new nonmetallic mining commences. Operations must be consistent with the site plan throughout the duration of operations at the site. The site management plan must:

(1) describe how the site will be developed over time with an emphasis on minimizing environmental risk to public waters;

(2) explain where staged reclamation may occur at certain points during the life of the site;

(3) address dust, noise, storm water management, possible pollutant discharges, days and hours of operation, and duration of operation; and

(4) describe any anticipated vegetation and topographic alterations outside the pit, and reclamation plans consistent with the stated end use for the land; and

F. existing and new nonmetallic mining operations must submit land reclamation plans to the local government compatible with the purposes of this chapter.

Subp. 6. **River-dependent uses.** River-dependent uses must comply with items A to C.

A. Structures and parking areas, except shoreline facilities and private roads and conveyances serving river-dependent uses as provided in part 6106.0180, must meet the dimensional and performance standards in this chapter, must be designed so that they are not readily visible, and must be screened by establishing and maintaining natural vegetation.

B. Shoreline facilities must comply with chapter 6115 and must:

(1) be designed in a compact fashion so as to minimize the shoreline area affected; and

(2) minimize the surface area of land occupied in relation to the number of watercraft or barges to be served.

C. Dredging and placement of dredged material are subject to existing federal and state permit requirements and agreements.

Subp. 7. **Wireless communication facilities.** Wireless communication facilities require a conditional use permit or interim use permit issued by the local government. In addition to the conditional use permit or interim use permit requirements under part 6106.0080, the following conditions apply:

A. the applicant must demonstrate that functional coverage cannot be provided through co-location, a tower at a lower height, or a tower at a location outside the Mississippi River Corridor Critical Area;

B. the tower must not be located in the bluff impact zone or shore impact zone; and

C. placement of the tower must minimize impacts on public river corridor views.

6106.0120 DIMENSIONAL STANDARDS.

Subpart 1. **Purpose.** The purpose of this part is to establish dimensional standards that protect primary conservation areas from impacts of development and ensure that new development is sited in locations consistent with part 6106.0020.

Subp. 2. **Structure height.**

A. Structures, including accessory structures, as defined by local ordinance, must be no taller than the heights specified for each district:

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(1) CA-ROS: 35 feet;

(2) CA-RN: 35 feet;

(3) CA-RTC: 48 feet, provided that tiering of structures away from the Mississippi River and from blufflines is given priority, with lower structure heights closer to the river and blufflines, and that structure design and placement minimizes interference with public river corridor views. Taller buildings are allowed by conditional use permit, as provided under item D, with consideration of the relationship of building height to the mature treeline, where present, and existing surrounding development, as viewed from the ordinary high water level of the opposite shore and from public river corridor views;

(4) CA-SR: height is determined by the local government's underlying zoning requirements, provided the structure's height is generally consistent with the height of the mature treeline, where present, and existing surrounding development, as viewed from the ordinary high water level of the opposite shore;

(5) CA-UM: 65 feet, provided tiering of structures away from the Mississippi River and from blufflines is given priority, with lower structure heights closer to the river and blufflines, and that structure design and placement minimize interference with public river corridor views. Taller buildings are allowed by conditional use permit, as provided under item D; and

(6) CA-UC: height is determined by the local government's underlying zoning requirements, provided tiering of structures away from the Mississippi River and blufflines is given priority, with lower structure heights closer to the river and blufflines, and structure design and placement minimize interference with public river corridor views.

B. For the purposes of this subpart, height is determined by applicable local government zoning regulations, provided it is measured on the side of the structure facing the Mississippi River.

C. The height requirements in item A do not apply to those structures and facilities identified in part 6106.0180 as exempt from these requirements, but meeting the setback requirements of subpart 3.

D. In addition to the conditional use permit requirements in part 6106.0080, criteria for considering whether to grant a conditional use permit for buildings exceeding the height limits in item A must include:

(1) assessment of the visual impact of the proposed building on public river corridor views, including views from other communities;

(2) identification and application of techniques to minimize the perceived bulk of the proposed building, such as:

(a) placing the long axis of the building perpendicular to the river;

(b) stepping back of portions of the façade;

(c) narrowing the profile of upper floors of the building; or

(d) increasing the setbacks of the building from the Mississippi River or blufflines;

(3) identification of techniques for preservation of those view corridors identified in the local government's plan; and

(4) opportunities for creation or enhancement of public river corridor views.

Subp. 3. Location of structures.

A. Structures and impervious surfaces must not be located in the shore impact zone and must meet the following setback requirement from the ordinary high water level of the Mississippi River and other waters within the Mississippi River Corridor Critical Area, as specified for each district:

(1) CA-ROS: 200 feet from the Mississippi River and 150 feet from the Minnesota River and Vermillion River;

(2) CA-RN: 100 feet from the Mississippi River and 75 feet from the Rum River and Vermillion River;

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- (3) CA-RTC: 75 feet from the Mississippi River, Crow River, and Rum River;
- (4) CA-SR: 75 feet from the Vermillion River;
- (5) CA-UM: 50 feet from the Mississippi River;
- (6) CA-UC: as specified in underlying zoning; and
- (7) for all other public waters within the Mississippi River Corridor Critical Area, as specified in underlying zoning.

B. Structures and impervious surfaces must not be located in the bluff impact zone and must meet the following setback requirements from the bluffline as specified for each district:

- (1) CA-ROS: 100 feet;
- (2) CA-RN: 40 feet;
- (3) CA-RTC: 40 feet;
- (4) CA-SR: 40 feet;
- (5) CA-UM: 40 feet; and
- (6) CA-UC: 40 feet.

C. The requirements in items A and B do not apply to those structures and facilities listed in part 6106.0180 as exempt from these requirements.

D. Where principal structures exist on the adjoining lots on both sides of a proposed building site, the minimum setback may be altered to conform to the average of the adjoining setbacks, provided that the new structure's scale and bulk riverward or bluffward of the setbacks required under items A and B are consistent with adjoining development. No structures or impervious surfaces are allowed within the bluff impact zone or shore impact zone, except as specified under part 6106.0180.

E. Subsurface sewage treatment systems, including the septic tank and absorption area, must be located at least 75 feet from the ordinary high water level of the Mississippi River and all other public waters within the Mississippi River Corridor Critical Area.

Subp. 4. **Standards for new lots.**

A. Where lots are created after the effective date of this part, lot area and width standards must comply with the requirements of the underlying zoning, except the width of lots abutting the Mississippi River in the CA-ROS district must be at least 200 feet, unless alternative design methods are used that provide greater protection of the riparian areas.

B. New lots must have adequate buildable area to comply with the setback requirements in subpart 3.

6106.0130 GENERAL DEVELOPMENT STANDARDS FOR PUBLIC FACILITIES.

Subpart 1. **Purpose and scope.** The purpose of this part is to establish standards for public facilities that are consistent with best management practices and that protect primary conservation areas. Public facilities serve the public interest by providing public access to the Mississippi River corridor or require locations in or adjacent to the river corridor and therefore require some degree of flexibility.

Subp. 2. **Definition of terms.** For the purpose of this part, "public facilities" means public utilities, public transportation facilities, and public recreational facilities.

Subp. 3. **General design standards.** All public facilities must be designed and constructed to:

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A. minimize visibility of the facility to the extent consistent with the purpose of the facility;

B. comply with the dimensional standards in part 6106.0120, except as provided in part 6106.0180;

C. be consistent with the vegetation management standards in part 6106.0150, subpart 5, and the land alteration and storm water management standards in part 6106.0160, including use of practices identified in Best Practices for Meeting DNR General Public Waters Work Permit GP 2004-001, incorporated by reference under part 6106.0090, where applicable. State or regional agencies, special purpose units of government, local park agencies, and local units of government with parks within their jurisdiction are not required to obtain a vegetation management or land alteration permit under part 6106.0150 or 6106.0160, but must apply the standards and criteria that would be applied by local government, were a permit required;

D. avoid primary conservation areas, unless no alternative exists. If no alternative exists, then disturbance to primary conservation areas must be avoided to the greatest extent practicable, and design and construction must minimize impacts; and

E. minimize disturbance of spawning and nesting times by scheduling construction at times when local fish and wildlife are not spawning or nesting.

Subp. 4. **Right-of-way maintenance standards.** Right-of-way maintenance for public facilities is subject to the following standards:

A. vegetation currently in a natural state must be maintained to the extent feasible;

B. where vegetation in a natural state has been removed, native plants must be planted and maintained on the right-of-way;
and

C. chemical control of vegetation must be avoided when practicable, but when chemical control is necessary, chemicals used must be in accordance with the rules, regulations, and other requirements of all state and federal agencies with authority over the chemical's use.

Subp. 5. **Crossings of public water or public land.** Crossings of public waters or land controlled by the commissioner are subject to approval by the commissioner according to Minnesota Statutes, sections 84.415 and 103G.245. The commissioner must give primary consideration to crossings that are proposed to be located within or adjoining existing rights-of-way for public transportation and public utilities.

Subp. 6. **Public utilities.** Public utilities must, at a minimum, comply with the following standards:

A. high-voltage transmission lines, wind energy conversion systems greater than five megawatts, and pipelines are regulated according to Minnesota Statutes, chapters 216E, 216F, and 216G, respectively; and

B. if overhead placement is necessary, utility crossings must be hidden from view as much as practicable. The appearance of structures must be as compatible as practicable with the surrounding area in a natural state with regard to height and width, materials used, and color.

Subp. 7. **Public transportation facilities.** Where public transportation facilities intersect or abut two or more of the districts established under part 6106.0100, the least restrictive standards apply. Public transportation facilities must be designed and constructed to give priority to:

A. providing scenic overlooks for motorists, bicyclists, and pedestrians;

B. providing safe pedestrian crossings and facilities along the river corridor;

C. providing access to the riverfront in public ownership; and

D. allowing for use of the land between the river and the transportation facility.

Subp. 8. **Public recreational facilities.**

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A. Buildings and parking associated with public recreational facilities, except as provided under part 6106.0180, must meet the dimensional standards in part 6106.0120 and must not be placed within the bluff impact zone or shore impact zone.

B. Roads and driveways associated with public recreational facilities must not be placed in the bluff impact zone or shore impact zone unless no other placement alternative exists. If no alternative exists, then design and construction must minimize impacts.

C. Trails, access paths, and viewing areas associated with public recreational facilities and providing access to or views of the Mississippi River are allowed within the bluff impact zone or shore impact zone if design, construction, and maintenance methods are consistent with the best management practice guidelines in Trail Planning, Design, and Development Guidelines, incorporated by reference under part 6106.0090.

(1) Hard-surface trails are not allowed on the face of bluffs with a slope exceeding 30 percent. Natural surface trails are allowed, provided they do not exceed eight feet in width.

(2) Trails, paths, and viewing areas must be designed and constructed to minimize:

(a) visibility from the river;

(b) visual impacts on public river corridor views; and

(c) disturbance to and fragmentation of primary conservation areas.

D. Public water access facilities are subject to the following requirements:

(1) watercraft access ramps must comply with parts 6115.0210 and 6280.0250; and

(2) facilities must be designed and constructed consistent with the standards in Design Handbook for Recreational Boating and Fishing Facilities, incorporated by reference under part 6106.0090.

E. Public signs and kiosks for interpretive or directional purposes are allowed in the bluff impact zone or shore impact zone, provided they minimize disturbance to these areas and avoid visual impacts on public river corridor views.

6106.0140 GENERAL DEVELOPMENT STANDARDS FOR PRIVATE FACILITIES.

Subpart 1. **Purpose.** The purpose of this part is to provide design standards for private facilities within the Mississippi River Corridor Critical Area that are consistent with best management practices and that minimize impacts to primary conservation areas and other identified resources.

Subp. 2. **Definition.** For the purpose of this part, “private facilities” means private roads, driveways, and parking areas; private water access and viewing facilities; decks and patios in setback areas; and private signs.

Subp. 3. **General design standards.** All private facilities must be developed in accordance with the land alteration, vegetation, and storm water management requirements in parts 6106.0150 and 6106.0160.

Subp. 4. **Private roads, driveways, and parking areas.** Except as provided in part 6106.0180, private roads, driveways, and parking areas must:

A. be designed and constructed to take advantage of natural vegetation and topography so that they are not readily visible;

B. comply with structure setback requirements according to part 6106.0120; and

C. not be placed within the bluff impact zone or shore impact zone, unless exempt under part 6106.0180 and designed consistent with part 6106.0130, subpart 3.

Subp. 5. **Private water access and viewing facilities.**

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A. Private access paths must be no more than:

- (1) eight feet wide, if placed within the shore impact zone; and
- (2) four feet wide, if placed within the bluff impact zone.

B. Private water access ramps must:

- (1) comply with parts 6115.0210 and 6280.0250; and
- (2) be designed and constructed consistent with the applicable standards in Design Handbook for Recreational Boating and Fishing Facilities, incorporated by reference under part 6106.0090.

C. Design and construction of private stairways, lifts, and landings are subject to the following standards:

- (1) stairways and lifts must not exceed four feet in width on residential lots. Wider stairways are allowed for commercial properties and residential facilities held in common, if approved by the local government;
- (2) landings for stairways and lifts on residential lots must not exceed 32 square feet in area. Landings larger than 32 square feet are allowed for commercial properties and residential facilities held in common, if approved by the local government;
- (3) canopies or roofs are prohibited on stairways, lifts, or landings;
- (4) stairways, lifts, and landings must be located in the least visible portion of the lot; and
- (5) ramps, lifts, mobility paths, or other facilities for persons with physical disabilities are allowed for achieving access to shore areas according to subitems (1) to (4) and as provided under part 6106.0080, subpart 7.

D. One water-oriented accessory structure is allowed for each riparian lot or parcel less than 300 feet in width at the ordinary high water level, with one additional water-oriented accessory structure allowed for each additional 300 feet of shoreline on the same lot or parcel. Water-oriented accessory structures are prohibited in the bluff impact zone and must:

- (1) not exceed 12 feet in height;
- (2) not exceed 120 square feet in area; and
- (3) be placed a minimum of ten feet from the ordinary high water level.

Subp. 6. Decks and patios in setback areas. Local governments may allow decks and at-grade patios to encroach into the required setbacks from the ordinary high water level and blufflines without a variance, in compliance with parts 6106.0150 and 6106.0160, provided that:

A. the encroachment of the deck or patio into the required setback area does not exceed 15 percent of the required structure setback;

B. the area of the deck or patio that extends into the required setback area occupies no more than 25 percent of the total area between the required setback and the 15 percent allowance, using the formula below:

[required setback depth (feet) x 0.15 x lot width (feet) x 0.25 = maximum total area]; and

C. the deck or patio does not extend into the bluff impact zone.

Subp. 7. Private signs. Placement of signs is guided by the local government's underlying zoning, with the additional provisions in items A and B.

A. If the local government allows off-premise advertising signs, the signs must:

Proposed Rules

- (1) meet all required setbacks and height limits standards of this chapter; and
- (2) not be readily visible.

B. If the local government allows directional signs for patrons arriving at a business by watercraft, the signs:

- (1) must be consistent with Minnesota Statutes, section 86B.115;
- (2) if located within the shore impact zone, must convey only the location and name of the establishment and the general types of goods and services available;
- (3) must be no greater than ten feet in height and 32 square feet in surface area; and
- (4) if illuminated, must have lighting that is shielded to prevent illumination out across the river or to the sky.

6106.0150 VEGETATION MANAGEMENT STANDARDS.

Subpart 1. **Purpose.** The purpose of this part is to establish standards that:

- A. sustain and enhance the biological and ecological functions of vegetation;
- B. preserve the natural character and topography of the Mississippi River Critical Corridor Area; and
- C. maintain stability of bluffs and steep slopes and ensure stability of other areas prone to erosion.

Subp. 2. **Applicability.** This part applies to:

- A. shore impact zones;
- B. areas within 50 feet of a wetland or natural drainage way;
- C. bluff impact zones;
- D. areas of native plant communities; and
- E. significant vegetative stands identified in local governments' adopted plans.

Subp. 3. **General provisions.**

- A. Intensive vegetation clearing is prohibited, except for the following activities, which are allowed by local permit:
 - (1) clearing vegetation that is dead, diseased, dying, or hazardous;
 - (2) clearing to prevent the spread of diseases or insect pests;
 - (3) removal of invasive non-native species;
 - (4) restoration and erosion control management activities consistent with a plan approved by the local government or resource agency; and
 - (5) the minimum necessary for development that is allowed as an exception under part 6106.0180.
- B. The following activities are allowed without a permit:
 - (1) selective vegetation removal, including removal for those activities listed under item A, subitems (1) to (3), and removal for other purposes provided that vegetative cover remains consistent with the management purposes of districts under part 6106.0100;

Proposed Rules

- (2) maintenance of existing lawns, landscaping, and gardens;
- (3) removal of vegetation in emergency situations as determined by the local government;
- (4) right-of-way maintenance for public facilities meeting the standards of part 6106.0130, subpart 4; and
- (5) agricultural and forestry activities meeting the standards of part 6106.0110.

C. Local governments must not restrict the height of ground cover vegetation in the areas listed under subpart 2, items A to E.

Subp. 4. Permit process.

A. Local governments must regulate intensive vegetation clearing activities identified in subpart 3, item A, through a permit process.

B. Local government may create a new administrative permit process or use an existing one for intensive vegetation clearing. Appeals of local government decisions on permits are subject to Minnesota Statutes, section 462.357, subdivision 6.

C. Local governments may delegate the permitting responsibilities described in this subpart to a resource agency or other qualified agent as determined by the local government.

D. Local governments must require permit applicants to submit information as needed to evaluate permits for consistency with the standards and requirements of this part and parts 6106.0080, subpart 6, and 6106.0160.

E. Local governments must grant the permit, deny the permit, or grant the permit with conditions necessary to achieve the purposes of this part, as provided under subpart 5.

Subp. 5. Permit conditions. In reviewing and approving permit applications, the local government must ensure through permit conditions that the following performance standards are met:

A. development is sited to minimize removal of or disturbance to natural vegetation;

B. soil, slope stability, and hydrologic conditions are suitable for the proposed work as determined by an engineer or resource agency;

C. clearing is the minimum necessary and designed to blend with the natural terrain and minimize visual impacts to public river corridor views;

D. any native plant communities removed are replaced with vegetation that provides equivalent biological and ecological functions. If replaced, priorities for restoration are stabilization of erodible soils, restoration or enhancement of shoreline vegetation, and revegetation of bluffs or steep slopes visible from the river;

E. all other vegetation removed is restored with natural vegetation to the greatest extent practicable. Priorities for replacement are the same as under item D;

F. any disturbance of highly erodible soils is replanted with deep-rooted vegetation with a high stem density;

G. vegetation removal activities are conducted so as to expose the smallest practical area of soil to erosion for the least possible time; and

H. other conditions as determined necessary by the local government to achieve the purpose of this part are met.

Subp. 6. Vegetation restoration plan requirements.

A. Reestablishment of natural vegetation is required:

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- (1) as a condition of permits under subpart 5, items D and E;
- (2) upon failure to comply with this part; or
- (3) as part of the planning process for subdivisions under part 6106.0170.

B. The vegetation restoration plan must:

- (1) include vegetation that provides suitable habitat and effective soil stability, runoff retention, and infiltration capability. Vegetation species, composition, density, and diversity must be guided by nearby patches of native plant communities;
- (2) be prepared by a qualified individual as defined by the local government; and
- (3) include a maintenance plan that includes management provisions for controlling invasive species and replacement of plant loss for three years.

C. The local government must issue a certificate of compliance after determining that the restoration requirements of item B have been satisfied.

D. Vegetation management and restoration activities must be guided by Native Vegetation Establishment and Enhancement Guidelines, incorporated by reference under part 6106.0090.

6106.0160 LAND ALTERATION AND STORM WATER MANAGEMENT STANDARDS.

Subpart 1. **Purpose.** The purpose of this part is to establish standards that:

- A. protect water quality from pollutant loadings of sediment, nutrients, bacteria, and other contaminants; and
- B. maintain stability of bluffs, shorelines, and other areas prone to erosion.

Subp. 2. **Definitions.** For the purpose of this part:

- A. “fully reconstructs” means the reconstruction of an existing impervious surface that involves site grading and subsurface excavation so that soil is exposed. Mill and overlay and other resurfacing activities are not considered fully reconstructed;
- B. “storm water management facilities” means facilities for the collection, conveyance, treatment, or disposal of storm water; and
- C. “water quality impact zone” means land within the shore impact zone or within 50 feet of the boundary of a public water, wetland, or natural drainage way, whichever is greater.

Subp. 3. **Land alteration.**

A. Within the bluff impact zone, land alteration is prohibited, except for the following which are allowed by local government permit:

- (1) erosion control consistent with subpart 6 and a plan approved by the local government or resource agency;
- (2) the minimum necessary for development that is allowed as an exception under part 6106.0180; and
- (3) repair and maintenance of existing buildings and facilities.

B. Within the water quality impact zone, land alteration that involves a volume of more than ten cubic yards of material or affects an area greater than 1,000 square feet requires a permit from the local government, meeting the standards in subparts 5 and 6.

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Subp. 4. Rock riprap, retaining walls, and other erosion control structures.

A. Construction or replacement of rock riprap, retaining walls, and other erosion control structures located at or below the ordinary high water level must comply with parts 6115.0215, subpart 4, item E, and 6115.0216, subpart 2. The work must not proceed unless approved by the commissioner as meeting all requirements for work in public waters.

B. Construction or replacement of rock riprap, retaining walls, and other erosion control structures within the bluff impact zone and the water quality impact zone are allowed by local government permit provided that:

(1) if the project includes work at or below the ordinary high water level, the local permit is not approved until the commissioner has approved or permitted the project according to item A;

(2) the structures are used only to correct an established erosion problem as determined by the local government or resource agency;

(3) the size and extent of the structures are the minimum necessary to correct the erosion problem and are not larger than the following, except as specified under subitem (4):

(a) retaining walls must not exceed five feet in height and must be placed a minimum horizontal distance of ten feet apart; and

(b) riprap must not exceed the height of the regulatory flood protection elevation; and

(4) structures may exceed the height limits in subitem (3) only if a professional engineer determines that a larger structure is needed to correct erosion problems.

C. Nothing in this subpart shall be construed to waive any other permit requirements that are required by law.

Subp. 5. Permit process. Local governments must regulate activities identified in subparts 3 and 4 through a permit process consistent with subpart 6 and part 6106.0150, subpart 4.

Subp. 6. Permit conditions. In reviewing and approving land alteration permit applications, the local government must ensure that:

A. temporary and permanent erosion and sediment control measures retain sediment onsite consistent with best management practices in the Minnesota Stormwater Manual, incorporated by reference under part 6106.0090;

B. natural site topography, soil, and vegetation conditions are used to control runoff and reduce erosion and sedimentation;

C. construction activity is phased when possible;

D. all erosion and sediment controls are installed before starting any land disturbance activity;

E. erosion and sediment controls are maintained to ensure effective operation;

F. the proposed work is consistent with the vegetation standards in part 6106.0150; and

G. best management practices for protecting and enhancing ecological and water resources identified in Best Practices for Meeting DNR General Public Waters Work Permit GP 2004-001, incorporated by reference under part 6106.0090, are implemented where applicable, regardless of project type.

Subp. 7. Storm water management.

A. In the bluff impact zone, storm water management facilities are prohibited, except by local government permit if:

(1) there are no alternatives for storm water treatment outside the bluff impact zone on the site in question;

Proposed Rules

(2) the site generating runoff is designed so that the amount of runoff reaching the bluff impact zone is reduced to the greatest extent practicable;

(3) the construction and operation of the facility does not affect slope stability on the subject property or adjacent properties; and

(4) mitigation based on the best available engineering and geological practices is required and applied to eliminate or minimize the risk of slope failure.

B. In the water quality impact zone, development that creates new impervious surface, as allowed by exemption in part 6106.0180, or fully reconstructs existing impervious surface of more than 10,000 square feet requires a postconstruction storm water management permit from the local government consistent with the following:

(1) if a local government is covered by a municipal separate storm sewer system (MS4) general or individual permit from the Minnesota Pollution Control Agency, then the treatment requirements of the MS4 permit for postconstruction storm water management for new development and redevelopment projects apply;

(2) if a local government is not covered by an MS4 permit, then runoff from the new or fully reconstructed impervious surface must comply with the treatment requirements in the current national pollution discharge and elimination system program permit for construction storm water;

(3) local governments may adopt other treatment requirements approved by the Minnesota Pollution Control Agency instead of those specified in subitems (1) and (2); and

(4) multipurpose trails and sidewalks are exempt from subitems (1) and (2) if there is down gradient vegetation or a filter strip that is at least five feet wide.

C. In all other areas of the Mississippi River Critical Corridor Area, storm water runoff must be directed away from the bluff impact zone or unstable areas.

Subp. 8. **Development on steep slopes.** A local government may allow structures, impervious surfaces, land alteration, vegetation removal, or construction activities on steep slopes if:

A. the applicant can demonstrate that the development can be accomplished without increasing erosion or storm water runoff;

B. the soil types and geology are suitable for the proposed development; and

C. vegetation is managed according to the requirements of this part.

Subp. 9. **Compliance with other plans and programs.** All development must:

A. be consistent with Minnesota Statutes, chapter 103B, and local water management plans completed under chapter 8410;

B. meet or exceed the wetland protection standards under chapter 8420; and

C. meet or exceed the floodplain management standards under chapter 6120.

6106.0170 SUBDIVISION AND LAND DEVELOPMENT STANDARDS.

Subpart 1. **Purpose.** The purposes of this part are to:

A. protect and enhance the natural and scenic values of the Mississippi River Critical Corridor Area during development or redevelopment of the remaining large sites within the corridor;

B. establish standards for protecting and restoring biological and ecological functions of primary conservation areas on large sites; and

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C. encourage restoration of natural vegetation during development or redevelopment of large sites, where restoration opportunities have been identified in local plans.

Subp. 2. Applicability.

A. Except as provided in item B, this part applies to the following developments involving ten or more acres for parcels that abut the Mississippi River and 20 or more acres for all other parcels within the river corridor boundary, including smaller individual sites within the following developments that are part of a common plan of development but may be constructed at different times:

- (1) subdivisions;
- (2) planned unit developments; and
- (3) master-planned development and redevelopment of land.

B. The following activities are exempt from this part:

- (1) minor subdivisions consisting of three or fewer lots;
- (2) minor boundary line corrections;
- (3) resolutions of encroachments;
- (4) additions to existing lots of record;
- (5) placement of essential services; and
- (6) activities involving river-dependent commercial and industrial uses.

Subp. 3. Project information. Local governments must require detailed project information and provide for preproject review of all proposed subdivisions, redevelopments, and planned unit developments as provided under part 6106.0080, subpart 6.

Subp. 4. Design standards.

A. Local government ordinances must contain provisions, including incentives, for alternative design methods such as conservation design, transfer of development density, or other zoning and site design techniques that achieve better protection or restoration of primary conservation areas.

B. Primary conservation areas, where they exist, must be set aside for protection as open areas as provided under item H. However, where primary conservation areas exceed the thresholds in subitems (1) to (4) as a percentage of a parcel, then only the percentage in subitems (1) to (4) must be set aside:

- (1) CA-ROS: 50 percent;
- (2) CA-RN: 20 percent;
- (3) CA-RTC, CA-UM, CA-UC: ten percent; and

(4) CA-SR: ten percent, if the parcel includes native plant communities or provides feasible connections to a regional park or trail system, otherwise no requirement.

C. If the primary conservation areas exceed the maximum percentage established in item B, then the local government may determine which primary conservation areas are to be protected, with priority given to the protection of native plant communities and natural vegetation in riparian areas.

Proposed Rules

D. If primary conservation areas exist but do not have natural vegetation, then a vegetation assessment must be completed for the areas to be protected to determine whether vegetation restoration is needed. If restoration is needed, vegetation must be restored according to part 6106.0150, subpart 6.

E. If primary conservation areas do not exist on the parcel in question, the local government must determine whether any portions of the site have been identified as potential restoration areas in local plans, according to part 6106.0070, subpart 4. When such areas have been identified, vegetation must be restored consistent with a restoration plan according to part 6106.0150, subpart 6, and the restored area must be set aside as specified in item B.

F. Storm water treatment areas or other green infrastructure may be used to meet the requirements of this subpart if the vegetation provides biological and ecological functions.

G. Any land dedicated for public access or public facilities according to subpart 5 may be counted toward the set-aside requirements of this subpart at the discretion of the local government.

H. Areas that have been set aside under item B must be protected through:

- (1) public acquisition by a government entity for conservation purposes;
- (2) a permanent conservation easement, as provided in Minnesota Statutes, chapter 84C;
- (3) a deed restriction; or
- (4) other arrangements that achieve an equivalent degree of protection as determined by the local government.

I. Permanent protection methods under item H must ensure, within the areas set aside, the long-term management of vegetation to meet its biological and ecological functions, prohibit structures, and prohibit land alteration, except as needed to provide public recreational facilities and access to the river.

J. Protected open areas must connect neighboring or abutting open space, natural areas, and recreational areas as much as possible to form an interconnected network.

Subp. 5. **Land dedication.** Local governments that require dedication of land or equivalent amounts of cash for parks and open space under Minnesota Statutes, section 394.25, subdivision 7, or 462.358, subdivision 2b, must encourage dedication of lands suitable for riverfront access, parks, open space, storm water management, or other public facilities within the Mississippi River Corridor Critical Area.

6106.0180 EXEMPTIONS FROM SETBACKS, HEIGHT LIMITS, AND OTHER REQUIREMENTS.

Uses and activities not specifically exempted under this part must comply with this chapter. All exemptions in the shore impact zone (SIZ) and bluff impact zone (BIZ) are also subject to the vegetation management standards in part 6106.0150 and the land alteration and storm water management standards in part 6106.0160. In the table, “E” means the use is exempt; “(E)” means that the use is allowed only if no alternatives exist, and “N” means that the use is not exempt and must meet the standards in this chapter.

	<u>Set-backs</u>	<u>Height limits</u>	<u>SIZ</u>	<u>BIZ</u>	<u>Standard (the use must comply with standard or referenced parts)</u>
<u>Industrial and utility structures requiring greater height for operational reasons (such as elevators, refineries, and railroad signaling towers)</u>	<u>N</u>	<u>E</u>	<u>N</u>	<u>N</u>	<u>Structure design and placement must minimize interference with public river corridor views</u>
<u>Barns, silos, and farm structures</u>	<u>N</u>	<u>E</u>	<u>N</u>	<u>N</u>	
<u>Bridges and bridge approach roadways</u>	<u>E</u>	<u>E</u>	<u>E</u>	<u>(E)</u>	<u>Part 6106.0130</u>
<u>Wireless communication facilities (towers)</u>	<u>E</u>	<u>E</u>	<u>N</u>	<u>N</u>	<u>Part 6106.0110, subpart 7</u>

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<u>Chimneys, church spires, flag poles, public monuments, and mechanical service stacks and similar mechanical equipment</u>	<u>N</u>	<u>E</u>	<u>N</u>	<u>N</u>	
<u>Historic properties and contributing properties in historic districts</u>	<u>E</u>	<u>E</u>	<u>E</u>	<u>E</u>	<u>Exemptions do not apply to additions or site alterations to historic buildings or structures</u>
<u>Buildings and structures on the face of or abutting the bluff in the CA-UC district of St. Paul, between Chestnut Street and Highway 52</u>	<u>E</u>	<u>n/a</u>	<u>n/a</u>	<u>E</u>	<u>Height in the CA-UC district is governed by underlying zoning</u>
<u>Public utilities</u>					
<u>Electrical power facilities</u>	<u>E</u>	<u>E</u>	<u>E</u>	<u>(E)</u>	<u>Part 6106.0130</u>
<u>Essential services (other than storm water facilities)</u>	<u>E</u>	<u>E</u>	<u>E</u>	<u>(E)</u>	<u>Part 6106.0130</u>
<u>Storm water facilities</u>	<u>E</u>	<u>N</u>	<u>E</u>	<u>(E)</u>	<u>Part 6106.0160</u>
<u>Wastewater treatment</u>	<u>E</u>	<u>N</u>	<u>E</u>	<u>N</u>	<u>Part 6106.0130</u>
<u>Public transportation facilities</u>	<u>E</u>	<u>N</u>	<u>(E)</u>	<u>(E)</u>	<u>Part 6106.0130</u>
<u>Public recreational facilities</u>					
<u>Accessory structures, such as monuments, flagpoles, light standards, and similar park features</u>	<u>E</u>	<u>E</u>	<u>(E)</u>	<u>(E)</u>	<u>Part 6106.0130; within BIZ, only on slopes averaging less than 30 percent. Exemptions do not apply to principal buildings</u>
<u>Picnic shelters and other open-sided structures</u>	<u>E</u>	<u>N</u>	<u>(E)</u>	<u>N</u>	<u>Part 6106.0130</u>
<u>Parking areas</u>	<u>(E)</u>	<u>N</u>	<u>(E)</u>	<u>(E)</u>	<u>Part 6106.0130; within BIZ, only within 20 feet of toe of bluff; not on face of bluff; and must not affect stability of bluff</u>
<u>Roads and driveways</u>	<u>(E)</u>	<u>N</u>	<u>(E)</u>	<u>(E)</u>	<u>Part 6106.0130</u>
<u>Natural-surfaced trails, access paths, and viewing areas</u>	<u>E</u>	<u>N</u>	<u>E</u>	<u>E</u>	<u>Part 6106.0130</u>
<u>Hard-surfaced trails and viewing platforms</u>	<u>E</u>	<u>N</u>	<u>E</u>	<u>(E)</u>	<u>Part 6106.0130; within BIZ, only on slopes averaging less than 30 percent</u>
<u>Water access ramps</u>	<u>E</u>	<u>N</u>	<u>E</u>	<u>(E)</u>	<u>Part 6106.0130</u>
<u>Public signs and kiosks for interpretive or directional purposes</u>	<u>E</u>	<u>N</u>	<u>E</u>	<u>(E)</u>	<u>Part 6106.0130</u>
<u>River-dependent uses</u>					
<u>Shoreline facilities</u>	<u>E</u>	<u>N*</u>	<u>E</u>	<u>(E)</u>	<u>Part 6106.0110, subpart 6. Exemptions do not apply to buildings, structures, and parking areas that are not part of a shoreline facility</u>
<u>Private roads and conveyance structures serving river-dependent uses</u>	<u>E</u>	<u>N*</u>	<u>E</u>	<u>(E)</u>	<u>Part 6106.0110, subpart 6</u>
<u>Private residential and commercial water access and use facilities</u>					
<u>Private roads serving 3 or more lots</u>	<u>(E)</u>	<u>N</u>	<u>N</u>	<u>(E)</u>	<u>Part 6106.0140; in BIZ, only on slopes averaging less than 30 percent. Exemption does not apply to private roads serving fewer than 3 lots or to private driveways and parking areas</u>

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<u>Access paths</u>	<u>E</u>	<u>N</u>	<u>E</u>	<u>E</u>	Part 6106.0140
<u>Water access ramps</u>	<u>E</u>	<u>N</u>	<u>E</u>	<u>N</u>	Part 6106.0140
<u>Stairways, lifts, and landings</u>	<u>E</u>	<u>N</u>	<u>E</u>	<u>E</u>	Part 6106.0140
<u>Water-oriented accessory structures</u>	<u>E</u>	<u>N</u>	<u>E</u>	<u>N</u>	Part 6106.0140
<u>Patios and decks</u>	<u>E</u>	<u>N</u>	<u>N</u>	<u>N</u>	Part 6106.0140, subpart 6
<u>Directional signs for watercraft (private)</u>	<u>E</u>	<u>N</u>	<u>E</u>	<u>N</u>	Part 6106.0140; exemption does not apply to <u>off-premise advertising signs</u>
<u>Erosion control structures, such as rock riprap and retaining walls</u>	<u>E</u>	<u>N</u>	<u>E</u>	(E)	Part 6106.0160, subpart 4
<u>Flood control structures</u>	<u>E</u>	<u>N</u>	<u>E</u>	(E)	Part 6106.0160

* River-dependent commercial, industrial, and utility structures are exempt from height limits only if greater height is required for operational reasons.

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 Racing Commission

Adopted Permanent Rules Relating to Horse Racing; Class C Licenses, Harness Races, Horse Medication, Physical Examination and Medical Testing, and Prohibited Acts

The rules proposed and published at *State Register*, Volume 40, Number 30, pages 857-865, January 25, 2016 (40 SR 857), are adopted as proposed.

Official Notices

Pursuant to *Minnesota Statutes* §§ 14.101, an agency must first solicit comments from the public on the subject matter of a possible rulemaking proposal under active consideration within the agency by publishing a notice in the *State Register* at least 60 days before publication of a notice to adopt or a notice of hearing, and within 60 days of the effective date of any new statutory grant of required rulemaking.

The *State Register* also publishes other official notices of state agencies and non-state agencies, including notices of meetings and matters of public interest.

Minnesota State Agricultural Society (Minnesota State Fair) Board of Managers Meeting Notice

MINNESOTA STATE FAIRGROUNDS — The Minnesota State Agricultural Society board of managers will meet at **10 a.m. Thursday, April 14** at the Libby Conference Center on the State Fairgrounds. The session will be a general business meeting. The Society is the governing body of the Minnesota State Fair. Agendas are available upon request by calling the Minnesota State Fair at (651) 288-4400.

The 2016 Minnesota State Fair runs Aug. 25 - Labor Day, Sept. 5.

State Board Of Investment Administrative Committee Meeting Notice

The State Board of Investment Administrative Committee will meet on **Monday, April 18, 2016 at 1:00 P.M.** at the State Board of Investment, Suite 355, 60 Empire Drive, St. Paul, MN.

Department Of Commerce Official Notice of Minnesota Consumer Credit Code and Regulated Loan Act Adjustment of Dollar Amounts

Dollar amounts indexed in the Regulated Loan Act, *Minnesota Statutes*, Chapter 56, and the Minnesota Consumer Credit Code, *Minnesota Statutes*, Section 47.59, will not increase effective July 1, 2016. *Minnesota Statutes*, Sections 47.59, subdivision 3(i), and 56.131, subdivision 4, provide for periodic adjustment in dollar amounts, effective on July 1 of even-numbered years, based on a percentage change in the Implicit Price Deflator for the Gross Domestic Product.

Statute establishes that the percentage change in the reference base index be 10% or more in order to adjust the dollar amounts. The portion of the percentage change in the index in excess of a multiple of ten percent is to be disregarded, and the dollar amounts shall change only in multiples of ten percent. Information provided by the U.S. Department of Commerce, Bureau of Economic Analysis indicates a percentage change from the revised reference base to be 6% calculated to the nearest whole percentage point as required. The index for December 2011 is the reference base index for adjustments, with 2005 = 100. The index was revised nationally to 2009 = 100. The rebased index for December 2011 is 103.783, increasing to 110.290 in December 2015, for a change of 6.13%.

The history of dollar amounts at various dates is available by reviewing prior official notices, or within the Commerce Department's website www.mn.gov/commerce. The original and current dollar amounts are as follows:

		7-1-12	5-25-13
	<u>Original</u>	<u>10% Increase</u>	<u>50% Increase</u>
Chapter 47			
Principal subject to 33% interest <i>Minnesota Statutes</i> , § 47.59, subd. 3(a)(2)	\$750	\$1,125	
Minimum refund <i>Minnesota Statutes</i> , § 47.59, subd. 3(e) and (f)	\$5.00	\$7.50	
Default charges <i>Minnesota Statutes</i> , § 47.59, subd. 6(a)(4)	\$5.20	\$7.80	
Loan Administration Fee <i>Minnesota Statutes</i> , § 47.59, subd. 6(d)	\$4,320		\$6,480
Chapter 56			
Assumption fee <i>Minnesota Statutes</i> , § 56.12	\$240	\$360	
Minimum real estate secured loan <i>Minnesota Statutes</i> , §§ 56.12 and 56.125	\$4,320	\$6,480	
Maximum closing costs on real estate secured loans <i>Minnesota Statutes</i> , § 56.131, subd. 2(b)	\$400	\$600	
Minimum new funds advance for discount points and appraisal fees <i>Minnesota Statutes</i> , § 56.131, subd. 2(d)	\$1,000	\$1,500	
Minimum real estate secured loan for discount points <i>Minnesota Statutes</i> , § 56.131, subd. 6	\$12,000	\$18,000	

The next published adjustment is scheduled on or before April 30, 2018, for July 1, 2018, based on the December 2017 index.

Department Of Commerce

Official Notice of Restrictions On Deficiency Judgments, Minnesota Property Exemption and Minnesota Homestead Exemption Adjustment of Dollar Amounts

The amount of a deficiency judgment found in *Minnesota Statutes*, Section 325G.22, property exempt from creditor collection action in *Minnesota Statutes*, Section 550.37, and the homestead exemption in *Minnesota Statutes*, Section 510.02 will not increase effective July 1, 2016. These statutes require that the dollar amounts be adjusted in even numbered years based on a percentage change in the Implicit Price Deflator for the Gross Domestic Product.

Statute establishes that the percentage of change in the reference base index be 10% or more in order to adjust the dollar amounts. The portion of the percentage change in the index in excess of a multiple of ten percent is to be disregarded, and dollar amounts shall change only in multiples of ten percent. Information obtained from the U.S. Department of Commerce, Bureau of Economic Analysis, indicates the percentage change from the revised reference base to be 6% calculated to the nearest whole percentage point as required. The index for December 2011 is the reference base index for adjustments, with 2005=100. The index was revised nationally to 2009=100. The rebased index for December 2011 is 103.783, increasing to 110.290 in December 2015, for a change of 6.13%.

Official Notices

The history of dollar amounts at various dates is available by reviewing prior official notices, or within the Commerce Department's web site www.mn.gov/commerce. The original and current dollar amounts are as follows:

	<u>Original</u>	<u>7-1-12 10% increase</u>
<u>Chapter 325G</u>		
Credit extended <i>Minnesota Statutes, § 325G.22, subd. 1</i>	\$3,000	\$6,900
<u>Chapter 550</u>		
Personal goods <i>Minnesota Statutes, § 550.37, subd. 4</i>	\$4,500	\$10,350
Wedding rings <i>Minnesota Statutes, § 550.37, subd. 4</i>	\$1,225	\$2,817.50
Business <i>Minnesota Statutes, § 550.37, subd. 6</i>	\$5,000	\$11,500
Insurance benefits	\$20,000	\$46,000
Add'l dependent ins. benefits <i>Minnesota Statutes, § 550.37, subd. 10</i>	\$5,000	\$11,500
Motor vehicle	\$2,000	\$4,600
Modified for disability	\$20,000	\$46,000
Minimum cost of modification <i>Minnesota Statutes, § 550.37, subd. 12a</i>	\$1,500	\$3,450
Accrued interest <i>Minnesota Statutes, § 550.37, subd. 23</i>	\$4,000	\$9,200
Employee benefits <i>Minnesota Statutes, § 550.37, subd. 24</i>	\$30,000	\$69,000
<u>Chapter 510</u>		
Homestead exemption <i>Minnesota Statutes, § 510.02, subd. 1</i>	\$300,000	\$390,000
Homestead for agricultural purposes <i>Minnesota Statutes, § 510.02, subd. 1</i>	\$750,000	\$975,000

The next published adjustment is scheduled on or before April 30, 2018, for July 1, 2018 based on the December 2017 index.

Minnesota Pollution Control Agency

Notice of Remedial Investigation Work Plan University of Minnesota UMore Park/Former Gopher Ordnance Works, Rosemount, Dakota County

NOTICE IS HEREBY GIVEN that the University of Minnesota will hold a public meeting at **6:00 p.m. on Tuesday, April 26, 2016** at:

Rosemount Community Center
13885 South Robert Trail
Rosemount, MN 55068

For the purpose of reviewing the draft Remedial Investigation Work Plan (“RI Work Plan”) and related RI project documents prepared and submitted by the University to the Minnesota Pollution Control Agency (“MPCA”) with respect to the UMore Park/Former Gopher Ordnance Works located in the city of Rosemount and Empire Township, Dakota County Minnesota (“Site”). The Site consists of approximately 8,000 acres of the former Gopher Ordnance Works (“GOW”), a smokeless powder production facility owned, constructed and operated by the federal government during World War II, and includes all of the University of Minnesota Outreach, Research and Education (“UMore”) Park and the Vermillion Highlands Research, Recreation and Wildlife Management Area (“Vermillion Highlands”), which is jointly managed by the University and the Minnesota Department of Natural Resources. Since its acquisition by the University in 1947 and 1948, the Site has been used for University agricultural and other research projects and tenant agricultural and commercial activities, since May 2006, as Vermillion Highlands. The RI Work Plan incorporates and builds upon findings from past environmental studies and is the final step in the RI phase for the Site. The RI will investigate ten (10) areas of known or suspected releases identified through past investigations, and will utilize various investigation techniques including soil, groundwater and soil gas sampling. The draft RI Work Plan and supporting documents, and other environmental reports regarding the Site, are available for public review between the hours of 9 a.m. to 3 p.m., Monday through Friday at the Information Repository established by the University, which is located at the UMore Lease Office, 15325 Babcock Ave, Rosemount, MN 55068. Please contact Mike Waldemar at 651-423-1118 to make arrangements to view documents in the Repository, or view it online at <http://www.umorepark.umn.edu/>

The MPCA will accept public comments to the RI Work Plan for thirty (30) days from April 11, 2016 through May 12, 2016. Written public comments will be accepted by the MPCA at the public meeting, or may be submitted to the MPCA by mail or hand delivery, as follows:

Mr. Gary Krueger
Remediation Division
Minnesota Pollution Control Agency
520 Lafayette Avenue North
St. Paul, MN 55155-4194
gary.krueger@state.mn.us

Parties desiring additional information should contact Tim Busse, Director of Communications, University Services at 612-624-2863; Ken Kern, Assistant Vice President of University Health and Safety at 612-626-4399, or Gary Krueger of the MPCA at 651-757-2509.

Public Utilities Commission

Notice of Decision: In the Matter of the Application of Great River Energy and Minnesota Power for a Certificate of Need and a Route Permit for the Menahga Area 115 kV Transmission Line Project in Hubbard, Wadena, and Becker Counties

Public Utilities Commission Docket No. ET-2, E-015/CN-14-787; ET-2, E-015/TL-14-797
Office of Administrative Hearings Docket No. 5-2500-32715

NOTICE IS HEREBY GIVEN that on March 14, 2016 the Public Utilities Commission published an *ORDER ISSUING CERTIFICATE OF NEED AND ROUTE PERMIT AS AMENDED* (ORDER) to Great River Energy (GRE) and Minnesota Power (MP) for the Menahga Area 115 kV Transmission Line Project. In the ORDER the Commission concluded that GRE and MP have satisfied the applicable legal requirements and, accordingly, granted a Certificate of Need and a Route Permit for the Project. The Commission adopted, with modifications, the Findings of Fact and Conclusion of Law, as well as the draft route permit proposed

Official Notices

by the Department of Commerce's Energy Environmental Review and Analysis unit. The Commission found that the environmental assessment for the project and the record as a whole addressed the issues identified in the scoping decision on environmental review. Specifically, the Commission concluded that one particular route addressed the Route Permit factors better than any of the alternatives analyzed in the environmental assessment for the project and subsequently selected the applicants' proposed route in combination with the modified 119th Avenue Route Alternative as the designated route for the project.

Among other ordering points, the Commission decided to:

- Grant a Certificate of Need to Great River Energy and Minnesota Power for the Menahga Area 115 kV Transmission Line Project.

- Issue a Route Permit to the Applicants for the project to be built following these approved route segments:

A. Between the Hubbard Substation and the Blueberry Substation, the approved route follows the Applicants' proposed route. The alignment within this route incorporates the Andersen alignment.

B. Between the Blueberry Substation and 350th Street, the approved route follows the Pipeline South Route Alternative.

C. Between 350th Street and the Red Eye Substation, the approved route follows the 119th Avenue Route Alternative. Where the approved route follows Highway 13, the Commission prefers locating the alignment on the southern side of Highway 13.

The ORDER became effective on March 14, 2016.

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 Website 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.

Minnesota Judicial Branch

State Court Administrator's Office

Request for Services to Provide Method for Claiming Direct Personnel Costs for Court Administration Processing Tasks Associated with IV-D Child Support Cases

The State of Minnesota, State Court Administrator's Office, Court Services Division is using a competitive selection process to select a vendor to provide a streamlined method for claiming direct personnel costs for court administration case processing tasks associated with IV-D child support cases for ten judicial districts and indirect costs for one central office. This methodology and calculation will result in a statewide IV-D reimbursement report(s) that identifies the reimbursement amount in compliance with Title IV-D of the Social Security Act (including 2 CFR Part 225 (OMB Circular A-87)) and all other applicable federal and state law. This is not a bid but a request for proposals that could become the basis for negotiations leading to a contract with a vendor. The State of Minnesota Judicial Branch has been completing and submitting a IV-D Cost Allocation Plan annually since 2009.

The request for proposals does not obligate the Minnesota Judicial Branch to award a contract or complete the project and the Minnesota Judicial Branch reserves the right to cancel the solicitation if it is considered to be in its best interest.

Interested vendors should visit the Judicial Branch website/Get Connected/
Public Notices at <http://www.mncourts.gov/About-The-Courts/NewsAndAnnouncements.aspx?t=notice> for detailed information.

Minnesota Judicial Branch

State Court Administrator's Office

Request for Proposals for Interactive IVR, ACD and IWR telephony solution

The State Court Administrator's Office of the Minnesota Judicial Branch (MJB) is using a competitive selection process to obtain proposals for an integrated Interactive Voice Response (IVR), Automatic Call Distribution (ACD), and Interactive Web Response (IWR) telephony solution for several business units.

The Request for Proposal (RFP) does not obligate the MJB to award a contract or complete the project. The MJB reserves the right to cancel the solicitation if it is considered to be its best interest.

A copy of the Request for Proposal may be found on the Minnesota Judicial Branch website public notice page, then search for telephony. <http://www.mncourts.gov/About-The-Courts/NewsAndAnnouncements.aspx?t=notice>

Minnesota Department of Health

Request For Proposal For Marketing Plan – Promoting The National Diabetes Prevention Program

Project Overview

The State ("MDH") has received funding from the Centers for Disease Control and Prevention to issue funding to certain contractors via the Community Wellness Grant, and to work with local public health in the selected four Minnesota communities to improve the health of their priority populations.

- Des Moines Valley and Nobles Community Health Boards
- Healthy Northland a public health collaborative serving Aitkin, Carlton, Cook, Itasca, Koochiching, Lake and St. Louis counties
- City of Minneapolis Community Health Board
- PartnerSHIP 4 Health a community and public health collaborative serving Becker, Clay, Otter Tail and Wilkin counties

The contractor will work with MDH and the above communities to develop a comprehensive marketing and communications plan that engages traditionally hard-to-reach populations who are at higher risk for diabetes, who are culturally diverse, and who have lower household incomes. The marketing and communications plan will be aimed at increasing awareness of diabetes prevention and encouraging enrollment in the National Diabetes Prevention Program ("NDPP"). The plan must be based on materials MDH created for the Medicaid Incentives for the Prevention of Chronic Disease project and shall include:

- A content development strategy to develop new community-specific, priority-population content for web, print, video and radio that aligns with the existing materials developed for the Medicaid Incentives for the Prevention of Chronic Disease project;
- A design strategy that revises www.preventdiabetesmn.org to carry through the design of existing creative materials developed for the Medicaid Incentives for the Prevention of Chronic Disease project, incorporates new content that is specific to the above communities, and aligns with the National Ad Council's prediabetes awareness campaign; and
- A content dissemination strategy for each of the above communities that includes community-specific, multicultural media placement; digital media to reach targeted communities; and other channels like posters or videos with the goal of reaching priority populations and driving them to access the www.preventdiabetesmn.org website and to enroll in an NDPP course.

Goal

This project will engage traditionally hard to reach populations who are at higher risk for diabetes, are culturally diverse, and who have lower household incomes, with the goal of increasing awareness of diabetes prevention and encouraging and facilitating enrollment in the National Diabetes Prevention Program (NDPP).

Sample Tasks

1. Discovery
 - Review Community Wellness Grant goals and each of the above community's work plans to build communications objectives, strategies and tactics;
 - Analyze the target audiences identified in each of the above community's work plans to understand their characteristics, beliefs, behavior and perceptions relating to diabetes, diabetes prevention and the Diabetes Prevention Program; and
 - Analyze the communications channels (e.g. media, social media, email, direct mail) in each of the above communities to determine which of these channels will most effectively reach the target audience

State Contracts

2. Develop community-specific marketing and communications plans that include:

- Key messages and branding;
- Community-specific content for target audiences identified in each of the above community's work plans and
- A content dissemination plan.

3. Produce and implement creative materials for the above referenced communications channels, as defined by the marketing/communications plan.

4. Develop recommendations for evaluation of the marketing plan for each community.

The contractor will meet at least monthly with the MDH's Health Promotion and Chronic Disease Division's Communications Coordinator and Diabetes Program staff. At these meetings, MDH and the contractor will review current deliverables and progress toward accomplishing upcoming deliverables. The contractor will update the project work plan as deemed appropriate by MDH, and MDH will then approve those updates.

The contract will begin on the date stated in the contract or upon full execution of the contract, whichever is later, and will be completed by September 30, 2017 with the option to extend an additional 1 year in increments determined by MDH.

Responders are encouraged to propose additional tasks or activities if they will substantially improve the results of the project. These items should be separated from the required items on the cost proposal.

This request for proposal does not obligate the state to award a contract or complete the project, and the state reserves the right to cancel the solicitation if it is considered to be in its best interest.

Questions concerning this Request for Proposal should be directed to:

Sara Maaske, Project Coordinator
Health Promotion and Chronic Disease Division
Minnesota Department of Health
PO Box 64882
St. Paul, MN 55164

sara.maaske@state.mn.us
Telephone 651-201-3935

Other personnel are **NOT** authorized to discuss this request for proposal with responders, before the proposal submission deadline. Contact regarding this RFP with any personnel not listed above could result in disqualification.

Proposal Content

Responders must submit the following information:

1. Background and Experience

Describe your background and experience with social marketing and community engagement. Provide examples of any similar work. Describe your experience working with public health or similar governmental or non-profit agencies. Include a list of the personnel who will conduct the project, and detail their training and work experience.

2. Process Description – Narrative

Given the project budget, describe the most feasible methods to develop a comprehensive marketing and communications plan that engages traditionally hard-to-reach populations who are at higher risk for diabetes, are culturally diverse, and have lower incomes, and describe your experience in work aimed at preventing diabetes and enrolling people in the National Diabetes Prevention Program (NDPP). How will you work with four geographically dispersed Minnesota grantees? What barriers do you anticipate at each stage of this work and how will you overcome them?

3. Work Plan

Provide a work plan with a proposed time line for activities and outputs.

4. Budget

Provide a line-item budget and budget justification. Travel costs should be included as part of the project pricing and not as a separate line-item.

5. Submit the following forms:

- A. Affidavit of Non Collusion
- B. Veterans Preference Form (if applicable)
- C. Resident Vendor Form (if applicable)

Proposal Instructions

All proposals must be sent to:

Sara Maaske, Project Coordinator
Minnesota Department of Health
Health Promotion and Chronic Disease Division

For U.S. Mail delivery:

PO Box 64882
St. Paul, MN 55164

For Fed Ex or courier delivery:

85 East 7th Place, Suite 220
St. Paul, MN 55401

Email: sara.maaske@state.mn.us

All proposals must be received not later than **4 p.m. Central Standard Time, on April 29, 2016**, as indicated by a notation made by the Receptionist located at 85 East 7th Place, Suite 220, St. Paul, MN.

Late proposals will not be considered.

All costs incurred in responding to this RFP will be borne by the responder.
Fax and email responses will not be accepted or considered.

Submit three copies of the proposal. Proposals are to be sealed in mailing envelopes or packages with the responder's name and address written on the outside. Each copy of the proposal must be signed in ink by an authorized member of the firm.

Provide one copy of the cost proposal in a separately sealed envelope clearly marked on the outside "Cost Proposal" along with the firm's name. For purposes of completing the cost proposal, the state does not make regular payments based upon the passage of time, it only pays for services performed or work delivered after it is accomplished.

Proposals will be evaluated on "best value" as specified below. The cost proposal will not be opened by the review committee until after the qualifications points are awarded.

MDH has estimated that the cost of this contract should not exceed \$40,000. Price will be a significant factor in the evaluation of proposals.

Proposal Evaluation

All responses received by the deadline will be evaluated by representatives of MDH. Proposals will first be reviewed for responsiveness to determine if the minimum requirements have been met. Proposals that fail to meet minimum requirements will not advance to the next phase of the evaluation. The State reserves the right, based on the scores of the proposals, to create a short-listing of vendors who have received the highest scores to interview or conduct demonstrations/presentations. The state reserves the right to seek best and final offers from one or more responders. A 100-point scale will be used to create the final evaluation recommendation.

State Contracts

Mandatory Requirements (Scored as Pass/Fail)

The following will be considered on a pass/fail basis:

1. Proposals must be received on or before the due date and time specified in this solicitation.
2. Responders must have experience with public health behavior change marketing campaigns.

Evaluation Factors (Scored based on percentage or points as indicated)

The factors and weighting on which proposals will be judged are:

1. Experience and qualifications 35%
 - a. Experience promoting prevention of prediabetes and type 2 diabetes
 - b. Experience working with the National Diabetes Prevention Program
2. Proposed process 25%
3. Work plan 10%
4. Cost detail 30%

It is anticipated that the evaluation and selection will be completed by May 31, 2016

General Requirements

Affidavit of Noncollusion

Each responder must complete the attached Affidavit of Noncollusion and include it with the response.

Conflicts of Interest

Responder must provide a list of all entities with which it has relationships that create, or appear to create, a conflict of interest with the work that is contemplated in this request for proposals. The list should indicate the name of the entity, the relationship, and a discussion of the conflict.

Proposal Contents

By submission of a proposal, Responder warrants that the information provided is true, correct and reliable for purposes of evaluation for potential contract award. The submission of inaccurate or misleading information may be grounds for disqualification from the award as well as subject the responder to suspension or debarment proceedings as well as other remedies available by law.

Disposition of Responses

All materials submitted in response to this RFP will become property of the State and will become public record in accordance with Minnesota Statutes, section 13.591, after the evaluation process is completed. Pursuant to the statute, completion of the evaluation process occurs when the government entity has completed negotiating the contract with the selected vendor. If the Responder submits information in response to this RFP that it believes to be trade secret materials, as defined by the Minnesota Government Data Practices Act, Minnesota Statute § 13.37, the Responder must:

- clearly mark all trade secret materials in its response at the time the response is submitted,
- include a statement with its response justifying the trade secret designation for each item, and
- defend any action seeking release of the materials it believes to be trade secret, and indemnify and hold harmless the State, its agents and employees, from any judgments or damages awarded against the State in favor of the party requesting the materials, and any and all costs connected with that defense. This indemnification survives the State's award of a contract. In submitting a response to this RFP, the Responder agrees that this indemnification survives as long as the trade secret materials are in possession of the State.

The State will not consider the prices submitted by the Responder to be proprietary or trade secret materials.

Notwithstanding the above, if the State contracting party is part of the judicial branch, the release of data shall be in accordance with the Rules of Public Access to Records of the Judicial Branch promulgated by the Minnesota Supreme Court as the same may be amended from time to time.

Contingency Fees Prohibited

Pursuant to Minnesota Statutes Section 10A.06, no person may act as or employ a lobbyist for compensation that is dependent upon the result or outcome of any legislation or administrative action.

Sample Contract

You should be aware of the State's standard contract terms and conditions in preparing your response. A sample State of Minnesota Professional/Technical Services Contract is attached for your reference. Much of the language reflected in the contract is required by statute. If you take exception to any of the terms, conditions or language in the contract, you must indicate those exceptions in your response to the RFP; certain exceptions may result in your proposal being disqualified from further review and evaluation. Only those exceptions indicated in your response to the RFP will be available for discussion or negotiation.

Reimbursements

Reimbursement for travel and subsistence expenses actually and necessarily incurred by the contractor as a result of the contract will be in no greater amount than provided in the current "Commissioner's Plan" promulgated by the commissioner of Employee Relations. Reimbursements will not be made for travel and subsistence expenses incurred outside Minnesota unless it has received the State's prior written approval for out of state travel. Minnesota will be considered the home state for determining whether travel is out of state.

Organizational Conflicts of Interest

The responder warrants that, to the best of its knowledge and belief, and except as otherwise disclosed, there are no relevant facts or circumstances which could give rise to organizational conflicts of interest. An organizational conflict of interest exists when, because of existing or planned activities or because of relationships with other persons, a vendor is unable or potentially unable to render impartial assistance or advice to the State, or the vendor's objectivity in performing the contract work is or might be otherwise impaired, or the vendor has an unfair competitive advantage. The responder agrees that, if after award, an organizational conflict of interest is discovered, an immediate and full disclosure in writing must be made to the Assistant Director of the Department of Administration's Materials Management Division ("MMD") which must include a description of the action which the contractor has taken or proposes to take to avoid or mitigate such conflicts. If an organization conflict of interest is determined to exist, the State may, at its discretion, cancel the contract. In the event the responder was aware of an organizational conflict of interest prior to the award of the contract and did not disclose the conflict to MMD, the State may terminate the contract for default. The provisions of this clause must be included in all subcontracts for work to be performed similar to the service provided by the prime contractor, and the terms "contract," "contractor," and "contracting officer" modified appropriately to preserve the State's rights.

Preference to Targeted Group and Economically Disadvantaged Business and Individuals

In accordance with Minnesota Rules, part 1230.1810, subpart B and Minnesota Rules, part 1230.1830, certified Targeted Group Businesses and individuals submitting proposals as prime contractors will receive a six percent preference in the evaluation of their proposal, and certified Economically Disadvantaged Businesses and individuals submitting proposals as prime contractors will receive a six percent preference in the evaluation of their proposal. Eligible TG businesses must be currently certified by the Materials Management Division prior to the solicitation opening date and time. For information regarding certification, contact the Materials Management Helpline at 651.296.2600, or you may reach the Helpline by email at mmdhelp.line@state.mn.us. For TTY/TDD communications, contact the Helpline through the Minnesota Relay Services at 1.800.627.3529.

Veteran-Owned Small Business Preference

Unless a greater preference is applicable and allowed by law, in accordance with Minn. Stat. § 16C.16, subd. 6a, the Commissioner of Administration will award a 6% preference in the amount bid on state procurement to certified small businesses that are majority owned and operated by veterans.

A small business qualifies for the veteran-owned preference when it meets one of the following requirements. 1) The business has been certified by the Department of Administration/Materials Management Division as being a veteran-owned or service-disabled veteran-owned small business. 2) The principal place of business is in Minnesota AND the United States Department of Veterans Affairs verifies the business as being a veteran-owned or service-disabled veteran-owned small business under Public Law 109-461 and Code of Federal Regulations, title 38, part 74 (Supported By Documentation). See Minn. Stat. § 16C.19(d).

Submit the appropriate documentation with the solicitation response to claim the veteran-owned preference. Statutory requirements and documentation must be met by the solicitation response due date and time to be awarded the preference.

State Contracts

Foreign Outsourcing of Work Prohibited

All services under this contract shall be performed within the borders of the United States. All storage and processing of information shall be performed within the borders of the United States. This provision also applies to work performed by subcontractors at all tiers.

Certification Regarding Debarment, Suspension, Ineligibility, and Voluntary Exclusion.

Federal money will be used or may potentially be used to pay for all or part of the work under the contract, therefore the Proposer must certify the following, as required by the regulations implementing Executive Order 12549.

Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion -- Lower Tier Covered Transactions

Instructions for Certification

1. By signing and submitting this proposal, the prospective lower tier participant is providing the certification set out below.
2. The certification in this clause is a material representation of fact upon which reliance was placed when this transaction was entered into. If it is later determined that the prospective lower tier participant knowingly rendered an erroneous certification, in addition to other remedies available to the Federal Government, the department or agency with which this transaction originated may pursue available remedies, including suspension and/or debarment.
3. The prospective lower tier participant shall provide immediate written notice to the person to which this proposal is submitted if at any time the prospective lower tier participant learns that its certification was erroneous when submitted or had become erroneous by reason of changed circumstances.
4. The terms *covered transaction, debarred, suspended, ineligible, lower tier covered transaction, participant, person, primary covered transaction, principal, proposal, and voluntarily excluded*, as used in this clause, have the meaning set out in the Definitions and Coverages sections of rules implementing Executive Order 12549. You may contact the person to which this proposal is submitted for assistance in obtaining a copy of those regulations.
5. The prospective lower tier participant agrees by submitting this response that, should the proposed covered transaction be entered into, it shall not knowingly enter into any lower tier covered transaction with a person who is proposed for debarment under 48 CFR part 9, subpart 9.4, debarred, suspended, declared ineligible, or voluntarily excluded from participation in this covered transaction, unless authorized by the department or agency with which this transaction originated.
6. The prospective lower tier participant further agrees by submitting this proposal that it will include this clause titled "Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion--Lower Tier Covered Transaction," without modification, in all lower tier covered transactions and in all solicitations for lower tier covered transactions.
7. A participant in a covered transaction may rely upon a certification of a prospective participant in a lower tier covered transaction that it is not proposed for debarment under 48 CFR part 9, subpart 9.4, debarred, suspended, ineligible, or voluntarily excluded from covered transactions, unless it knows that the certification is erroneous. A participant may decide the method and frequency by which it determines the eligibility of its principals. Each participant may, but is not required to, check the List of Parties Excluded from Federal Procurement and Nonprocurement Programs
8. Nothing contained in the foregoing shall be construed to require establishment of a system of records in order to render in good faith the certification required by this clause. The knowledge and information of a participant is not required to exceed that which is normally possessed by a prudent person in the ordinary course of business dealings.
9. Except for transactions authorized under paragraph 5 of these instructions, if a participant in a covered transaction knowingly enters into a lower tier covered transaction with a person who is proposed for debarment under 48 C.F.R. 9, subpart 9.4, suspended, debarred, ineligible, or voluntarily excluded from participation in this transaction, in addition to other remedies available to the federal government, the department or agency with which this transaction originated may pursue available remedies, including suspension and/or debarment.

Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion - Lower Tier Covered Transactions

1. The prospective lower tier participant certifies, by submission of this proposal, that neither it nor its principals is presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participation in this transaction by any Federal department or agency.
2. Where the prospective lower tier participant is unable to certify to any of the statements in this certification, such prospective participant shall attach an explanation to this proposal.

Insurance Requirements

A. Contractor shall not commence work under the contract until they have obtained all the insurance described below and the State of Minnesota has approved such insurance. Contractor shall maintain such insurance in force and effect throughout the

term of the contract.

B. Contractor is required to maintain and furnish satisfactory evidence of the following insurance policies:

1. Workers' Compensation Insurance: Except as provided below, Contractor must provide Workers' Compensation insurance for all its employees and, in case any work is subcontracted, Contractor will require the subcontractor to provide Workers' Compensation insurance in accordance with the statutory requirements of the State of Minnesota, including Coverage B, Employer's Liability. Insurance **minimum** limits are as follows:

\$100,000 – Bodily Injury by Disease per employee
\$500,000 – Bodily Injury by Disease aggregate
\$100,000 – Bodily Injury by Accident

If Minnesota Statute 176.041 exempts Contractor from Workers' Compensation insurance or if the Contractor has no employees in the State of Minnesota, Contractor must provide a written statement, signed by an authorized representative, indicating the qualifying exemption that excludes Contractor from the Minnesota Workers' Compensation requirements.

If during the course of the contract the Contractor becomes eligible for Workers' Compensation, the Contractor must comply with the Workers' Compensation Insurance requirements herein and provide the State of Minnesota with a certificate of insurance.

2. Commercial General Liability Insurance: Contractor is required to maintain insurance protecting it from claims for damages for bodily injury, including sickness or disease, death, and for care and loss of services as well as from claims for property damage, including loss of use which may arise from operations under the Contract whether the operations are by the Contractor or by a subcontractor or by anyone directly or indirectly employed by the Contractor under the contract. Insurance **minimum** limits are as follows:

\$2,000,000 – per occurrence
\$2,000,000 – annual aggregate
\$2,000,000 – annual aggregate – Products/Completed Operations

The following coverages shall be included:

Premises and Operations Bodily Injury and Property Damage
Personal and Advertising Injury
Blanket Contractual Liability
Products and Completed Operations Liability
Other; if applicable, please list _____
State of Minnesota named as an Additional Insured, to the extent permitted by law

3. Commercial Automobile Liability Insurance: Contractor is required to maintain insurance protecting it from claims for damages for bodily injury as well as from claims for property damage resulting from the ownership, operation, maintenance or use of all owned, hired, and non-owned autos which may arise from operations under this contract, and in case any work is subcontracted the contractor will require the subcontractor to maintain Commercial Automobile Liability insurance. Insurance **minimum** limits are as follows:

\$2,000,000 – per occurrence Combined Single limit for Bodily Injury and Property Damage

In addition, the following coverages should be included:

Owned, Hired, and Non-owned Automobile

C. Additional Insurance Conditions:

• Contractor's policy(ies) shall be primary insurance to any other valid and collectible insurance available to the State of Minnesota with respect to any claim arising out of Contractor's performance under this contract;

State Contracts

- If Contractor receives a cancellation notice from an insurance carrier affording coverage herein, Contractor agrees to notify the State of Minnesota within five (5) business days with a copy of the cancellation notice, unless Contractor's policy(ies) contain a provision that coverage afforded under the policy(ies) will not be cancelled without at least thirty (30) days advance written notice to the State of Minnesota;

- Contractor is responsible for payment of Contract related insurance premiums and deductibles;

- If Contractor is self-insured, a Certificate of Self-Insurance must be attached;

- Contractor's policy(ies) shall include legal defense fees in addition to its liability policy limits, with the exception of B.4 above;

- Contractor shall obtain insurance policy(ies) from insurance company(ies) having an "AM BEST" rating of A- (minus); Financial Size Category (FSC) VII or better, and authorized to do business in the State of Minnesota; and

- An Umbrella or Excess Liability insurance policy may be used to supplement the Contractor's policy limits to satisfy the full policy limits required by the Contract.

D. The State reserves the right to immediately terminate the contract if the contractor is not in compliance with the insurance requirements and retains all rights to pursue any legal remedies against the contractor. All insurance policies must be open to inspection by the State, and copies of policies must be submitted to the State's authorized representative upon written request.

E. The successful responder is required to submit Certificates of Insurance acceptable to the State of MN as evidence of insurance coverage requirements prior to commencing work under the contract.

E-Verify Certification (In accordance with Minn. Stat. §16C.075)

By submission of a proposal for services in excess of \$50,000, Contractor certifies that as of the date of services performed on behalf of the State, Contractor and all its subcontractors will have implemented or be in the process of implementing the federal E-Verify program for all newly hired employees in the United States who will perform work on behalf of the State. In the event of contract award, Contractor shall be responsible for collecting all subcontractor certifications and may do so utilizing the E-Verify Subcontractor Certification Form available at <http://www.mmd.admin.state.mn.us/doc/EVerifySubCertForm.doc>. All subcontractor certifications must be kept on file with Contractor and made available to the State upon request.

Minnesota Management and Budget

Management Services

Notice of a Request for Proposal for a Cost Analysis of Water Quality Standards

Minnesota Management and Budget (MMB) in consultation with the Minnesota Pollution Control Agency is requesting proposals to contract with a non-state entity for an engineering cost analysis of current and recently adopted, proposed, or anticipated changes to water quality standards and rules.

To receive a complete Request for Proposal please contact Dennis.Munkwitz@state.mn.us.

Details concerning submission requirements, including due dates are included in the Request for Proposal. No other person is authorized to discuss this project with potential vendors before the submittal of the RFP response.

Deadline for submission of the RFP response is no later than Monday, **June 13, 2016, 12:00 P.M.** central time.

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

Minnesota Housing Finance Agency Notice of Contract Opportunity for HUD REAC Certified Inspector

DETAILS: The Minnesota Housing Finance Agency is requesting proposals for the purpose of complying with HUD's REAC Mortgage Inspection requirements by contracting with one or more HUD-certified REAC Inspector(s) to conduct physical inspections of certain Minnesota multifamily housing developments, and report the results to HUD electronically, using HUD's REAC data capture and reporting protocols.

Work is anticipated to start after July 1, 2016.

COPY REQUEST: To get a copy of the Request for Proposals, please send a written request, by email, to:

Cameron M. Oyen
Housing Program/Policy Specialist
cameron.oyen@state.mn.us

PROPOSAL DEADLINE: Proposals submitted in response to the Request for Proposals in this advertisement must be received via US Mail or email no later than **Noon, Central Time, Friday, May 6, 2016.**

Late proposals will not be considered. Facsimile/fax proposals will **not** be considered.

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

Minnesota Department of Human Services Health Care Administration Division Notice of Request for Proposals for a Qualified Grantee to Provide Food Security Services to Minnesota Health Care Program Participants

NOTICE IS HEREBY GIVEN that the Minnesota Department of Human Services is requesting proposals to seeking proposals from qualified responders to demonstrate the impact on health costs and outcomes by connecting low-income Minnesota Health Care Program (MHCP) participants to food security services, with a particular focus on fulfilling the objectives of the Minnesota Accountable Health Model through programs such as Integrated Health Partnerships and Accountable Communities for Health.

Many of the most significant drivers of health and health care costs are outside of the scope of health care alone. Unmet health-related social needs, such as food insecurity and inadequate or unstable housing, may increase the risk of developing chronic conditions, reduce individuals' ability to manage chronic conditions, increase health care costs, and lead to avoidable health care utilization.

Funded proposals will leverage the work currently being done in Minnesota and the Minnesota Accountable Health Model (State Innovation Model grant) that Minnesota received from the federal Centers for Medicaid and Medicare Services (CMS) to address these health-related social needs. Funded proposals will support accomplishment of the overall aim of the State Innovation Model Grant, which includes the adoption of Accountable Care Organization (ACO) models of payment, quality reporting and measurement, and strong systems for coordinated care including addressing Social Determinants of Health.

Work is proposed to start June 1st, 2016. For more information, or to obtain a copy of the Request for Proposal, contact:

Sarah Linville
Health Care Administration
Care Delivery and Payment Reform
Department of Human Services
PO Box 64983
St. Paul, MN 55164-0983

Phone: (651) 431-5677
sarah.linville@state.mn.us

State Contracts

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

Proposals submitted in response to this Request for Proposals must be received at the address above no later than **4:00 p.m., Central Time, May 23rd. Late proposals will not be considered.** Faxed or e-mailed proposals will **not** be considered.

The RFP can be viewed by visiting the Minnesota Department of Human Services RFP web site:
http://www.dhs.state.mn.us/id_000102

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

Minnesota Department of Human Services

Mental Health Division

Notice of Request for Proposals to Provide Psychiatric Residential Treatment Services for Individuals Under 21 Through the Psychiatric Residential Treatment Facility Medicaid Benefit

NOTICE IS HEREBY GIVEN that the Minnesota Department of Human Services is requesting proposals to Provide Psychiatric Residential Treatment Services for Individuals Under 21 Through the Psychiatric Residential Treatment Facility Medicaid Benefit.

Work is proposed to start July 1, 2017. For more information, or to obtain a copy of the Request for Proposal, contact:

Mary Paulson
Department of Human Services
Mental health Division
P.O. Box 64981
444 Lafayette Road North, St. Paul, MN 55155-0981
Phone: (651) 431- 2749 Fax: (651) 431-7559
mary.paulson@state.mn.us

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

Proposals submitted in response to this Request for Proposals must be received at the address above no later than **4:00 p.m., Central Time, June 13, 2016. Late proposals will not be considered.** Faxed or e-mailed proposals will **not** be considered.

The RFP can be viewed by visiting the Minnesota Department of Human Services RFP web site:
http://www.dhs.state.mn.us/id_000102

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

Minnesota State Colleges and Universities (MnSCU)

North Hennepin Community College

Notice of Request for Proposals (RFP) for Campus Architect

NOTICE IS HEREBY GIVEN that North Hennepin Community College (NHCC) is soliciting proposals from qualified vendors for architectural services. The full Request for Proposals (RFP) will be available Monday, April 4 at:
<http://www.finance.mnscu.edu/facilities/index.html> under "Announcements" then click on "Solicitations". All requirements and information, as well as proposal delivery instructions will be contained in the RFP.

Proposals must be delivered to:
Dan Hall, Vice President of Finance and Facilities
North Hennepin Community College
7411 85th Avenue North
Educational Services Building, Room ES-12
Brooklyn Park, Minnesota 55455

Proposals must be received NO later than **2:00 PM, Tuesday, April 19, 2016**; late responses will not be considered. North Hennepin Community College reserves the right to reject any or all proposals, to waive any irregularities or informalities, and to cancel the solicitation if it is considered to be its own best interest. This Request for Proposals does not obligate NHCC to award a contract.

Minnesota State Colleges and Universities (MnSCU)

Saint Paul College

Request for Proposals for TAACCCT Minnesota Advanced Manufacturing Partnership (MnAMP) Learn, Work, Earn, Grant Program

Saint Paul College is requesting proposals to assist in developing the *Learn, Work, Earn* project to include but not limited to the following:

1. Recruiting, identifying, assessing, and referring TAA-eligible and other adult learners to the Learn Work Earn path ways;
2. Offering program and support services to TAA-eligible workers and other qualifying participants; for example, WIAO AO-eligible participants;
3. Leveraging training funds to support tuition and non-credit training costs for eligible participants, for example, WIAO dislocated worker funding;
4. Offering additional assistance with efforts to recruit, support, train and place Veterans;
5. Assisting with job placement for TAA-eligible workers and other adult learners;
6. Placing MnAMP participants into employment and preparing participants to re-enter the workforce.

Proposals are due on **Monday, April 25, 2016 no later than 2:00PM**

Submission

Sealed proposals must be received at the following address not later than **2:00 p.m. CT on Monday, April 25, 2016**.

Institution: Saint Paul College, Saint Paul, Minnesota
Name: Nataliya Kabakova
Title: Accounting Officer/Business Office
Mailing Address: Saint Paul College
235 Marshall Avenue
Saint Paul, MN 55102

The responder shall submit [2] copies of its RFP response and a flash drive with the RFP response in Microsoft Word format. Proposals are to be sealed in mailing envelopes or packages with the responder's name and address clearly written on the outside. One copy of the proposal must be unbound and signed in blue or black ink by an authorized representative of the vendor. Proof of authority of the person signing must accompany the response.

This notice does not obligate MNSCU or Saint Paul College to award a contract and reserves its right to withdraw from the RFP if it is considered to be in its best interests. . MnSCU reserves the right to reject a proposal if required information is not provided or is not organized as directed. MnSCU also reserves the right to change the evaluation criteria or any other provision in this RFP by posting notice of the change(s) on <http://www.csc.mnscu.edu/sourcing/RFP.html>. For this RFP, posting on the captioned web site above constitutes written notification to each vendor. Vendors should check the site daily and are expected to review information on the site carefully before submitting a final proposal.

State Contracts

Minnesota State Colleges and Universities (MnSCU)

St. Cloud Technical & Community College

Formal Request for Proposal for Campus Food Service and Catering Services

Response Due Date and Time: **Thursday, April 28, 2016 at 2:00 p.m. Central Time**

The complete Request for Proposal will be available on April 11, 2016 on the website <http://www.sctcc.edu/rfp>.

Title of Project: Campus Food Service and Catering Services

Geographic Location Requirements: St. Cloud Technical & Community College, 1540 Northway Drive, St. Cloud, MN 56303

Responses must be received at the location listed below:

St. Cloud Technical & 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: Susan Meyer, Phone: (320) 308-5973, e-mail: smeyer@sctcc.edu

Your response to this Request for Proposal (RFP) must be returned sealed. Sealed responses must be received no later than the due date and time specified above. 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 RFP.

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

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

Department of Administration

Notice of Availability of Request for Proposal (RFP) for Designer Selection for: Collections and Contemporary Learning and Scholarship – University of Minnesota (State Designer Selection Board Project No. 16-04)

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

A full Request for Proposals is available on the Minnesota Department of Administration's website at <http://mn.gov/admin/government/construction-projects/sdsb/sdsb-projects.jsp> (click 16-04).

A mandatory informational meeting will be held on Wednesday, April 13 at 1:30 PM CT at the Blegen Hall Room 5, 269 19th Avenue S, Minneapolis, MN, 55455. The meeting will include a presentation and a review of the scope of work.

Any questions should be directed to **Ian Baebenroth** at ifb@umn.edu. Project questions will be taken by this individual only. Questions regarding this RFP must be received by **Friday, April 15 no later than 2:00 PM Central Time**.

Proposals must be delivered to Charlye McMillan, Executive Secretary, State Designer Selection Board, Real Estate and Construction Services, Room 309, Administration Building, 50 Sherburne Ave., St. Paul, MN 55155 not later than **12:00 noon Central Time on Monday, April 25, 2016**. Late responses will not be considered.

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

Department of Administration

Notice of Availability of Request for Proposal (RFP) for Designer Selection for: MnDOT Courtland Truck Station (State Designer Selection Board Project No. 16-05)

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

A full Request for Proposals is available on the Minnesota Department of Administration's website at <http://mn.gov/admin/government/construction-projects/sdsb/sdsb-projects.jsp> (click 16-05).

A mandatory informational meeting will be held on **Thursday, April 21, 2016** at **1:00 pm** CT at the **MnDOT Waseca Truck Station, 1500 State Street, Waseca MN 56093**. The meeting will include a presentation and a review of the scope of work.

Any questions should be directed to **Gail Ann Witzel** at gail.ann.witzel@state.mn.us. Project questions will be taken by this individual only. Questions regarding this RFP must be received by **Wednesday, April 27, 2016** no later than **5:00 PM** Central Time.

Proposals must be delivered to Charlye McMillan, Executive Secretary, State Designer Selection Board, Real Estate and Construction Services, Room 309, Administration Building, 50 Sherburne Ave., St. Paul, MN 55155 not later than **12:00 noon Central Time on Monday, May 2, 2016**. Late responses will not be considered.

The State of Minnesota 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 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 expenses are incurred in responding to this notice will be borne by the responder. Response to this notice becomes public information under the Minnesota Government Data Practices.

Consultant Pre-Qualification Program information, application requirements and applications forms are available on Mn/DOT's Consultant Services web site at: <http://www.dot.state.mn.us/consult>.

Send completed application material to:

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

State Contracts

Minnesota 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.



Several convenient ways to order:

- **Retail store** Open 8 a.m. - 3 p.m. Monday - Friday, 660 Olive Street, St. Paul
- **Phone** (credit cards): 8 a.m. - 4 p.m. Monday - Friday, 651.297.3000 (Twin Cities) or 1.800.657.3757 (nationwide toll-free)
- **On-line orders:** www.minnesotasbookstore.com
- **Minnesota Relay Service:** 711
- **Fax** (credit cards): 651.215.5733 (fax line available 24 hours)
- **Mail orders:** Orders can be sent to Minnesota's Bookstore, 660 Olive Street, St. Paul, MN 55155

Minnesota's Bookstore accepts VISA, MasterCard, American Express & Discover for all purchases.

PREPAYMENT REQUIRED. *Prices and availability subject to change.* **Fax and phone orders** require credit card.

Please allow 1-2 weeks for delivery. For **mail orders**, complete order blank and send to address above.

Enclose payment - for security reasons, we do not recommend mailing credit card information.

Please allow 2-3 weeks for delivery.

Please make checks payable to "Minnesota's Bookstore."

A \$20.00 fee will be charged for returned checks.