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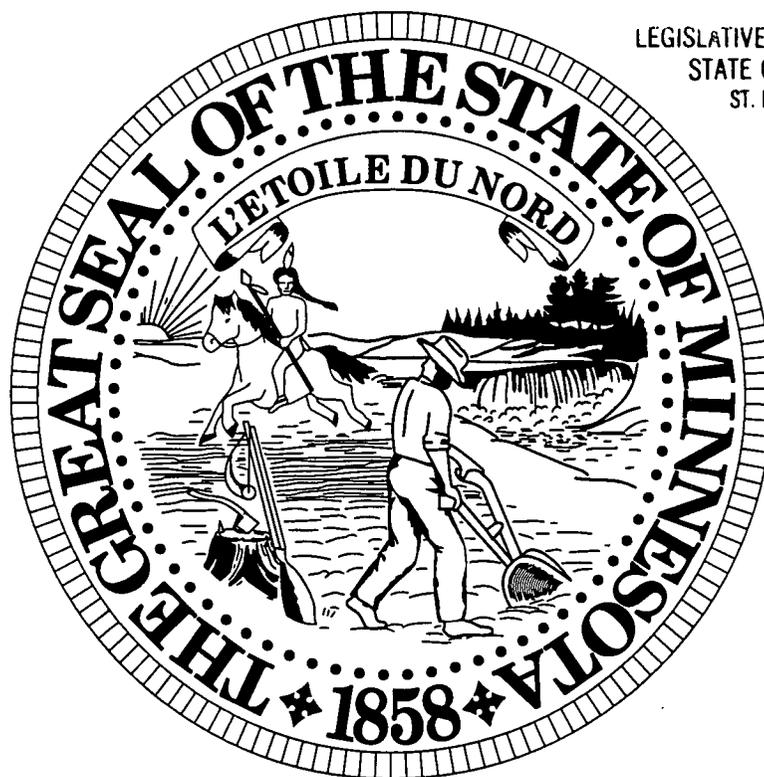
The Minnesota
**State
Register**

Department of Administration—Print Communications Division

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State Register

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

The *State Register* is the official publication of the State of Minnesota, containing executive and commissioners' orders, proposed and adopted rules, official and revenue notices, professional-technical-consulting contracts, non-state bids and public contracts and grants.

A *Contracts Supplement* is published Tuesday, Wednesday and Friday and contains bids and proposals for commodities, including printing bids.

Printing Schedule and Submission Deadlines

Vol. 19 Issue Number	PUBLISH DATE	Deadline for both Adopted and Proposed RULES	Deadline for: Emergency Rules, Executive and Commissioner's Orders, Revenue and Official Notices, State Grants, Professional-Technical-Consulting Contracts, Non-State Bids and Public Contracts
41	Monday 10 April	Monday 27 March	Monday 3 April
42	Monday 17 April	Monday 3 April	Monday 10 April
43	Monday 24 April	Monday 10 April	Monday 17 April
44	Monday 1 May	Monday 17 April	Monday 24 April

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- *State Register* (published every Monday, or Tuesday if Monday is a holiday) One year subscription: \$150.00
- *Contracts Supplement* (published every Tuesday, Wednesday, Friday) One year subscription: \$125.00 via first class mail, \$140.00 via fax or through our On-Line Service via your computer modem. For a free sample demo of the On-Line Service call via your modem: 612/821-4096. Access item "S": *State Register* Modem parameters 8-N-1 1200/2400. By purchasing the On-Line access you are agreeing to not redistribute without authorization.
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- Single issues are available for a limited time: *State Register* \$3.50, *Contracts Supplement* 50¢. Add shipping charge of \$3.00 per order.
- "Commodity Contract Awards Reports," – lists awards of contracts and bids published in the Tuesday-Wednesday-Friday "*Contracts Supplement*" – published every two weeks, \$5.00 per individual report, plus \$3.00 shipping if applicable. Order stock # 99-42. Six-month subscriptions cost \$75.00. Appears every two weeks. Order stock # 90-14. Available in hard copy format only.
- "Professional-Technical-Consulting Award Reports," – published each month listing the previous month's awards of contracts and RFPs that appeared in the Monday edition of the "*State Register*." Individual copies are \$15.00 per report, plus \$3.00 shipping if applicable. Order stock # 99-43. Six-month subscriptions cost \$75.00. Appears monthly. Order stock number 90-15. Available in hard copy format only.

FOR LEGISLATIVE NEWS

Publications containing news and information from the Minnesota Senate and House of Representatives are available free to concerned citizens and the news media. To be placed on the mailing list, write or call the offices listed below:

SENATE

Briefly-Preview—Senate news and committee calendar; published weekly during legislative sessions.

Perspectives—Publication about the Senate.

Session Review—Summarizes actions of the Minnesota Senate.

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

HOUSE

Session Weekly—House committees, committee assignments of individual representatives; news on committee meetings and action. House action and bill introductions.

This Week—weekly interim bulletin of the House.

Session Summary—Summarizes all bills that both the Minnesota House of Representatives and Minnesota Senate passed during their regular and special sessions.

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

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Commodities and requisitions are advertised in the *State Register Contracts Supplement*, published every Tuesday, Wednesday and Friday. "Commodity Contract Awards Reports" are published every two weeks, and "Professional-Technical-Consulting Contract Awards Reports" are published monthly. Both are available through Minnesota's Bookstore, (612) 297-3000 or 1-800-657-3757. For subscription information call 612/296-0931. Individual awards can be obtained from the **Materials Management Helpline** 612/296-2600.

Minnesota Rules: Amendments and Additions

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

The *State Register* is the official source, and only complete listing, for all state agency rulemaking in its various stages. State agencies are required to publish notice of their rulemaking action in the *State Register*. Published every Monday, the *State Register* makes it easy to follow and participate in the important rulemaking process. Approximately 75 state agencies have the authority to issue rules. Each agency is assigned specific *Minnesota Rule* chapter numbers. Every odd-numbered year the *Minnesota Rules* are published. This is a ten-volume bound collection of all adopted rules in effect at the time. Supplements are published to update this set of rules. Proposed and adopted emergency rules do not appear in this set because of their short-term nature, but are published in the *State Register*.

If an agency seeks outside opinion before issuing new rules or rule amendments, it must publish a NOTICE OF INTENT TO SOLICIT OUTSIDE OPINION in the *Official Notices* section of the *State Register*. When rules are first drafted, state agencies publish them as **Proposed Rules**, along with a notice of hearing, or notice of intent to adopt rules without a hearing in the case of noncontroversial rules. This notice asks for comment on the rules as proposed. Proposed emergency rules and withdrawn proposed rules are also published in the *State Register*. After proposed rules have gone through the comment period, and have been rewritten into their final form, they again appear in the *State Register* as **Adopted Rules**. These final adopted rules are not printed in their entirety in the *State Register*, only the changes made since their publication as Proposed Rules. To see the full rule, as adopted and in effect, a person simply needs two issues of the *State Register*, the issue the rule appeared in as proposed, and later as adopted. For a more detailed description of the rulemaking process, see the *Minnesota Guidebook to State Agency Services*.

The *State Register* features partial and cumulative listings of rules in this section on the following schedule: issues 1-13 inclusive; issues 14-25 inclusive; issue 26, cumulative for issues 1-26; issues 27-38 inclusive; issue 39, cumulative for 1-39; issues 40-51 inclusive; and issue 52, cumulative for 1-52. An annual subject matter index for rules appears in August. For copies of the *State Register*, a subscription, the annual index, the *Minnesota Rules* or the *Minnesota Guidebook to State Agency Services*, contact the Print Communications Division, 117 University Avenue, St. Paul, MN 55155 (612) 297-3000 or toll-free in Minnesota 1-800-657-3757.

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Proposed Rules

Pursuant to Minn. Stat. §14.22, an agency may propose to adopt, amend, suspend or repeal rules without first holding a public hearing, as long as the agency determines that the rules will be noncontroversial in nature. The agency must first publish a notice of intent to adopt rules without a public hearing, together with the proposed rules, in the *State Register*. The notice must advise the public:

1. that they have 30 days in which to submit comment on the proposed rules;
2. that no public hearing will be held unless 25 or more persons make a written request for a hearing within the 30-day comment period;
3. of the manner in which persons shall request a hearing on the proposed rules; and
4. that the rule may be modified if the modifications are supported by the data and views submitted

If, during the 30-day comment period, 25 or more persons submit to the agency a written request for a hearing of the proposed rules, the agency must proceed under the provisions of §§14.14-14.20, which state that if an agency decides to hold a public hearing, it must publish a notice of intent in the *State Register*.

Pursuant to Minn. Stat. §§14.29 and 14.30, agencies may propose emergency rules under certain circumstances. Proposed emergency rules are published in the *State Register* and, for at least 25 days thereafter, interested persons may submit data and views in writing to the proposing agency.

Board of Chiropractic Examiners

Proposed Permanent Rules Relating to Advertising, Continuing Education, and Definitions

Notice of Intent to Adopt Rules Without a Public Hearing

NOTICE IS HEREBY GIVEN that the Minnesota Board of Chiropractic Examiners (hereinafter "Board") intends to adopt permanent rules without a public hearing following procedures set forth in the Administrative Procedure Act, *Minnesota Statutes*, sections 14.22 to 14.28. You have 30 days to submit written comments on the proposed rule and may also request that a hearing be held on the rule.

Agency Contact Person. Comments or questions on the rule must be submitted to:

Larry A. Spicer, D.C., Executive Director
Minnesota Board of Chiropractic Examiners
2700 University Ave W, #20
St. Paul, MN 55114-1089
(612) 642-0591
Fax: (612) 643-3535

Subject of Rule and Statutory Authority. The proposed rule is about advertising, continuing education, and definitions. The statutory authority to adopt this rule is *Minnesota Statutes*, sections 148.08, Subd. 3. A copy of the proposed rule is published in the *State Register* and attached to this notice as mailed.

Comments. You have until 4:30 p.m. on May 10, 1995 to submit written comments in support of or in opposition to the proposed rule and any part or subpart of the rule. Your comment must be in writing and received by the agency contact person by the due date. Comment is encouraged. Your comment should identify the portion of the proposed rule addressed, the reason for the comment, and any change proposed.

Request for a Hearing. In addition to submitting comments, you may also request that a hearing be held on the rule. Your request for a public hearing must be in writing and must be received by the agency contact person by 4:30 p.m. on May 10, 1995. Your written request for a public hearing must include your name and address. You are encouraged to identify the portion of the proposed rule which caused your request, the reason for the request, and any changes you want made to the proposed rule. If 25 or more persons submit a written request for a hearing, a public hearing will be held unless a sufficient number withdraw their requests in writing. If a public hearing is required, the agency will follow the procedures in *Minnesota Statutes*, sections 14.131 to 14.20.

Modifications. The proposed rule may be modified as a result of public comment. The modifications must be supported by data and views submitted to the agency and may not result in a substantial change in the proposed rule as attached and printed in the *State Register*. If the proposed rule affects you in any way, you are encouraged to participate in the rulemaking process.

Statement of Need and Reasonableness. A statement of need and reasonableness is now available from the agency contact

KEY: PROPOSED RULES SECTION — Underlining indicates additions to existing rule language. ~~Strike outs~~ indicate deletions from existing rule language. If a proposed rule is totally new, it is designated "all new material." **ADOPTED RULES SECTION** — Underlining indicates additions to proposed rule language. ~~Strike outs~~ indicate deletions from proposed rule language.

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person. This statement describes the need for and reasonableness of each provision of the proposed rule and identifies the data and information relied upon to support the proposed rule.

Adoption and Review of Rule. If no hearing is required, after the end of the comment period the agency may adopt the rule. The rule and supporting documents will then be submitted to the attorney general for review as to legality and form to the extent form relates to legality. You may request to be notified of the date the rule is submitted to the attorney general or be notified of the attorney general's decision on the rule. If you wish to be so notified, or wish to receive a copy of the adopted rule, submit your request to the agency contact person listed above.

Dated: 13 March 1995

Larry A. Spicer, D.C.
Executive Director

Rules as Proposed

2500.0100 DEFINITIONS.

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

Subp. 4b. Diagnosis. "Diagnosis" means the physical, clinical, and laboratory examination of the patient, and the use of X-ray for diagnostic purposes within the scope of practice described in Minnesota Statutes, sections 148.01 to 148.10.

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

Subp. 5a. Good standing. "Good standing" means any license which is not the subject of current disciplinary action as identified in Minnesota Statutes, section 148.10, subdivisions 1, 3, and 4. The pendency of a complaint shall not cause a license to lose good standing unless and until the complaint results in disciplinary action under Minnesota Statutes, section 148.10 or pursuant to a stipulation and order. A license shall be restored to good standing upon the satisfactory completion, expiration, or other agreed upon termination of all terms of a stipulation and order. An agreement for corrective action as described under Minnesota Statutes, section 214.103, subdivision 6, shall not cause a license to lose good standing.

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

Subp. 8a. Intern. "Intern" means an unlicensed graduate of a board-approved chiropractic college who assists in the care of patients outside the confines of the clinic of a chiropractic college.

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

Subp. 9a. License. "License" means a license issued by the board to practice chiropractic including an original license or renewal license.

Subp. 9b. Practice of chiropractic. "Practice of chiropractic" means the diagnosis, prognosis, and treatment by chiropractic methods that include those procedures preparatory to and complementary to an adjustment and the normal chiropractic regimen and rehabilitation of the patient as taught in accredited chiropractic schools and colleges.

Subp. 9c. Preceptor. "Preceptor" means a supervising licensed chiropractic physician approved by the board.

Subp. 9d. Preceptorship training program. "Preceptorship training program" means a board-approved program by which an intern may practice chiropractic under the direct supervision of a licensed chiropractic physician for one 12-month period.

Subp. 9e. Private practice. "Private practice" means a privately owned chiropractic business held individually or by incorporation operating without the interest of any hospital, teaching facility, or insurance company.

[For text of subps 10 to 12, see M.R.]

2500.0600 BOARD CERTIFICATION ADVERTISING.

A licensee who represents in any advertisement the possession of any credential, certification, or registration shall include in the advertisement the name of the board, agency, or other body which issued the additional credential, certification, or registration.

2500.1250 CONTINUING EDUCATION PROGRAM APPROVAL.

A list of all programs to be provided, including amendments or additions to said list, must be submitted by the sponsor to the board no less than 45 calendar days prior to the presentation date of the first such program. Failure to do so may result in disapproval of each program scheduled to be presented 45 days or less from the submission date.

REPEALER. Minnesota Rules, part 2500.2500, is repealed.

Environmental Quality Board

Proposed Permanent Rules Relating to Environmental Review

Notice of Intent to Adopt Rules Without a Public Hearing

Introduction. The Minnesota Environmental Quality Board intends to adopt permanent rules without a public hearing following the procedures set forth in the Administrative Procedure Act, *Minnesota Statutes*, sections 14.22 to 14.28. You have 30 days to submit written comments on the proposed rules and may also submit a written request that a hearing be held on the proposed rules.

Agency Contact Person. Comments or questions on the rules and written requests for a public hearing on the rules must be submitted to:

Gregg Downing, Environmental Review Coordinator
Environmental Quality Board
300 Centennial Building
658 Cedar Street
St. Paul, MN 55155
Telephone: (612) 296-8253

Subject of Rules and Statutory Authority. The proposed rules are amendments to rules establishing requirements for the preparation and content of Environmental Assessment Worksheets (EAWs) and Environmental Impact Statements (EISs).

The amendments address: revision of the criteria for assigning petitions for EAWs to units of government; revisions to the contents and preparation procedures for EAWs; clarification of the criteria by which it is determined that an EIS is needed; clarification of which impacts and alternatives must be addressed in an EIS and in what level of detail, including treatment of unavailable information; modification of the procedures for terminating an EIS process; deletion of the existing procedures for review of certain state projects; establishment of a process for preparation of tiered EISs; modification of the way of applying EAW and EIS mandatory category thresholds to existing stages of certain projects; modification of the mandatory EAW and EIS and Exemption categories for certain types of projects (including industrial, commercial, and institutional facilities, air pollutant sources, solid waste facilities, wastewater systems, residential projects, recreational projects, airport projects, water appropriations and impoundments, marinas, stream diversions, projects impacting wetlands, agriculture and forestry, projects destroying historic places, and communications towers); establishment of a mandatory EIS category for certain PCB incineration activities; revision of the time period for filing legal appeals of decisions that EAWs and EISs are or are not needed; and revision of the procedures for assessing EIS costs to the project proposer.

The statutory authority to adopt these rules is *Minnesota Statutes*, sections 116D.04 and 116D.045. A copy of the proposed rule is published in the *State Register*. A free copy of the proposed rules may be obtained from the agency contact person listed above.

Comments. You have until 4:30 p.m., May 10, 1995 to submit written comment in support of or in opposition to the proposed amendments or any part or subpart of the proposed amendments. Your comment must be in writing and received by the agency contact person by the due date. Comment is encouraged. Your comment should identify the portion of the proposed rule amendments addressed, the reason for the comment, and any change proposed.

Request for a Hearing. In addition to submitting comments, you may also request that a hearing be held on the proposed rule amendments. Your request must be in writing and must be received by the agency contact person by 4:30 p.m. on May 10, 1995. Your written request for a public hearing must include your name and address. You are encouraged to identify the portion of the proposed rule amendments which caused your request, the reason for the request, and any changes you want made to the proposed rules. If 25 or more persons submit a written request for a hearing, a public hearing must be held before the Board can adopt the amendments unless a sufficient number withdraw their requests in writing. If a public hearing is held, the Environmental Quality Board will follow the procedures in *Minnesota Statutes*, sections 14.131 to 14.20.

Modifications. The proposed rule amendments may be modified as a result of public comment. The modifications must be supported by data and views submitted to the Board and may not result in a substantial change in the proposed rules printed in the *State Register*. If the proposed rule affects you in any way, you are encouraged to participate in the rulemaking process.

Statement of Need and Reasonableness. A Statement of Need and Reasonableness is now available from the agency contact

KEY: PROPOSED RULES SECTION — Underlining indicates additions to existing rule language. ~~Strike outs~~ indicate deletions from existing rule language. If a proposed rule is totally new, it is designated "all new material." **ADOPTED RULES SECTION** — Underlining indicates additions to proposed rule language. ~~Strike outs~~ indicate deletions from proposed rule language.

Proposed Rules

person. This statement describes the need for and reasonableness of each provision of the proposed rule amendments and identifies the data and information relied upon to support the proposed rules.

Small Business Considerations. In preparing these rules, the Board has considered the requirements of *Minnesota Statutes*, section 14.115, in regard to the impacts of the proposed rules on small businesses. The proposed rule amendments will impact small businesses that propose projects that must undergo environmental review as a result of the amendments. Therefore, the Board considered whether it was possible to reduce the impact of the amendments on small businesses. The first four methods for potentially reducing impacts on small businesses specified in subdivision 2 of the statute are not applicable to these rules because the rules do not set compliance or reporting requirements, schedules or deadlines for compliance, or design or operational standards. The fifth method (item e), exemption of small businesses from any or all requirements of the proposed rules, would be contrary to the statutory objectives that are the basis for the rulemaking. The Statement of Need and Reasonableness contains a more complete discussion of small business impacts resulting from this rulemaking.

Expenditure of Public Money by Local Public Bodies. *Minnesota Statutes*, section 14.11, subdivision 1, does not apply because adoption of these rule amendments is not expected to result in the expenditure of more than \$100,000 of public money by local public bodies in either of the two years following adoption.

Impact on Agriculture Lands. The proposed rules will not have a direct and substantial adverse impact on agricultural lands. The only proposed change relating directly to agricultural land is a clarification that the conversion of 80 or more acres of agricultural lands to other land uses requires preparation of an EAW. This change would have a beneficial impact, if any, on agricultural lands.

Agency Fees. Because the proposed rules do not set or adjust agency fees, the provisions of *Minnesota Statutes*, section 16A.128, subdivision 2a, regarding notification of the chairs of the house appropriations committee and the senate finance committee do not apply to this rulemaking.

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

Adoption and Review of Rules. If no hearing is required, after the end of the comment period the Board may adopt the amendments. Adoption by the Board would take place at a regular monthly or special meeting of the Board. The rules and supporting documents will then be submitted to the Attorney General for a review as to legality and form to the extent form relates to legality. You may request to be notified of the date the rules are submitted to the Attorney General or be notified of the Attorney General's decision on the rules. If you wish to be so notified, or you wish to receive a copy of the adopted rules, submit your request to the agency contact person listed above.

Dated: 6 March 1995

Cynthia Jepsen, Chair
Environmental Quality Board

Rules as Proposed

4410.0200 DEFINITIONS AND ABBREVIATIONS.

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

Subp. 19. [See repealer.]

Subp. 20. [See repealer.]

Subp. 21. [See repealer.]

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

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

Subp. 31. [See repealer.]

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

Subp. 34. **Governmental unit.** "Governmental unit" means any state agency and any general or special purpose unit of government in the state, including watershed districts organized under *Minnesota Statutes*, chapter ~~442~~ 103D, counties, towns, cities, port authorities, housing authorities, and the Metropolitan Council, but not including courts, school districts, and regional development commissions.

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

Subp. 43. **Local governmental unit.** "Local governmental unit" means any unit of government other than the state or a state agency or the federal government or a federal agency. It includes watershed districts established pursuant to *Minnesota Statutes*,

Proposed Rules

chapter ~~442~~ 103D, counties, towns, cities, port authorities, housing authorities, and the Metropolitan Council. It does not include courts, school districts, and regional development commissions.

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

Subp. 47. **Mineral deposit evaluation.** "Mineral deposit evaluation" has the meaning given in *Minnesota Statutes*, section ~~56A.071~~ 103L.605, subdivision 9, ~~clause (4)~~ 2.

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

Subp. 49. **Mississippi headwaters area.** "Mississippi headwaters area" means an area subject to the comprehensive land use plan of the Mississippi River Headwaters Board established pursuant to *Laws of Minnesota 1981*, chapter ~~246~~; codified as under *Minnesota Statutes*, chapter 44B 103F.

Subp. 50. **Mississippi headwaters plan.** "Mississippi headwaters plan" means the comprehensive land use plan of the Mississippi River Headwaters Board established pursuant to *Laws of Minnesota 1981*, chapter ~~246~~; codified as under *Minnesota Statutes*, chapter 44B 103F.

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

- A. avoiding impacts altogether by not undertaking a certain project or parts of a project;
- B. minimizing impacts by limiting the degree of magnitude of a project;
- C. rectifying impacts by repairing, rehabilitating, or restoring the affected environment;
- D. reducing or eliminating impacts over time by preservation and maintenance operations during the life of the project; or
- E. compensating for impacts by replacing or providing substitute resources or environments; or
- F. reducing or avoiding impacts by development and implementation of pollution prevention plans.

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

Subp. 53. **Natural watercourse.** "Natural watercourse" has the meaning given in *Minnesota Statutes*, section ~~405.37~~, ~~subdivision 40~~ 103G.005, subdivision 13.

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

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

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

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

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

Subp. 69. **Protected waters.** "Protected waters" has the meaning given public waters in *Minnesota Statutes*, section ~~405.37~~, ~~subdivision 14~~ 103G.005.

Subp. 70. **Protected wetland.** "Protected wetland" has the meaning given public waters wetland in *Minnesota Statutes*, section ~~405.37~~, ~~subdivision 15~~ 103G.005, subdivision 15.

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

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

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

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

Subp. 83. [See repealer.]

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

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

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

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

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

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

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

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

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

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

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

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

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

4410.0400 GENERAL RESPONSIBILITIES.

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

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

4410.0500 RGU SELECTION PROCEDURES.

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

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

A. if a state agency proposes to carry out the project, it shall be the RGU;

B. for any project of a type for which a mandatory category is listed in part 4410.4300, the RGU shall be the governmental unit specified by the mandatory category for projects of that type, unless the project will be carried out by a state agency; or

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

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

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

4410.1200 EAW CONTENT.

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

- A. identification including project name, project proposer, and project location;
- B. procedural details including identification of the RGU, EAW contact person, and instructions for interested persons wishing to submit comments;
- C. description of the project, the purpose of the project, methods of construction, quantification of physical characteristics and impacts, project site description, and land use and physical features of the surrounding area;
- D. resource protection measures that have been incorporated into the project design;
- E. major issues sections identifying potential environmental impacts and issues that may require further investigation before the project is commenced; ~~and~~
- F. known governmental approvals, reviews, or financing required, applied for, or anticipated and the status of any applications made, including permit conditions that may have been ordered or are being considered; and
- G. if the project will be carried out by a governmental unit, a brief explanation of the need for the project and an identification of those who will benefit from the project.

4410.1300 EAW FORM.

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

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

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

4410.1400 PREPARATION OF AN EAW.

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

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

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

4410.1700 DECISION ON NEED FOR EIS.

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

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

- A. type, extent, and reversibility of environmental effects;
- B. cumulative potential effects of related or anticipated future projects;
- C. the extent to which the environmental effects are subject to mitigation by ongoing public regulatory authority; and
- D. the extent to which environmental effects can be anticipated and controlled as a result of other completed environmental studies undertaken by public agencies or the project proposer, or of EIS's previously prepared on similar projects.

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

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4410.2100 EIS SCOPING PROCESS.

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

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

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

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

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

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

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

4410.2300 CONTENT OF EIS.

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

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

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

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

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

4410.2400 INCORPORATION BY REFERENCE IN RGU EIS.

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

4410.2500 INCOMPLETE OR UNAVAILABLE INFORMATION.

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

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

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

4410.2800 DETERMINATION OF ADEQUACY.

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

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

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

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

4410.3100 PROHIBITION ON FINAL GOVERNMENTAL DECISIONS.

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

- A. a petition for an EAW is dismissed;
- B. a negative declaration on the need for an EIS is issued;
- C. an EIS is determined adequate; or
- D. a variance is granted under subparts 3 to 7 or the action is an emergency under subpart 8.

Subp. 2. **Public projects, prohibitions.** If a project subject to review under parts 4410.0200 to ~~4410.7800~~ 4410.7500 is pro-

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

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

- A. a detailed explanation of the construction proposed to be undertaken or the governmental approvals to be granted;
- B. the anticipated environmental effects of undertaking the proposed construction or granting the governmental approvals;
- C. the reversibility of the anticipated environmental effects;
- D. the reasons necessitating the variance; and
- E. a statement describing how approval would affect subsequent approvals needed for the project and how approval would affect the purpose of environmental review.

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

Subp. 9. **Emergency action.** In the rare situation when immediate action by a governmental unit or person is essential to avoid or eliminate an imminent threat to the public health or safety or a serious threat to natural resources, a proposed project may be undertaken without the environmental review which would otherwise be required by parts 4410.0200 to ~~4410.7800~~ 4410.7500. The governmental unit or person must demonstrate to the EQB chair, either orally or in writing, that immediate action is essential and must receive authorization from the EQB chair to proceed. Authorization to proceed shall be limited to those aspects of the project necessary to control the immediate impacts of the emergency. Other aspects of the project remain subject to review under parts 4410.0200 to 4410.6500. effective for no more than ten days by which time the EQB must affirm or overturn the decision.

4410.4000 TIERED EIS.

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

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

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

4410.4300 MANDATORY EAW CATEGORIES.

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

If the proposed project is an expansion or additional stage of an existing project, the cumulative total of the proposed project and any existing stages or components of the existing project for which construction commenced since September 28, 1982, must be included when determining if a threshold is met or exceeded, except that any existing stage or component that was reviewed under a previously completed EAW or EIS shall not be included.

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

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

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

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

B. For expansion of an underground storage facility for gases or liquids, using naturally occurring rock materials, that requires a permit pursuant to *Minnesota Statutes*, section ~~84.621~~ 103I.681, subdivision 1, paragraph (b), the DNR shall be the RGU.

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

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

A. For construction of a new or expansion of an existing warehousing or light industrial facility equal to or in excess of the following thresholds, expressed as gross floor space, the local governmental unit shall be the RGU:

- (1) unincorporated area, 150,000;
- (2) third or fourth class city, 300,000;
- (3) second class city, 450,000;
- (4) first class city, 600,000.

B. For construction of a new or expansion of an existing industrial, commercial, or institutional facility, other than a warehousing or light industrial facility, equal to or in excess of the following thresholds, expressed as gross floor space, the local governmental unit shall be the RGU:

- (1) unincorporated area, 100,000 square feet;
- (2) third or fourth class city, 200,000 square feet;
- (3) second class city, 300,000 square feet;
- (4) first class city, 400,000 square feet.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

C. For expansion or reconstruction of an existing industrial process wastewater treatment facility which increases its design flow capacity by 50 percent or more and by at least 200,000 gallons per day or more, or construction of a new industrial process wastewater treatment facility with a design flow capacity of 200,000 gallons per day or more, 5,000,000 gallons per month or more, or 20,000,000 gallons per year or more, the PCA shall be the RGU.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

A. For a new appropriation for commercial or industrial purposes of either surface water or ground water averaging 30,000,000 gallons per month; or a new appropriation of either ground water or surface water for irrigation of 540 acres or more in one continuous parcel from one source of water, the DNR shall be the RGU.

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

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

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

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

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

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

B. For projects that will change or diminish the course, current, or cross-section of 40 percent or more of five or more acres of types 3 through 8 wetland of 2.5 acres or more, excluding protected wetlands, if any part of the wetland is within a shoreland area, delineated flood plain, a state or federally designated wild and scenic rivers district, the Minnesota River Project Riverbend area, or the Mississippi headwaters area a total of three acres or more of wetlands outside a shoreland district, the local government unit shall be the RGU.

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

A. For harvesting of timber for commercial purposes on public lands within a state park, historical area, wilderness area, scientific and natural area, wild and scenic rivers district, the Minnesota River Project Riverbend area, the Mississippi headwaters area, or critical area that does not have an approved plan under *Minnesota Statutes*, section 86A.09 or 116G.07, the DNR shall be the RGU.

B. For a clearcutting of 80 or more contiguous acres of forest, any part of which is located within a shoreland area and within 100 feet of the ordinary high water mark of the lake or river, the DNR shall be the RGU.

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

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

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

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

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

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

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

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

A. For golf courses and other projects resulting in the permanent conversion of 80 or more acres of agricultural, native prairie, forest, or naturally vegetated land, the local government unit shall be the RGU, except that this subpart does not apply to agricultural land inside the boundary of the Metropolitan Urban Service Area established by the Metropolitan Council.

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

4410.4400 MANDATORY EIS CATEGORIES.

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

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

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

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

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

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

A. For construction of a new or expansion of an existing warehousing or light industrial facility equal to or in excess of the following thresholds, expressed as gross floor space, the local governmental unit is the RGU:

- (1) unincorporated area, 375,000;
- (2) third or fourth class city, 750,000;
- (3) second class city, 1,000,000;
- (4) first class city, 1,500,000.

B. For construction of a new or expansion of an existing industrial, commercial, or institutional facility, other than a warehousing or light industrial facility, equal to or in excess of the following thresholds, expressed as gross floor space, the local governmental unit shall be the RGU:

- (1) unincorporated area, 250,000 square feet;
- (2) third or fourth class city, 500,000 square feet;
- (3) second class city, 750,000 square feet;
- (4) first class city, 1,000,000 square feet.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

~~(1) A.~~ 100 or more unattached or 150 or more attached units in an unsewered unincorporated area or 400 unattached units or 600 attached units in a sewerred unincorporated area;

~~(2) B.~~ 400 unattached units or 600 attached units in a city that does not meet the conditions of ~~subitem (4) item D~~;

~~(3) C.~~ 400 unattached units or 600 attached units in a city meeting the conditions of ~~subitem (4) item D~~ if the project is not consistent with the adopted comprehensive plan; or

~~(4) D.~~ 1,000 unattached units or 1,500 attached units in a city within the seven-county Twin Cities metropolitan area that has adopted a comprehensive plan under *Minnesota Statutes*, section 473.859, or in a city not located within the seven-county Twin Cities metropolitan area that has filed with the EQB chair a certification that it has adopted a comprehensive plan containing the following elements:

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

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

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

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

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

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

from the Department of Natural Resources that it must adopt applicable land use management district ordinances within a specific period of time.

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

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

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

Subp. 25. Incineration of wastes containing PCBs. For construction of a new facility or a facility renewing a permit to burn wastes containing 50 parts per million or more of PCBs, the PCA shall be the RGU.

4410.4600 EXEMPTIONS.

[For text of subs 1 to 9, see M.R.]

Subp. 10. ~~Industrial, Commercial, and institutional facilities.~~ The following projects are exempt:

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

- (1) third or fourth class city or unincorporated area, 50,000 square feet,
- (2) second class city, 75,000 square feet, or

(3) first class city, 100,000 square feet, if no part of the development is within a shoreland area, delineated flood plain, state or federally designated wild and scenic rivers district, the Minnesota River Project Riverbend area, or the Mississippi headwaters area, is exempt.

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

C. Construction of a new parking facility for less than 100 vehicles if the facility is not located in a shoreland area, delineated flood plain, state or federally designated wild and scenic rivers district, the Minnesota River Project Riverbend area, or the Mississippi headwaters area is exempt.

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

4410.5200 EQB MONITOR PUBLICATION REQUIREMENTS.

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

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

- A. receipt of a valid petition and assignment of a RGU pursuant to part 4410.1100, subparts 3 and 5;
- B. decision by the EQB that it will determine the adequacy of a final EIS pursuant to part 4410.2800, item A;
- C. EQB's adequacy decision of the final EIS pursuant to part 4410.2800, item G;
- D. receipt by the EQB of an application for a variance pursuant to part 4410.3100, subpart 4, item D;
- E. ~~notice of any public hearing held pursuant to part 4410.3200, subpart 5, item A;~~

~~F.~~ the EQB's decision to hold public hearings on a recommended critical area pursuant to *Minnesota Statutes*, section 16G.06, subdivision 1, clause (c);

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

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

4410.6100 DETERMINING EIS ASSESSED COST.

Subpart 1. **Proposer and RGU agreement.** Within 30 days after the EIS preparation notice has been ~~issued~~ published, the RGU shall submit to the EQB a written agreement signed by the proposer and the RGU. The agreement shall include the EIS estimated

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

Subp. 3. [See repealer.]

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

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

4410.6200 DETERMINING EIS ESTIMATED COST AND EIS ACTUAL COST.

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

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

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

- A. the cost of collecting and analyzing information and data incurred before the final determination has been made that an EIS will be prepared, unless the information and data were obtained for the purpose of being included in the EIS;
- B. costs incurred by a private person other than the proposer or a governmental unit other than the RGU, unless the costs are incurred at the direction of the RGU for the preparation of material to be included in the EIS; and
- C. the capital costs of equipment purchased by the RGU or its consultants for the purpose of establishing a data collection program, unless the proposer agrees to include such costs.

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

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

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

4410.6410 DISAGREEMENTS REGARDING EIS ASSESSED COST.

Subpart 1. **EQB to determine cost.** If, after the RGU has issued its scoping decision under part 4410.2100, the RGU and the proposer disagree about the cost assessed by the RGU to the proposer, either party may request in writing that the EQB determine the appropriate cost assessment. The request must be accompanied by a description of the cost dispute together with relevant sup-

Supporting documentation; a copy of the request must be supplied to the other party. The other party shall provide a written explanation of its position on the cost dispute, together with any relevant supporting information, to the EQB and the other party within ten days of receipt of its copy of the request to the EQB. The chair of the EQB may request any additional information from either party that is needed to understand and resolve the cost dispute.

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

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

4410.6500 PAYMENT OF EIS ASSESSED COST.

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

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

B. At least one-half of the proposer's cash payment shall be paid within 30 ten days after the EIS assessed cost has been submitted to the EQB pursuant to part 4410.6400, subpart 1 RGU and the proposer agree to the estimated cost of preparing and distributing an EIS in accordance with the scoping decision issued under part 4410.2100 or the cost has been determined by the EQB pursuant to part 4410.6400 4410.6410, subpart 5 or 6 2. The RGU shall not proceed to prepare the draft EIS until this payment has been received.

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

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

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

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

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

Subp. 2. [See repealer.]

Subp. 3. [See repealer.]

Subp. 4. [See repealer.]

Subp. 5. [See repealer.]

Subp. 6. Prohibition on state agency permits until notice of final payment. Upon receipt of final payment from the proposer, the RGU shall promptly notify the EQB of receipt of final payment, unless the EIS cost is in dispute under part 4410.6410. Upon

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receipt or notice of receipt of the final payment by the proposer, the EQB shall notify each state agency having a possible governmental permit interest in the project that the final payment has been received.

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

Subp. 7. [See repealer.]

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

Department of Natural Resources

Proposed Permanent Rules Relating to Quarantine Facilities for Fertilized Fish Eggs

DUAL NOTICE:

Notice of Intent to Adopt Rules Without a Public Hearing Unless 25 or More Persons Request a Hearing, And

Notice of Hearing if 25 or More Requests for Hearing are Received

Introduction. The Minnesota Department of Natural Resources intends to adopt permanent rules following procedures set forth in the Administrative Procedure Act, *Minnesota Statutes*, sections 14.22 to 14.28. If, however, 25 or more persons submit a written request for a hearing on the rules within 30 days or by May 10, 1995, a public hearing will be held on May 31, 1995. To find out whether the rule will be adopted without a public hearing or if the hearing will be held, you should contact the agency contact person after May 10, 1995 and before May 31, 1995.

Agency Contact Person. Comments or questions on the rules and written requests for a public hearing on the rules must be submitted to:

Steven Hirsch
Department of Natural Resources
500 Lafayette Road
St. Paul, MN 55155-4012
Telephone: (612) 296-0791

Subject of Rules and Statutory Authority. The proposed rules are about construction and operation of a quarantine facility for fish eggs. The rules cover: importation requirements, construction requirements of a quarantine facility, licensing of a quarantine facility, operation requirements of a quarantine facility, record keeping and reporting, inspection requirements, and release from quarantine.

The statutory authority to adopt these rules is *Minnesota Statutes*, section 17.496, which directs the commissioner of natural resources to adopt rules for the construction of a quarantine facility for fish eggs after consultation with the commissioner of agriculture and the aquaculture advisory committee.

A copy of the proposed rules is published in the *State Register* and a free copy of the rules is available upon request from the agency contact person.

Comments. You have until 4:30 p.m., May 10, 1995 to submit written comment in support of or in opposition to the proposed rules and any part or subpart of the rules. Your comment must be in writing and received by the agency contact person by the due date. Comment is encouraged. Your comment should identify the portion of the proposed rules addressed, the reason for the comment, and any change proposed.

Request for a Hearing. In addition to submitting comments, you may also request that a hearing be held on the rules. Your request for a public hearing must be in writing and must be received by the agency contact person by 4:30 p.m. on May 10, 1995. Your written request for a public hearing must include your name, address and telephone number. You are encouraged to identify the portion of the proposed rules which caused your request, the reason for the request, and any changes you want made to the proposed rules. If 25 or more persons submit a written request for a hearing, a public hearing will be held unless a sufficient number withdraw their requests in writing.

Modifications. The proposed rules may be modified as a result of public comment or as a result of the rule hearing process. Modifications must not result in a substantial change in the proposed rule as attached and printed in the *State Register* and must be

supported by data and views submitted to the Department or presented at the hearing. If the proposed rules affect you in any way, you are encouraged to participate in the rulemaking process.

Cancellation of Hearing. The hearing scheduled for May 31, 1995 will be canceled if the agency does not receive requests from 25 or more persons that a hearing be held on the rule. If you requested a public hearing, the agency will notify you before the scheduled hearing whether or not the hearing will be held. You may also call the agency contact person after May 10, 1995 to find out whether the hearing will be held.

Notice of Hearing. If 25 or more persons submit written requests for public hearing on the rule, a hearing will be held following the procedures in *Minnesota Statutes*, sections 14.14 to 14.20. The hearing will be held on May 31, 1995 in the 6th floor conference room of the Department of Natural Resources Building located at 500 Lafayette Road, St. Paul, Minnesota, beginning at 9:00 a.m., and will continue until all interested persons have been heard. The hearing will continue, if necessary, at additional times and places as determined during the hearing by the administrative law judge. The administrative law judge assigned to conduct the hearing is Bruce D. Campbell. Judge Campbell can be reached at the Office of Administrative Hearings, 1700 100 Washington Square, Minneapolis, Minnesota 55401, (612) 341-7600.

Hearing Procedure. If a hearing is held, you and all interested or affected persons including representatives of associations or other interested groups, will have an opportunity to participate. You may present your views either orally at the hearing or in writing at any time prior to the close of the hearing record. All evidence presented should relate to the proposed rules. You may also mail written material to the administrative law judge to be recorded in the hearing record for five working days after the public hearing ends. This five-day comment period may be extended for a longer period not to exceed 20 calendar days if ordered by the administrative law judge at the hearing. Comments received during this period will be available for review at the Office of Administrative Hearings. You and the agency may respond in writing within five business days after the submission period ends to any new information submitted. All written materials 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. No additional evidence may be submitted during the five-day period. This rule hearing procedure is governed by *Minnesota Rules*, parts 1400.0200 to 1400.1200 and *Minnesota Statutes*, sections 14.14 to 14.20. Questions about procedure may be directed to the administrative law judge.

Statement of Need and Reasonableness. A Statement of Need and Reasonableness is now available from the agency contact person. The statement describes the need for and reasonableness of each provision of the proposed rules. It also includes a summary of all the evidence and argument which the agency anticipates presenting at the hearing, if one is held. The statement may also be reviewed and copies obtained at the cost of reproduction from the Office of Administrative Hearings.

Small Business Considerations. In preparing these rules, the Department has considered the requirements of *Minnesota Statutes*, section 14.115, in regard to the impact of the proposed rules on small businesses. The rules may have an impact on small businesses dealing with private aquaculture, if the operators of such businesses wish to have a facility licensed as a quarantine facility or wish to contract with a quarantine facility to import fish eggs. (There are currently no licensed quarantine facilities in Minnesota.)

Quarantine facilities for fish eggs generally have strict criteria for design, operational procedures, and release protocols, to minimize the risk of introducing emergency fish diseases to the naturalized fishery resource while providing an opportunity for the importation of fertilized fish eggs from emergency disease-restricted areas and areas with unknown fish health history. Estimates for new construction of an acceptable site range from \$600,000 to \$2,000,000. Estimates to annually operate a quarantine facility range from \$40,000 for a small facility to \$400,000 for a large complex facility.

Although the high cost of constructing and operating quarantine facilities may make them cost prohibitive for most small private hatchery operators, the overall impact on small private hatchery businesses would be negligible. Quarantine facilities may provide some advantages to private operators by increasing trout, salmon, or catfish importation options. However, this advantage would generally be outweighed by the complexity and increased cost associated with operating a quarantine facility, particularly when suitable disease-free sources of fish are generally available for production purposes. More likely clients for quarantine facilities would be universities and government agencies which are seeking to develop a disease free line from a unique strain of trout, salmon, or catfish which have a high risk of carrying emergency disease.

Most private operators interested in increasing options for importing trout, salmon, or catfish would likely pursue licensing a containment facility as provided by *Minnesota Statutes*, sections 17.4982 and 17.4991. Containment facilities have less strict construc-

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Proposed Rules

tion and operating criteria than quarantine facilities, and are eligible to receive trout, salmon, and catfish with less disease history than would be required for standard quarantine facilities.

The Department's evaluation of the applicability of the methods contained in *Minnesota Statutes*, section 14.115, subdivision 2, for reducing the impact of the proposed rules is addressed further in the Statement of Need and Reasonableness.

Expenditures of Public Money by Local Public Bodies. *Minnesota Statutes*, section 14.11, subdivision 1, does not apply because adoption of these rules will not result in additional spending by local public bodies in excess of \$100,000 per year for the first two years following adoption of the rules.

Impact on Agriculture Lands. *Minnesota Statutes*, section 14.11, subdivision 2, does not apply because adoption of these rules will not have an impact on agricultural land.

Departmental Charges. *Minnesota Statutes*, section 16A.1285, subdivision 5, does not apply because the rules do not establish or adjust departmental charges.

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

Adoption Procedure if No Hearing. If no hearing is required, after the end of the comment period the Department may adopt the rules. The rules and supporting documents will then be submitted to the Attorney General for a review as to legality and form to the extent form relates to legality. You may request to be notified of the date the rules are submitted to the Attorney General or be notified of the Attorney General's decision on the rules. If you wish to be so notified, or you wish to receive a copy of the adopted rules, submit your request to the agency contact person listed above.

Adoption Procedure After the Hearing. If a hearing is held, after the close of the hearing record, the administrative law judge will issue a report on the proposed rules. You may request to be notified of the date on which the administrative law judge's report will be available, after which date the agency may not take any final action on the rules for a period of five working days. If you want to be notified about the report, you may so indicate at the hearing. After the hearing, you may request notification by sending a written request to the administrative law judge. You may also request notification of the date on which the rules are adopted and filed with the Secretary of State. The agency's notice of adoption must be mailed on the same day that the rules are filed. If you want to be notified of the adoption, you may so indicate at the hearing or send a request in writing to the agency contact person at any time prior to the filing of the rules with the Secretary of State.

Dated: 24 March 1995

Rodney W. Sando
Commissioner of Natural Resources
Gail Lewellan, Assistant Commissioner of
Human Resources and Legal Affairs

Rules as Proposed (all new material)

6287.0100 DEFINITIONS.

Subpart 1. **Scope.** For purposes of this chapter, the terms in parts 6287.0100 to 6287.0900 have the meanings given them in *Minnesota Statutes*, section 17.4982, unless otherwise provided in this part.

Subp. 2. **Applicant.** "Applicant" means an individual, association, partnership, cooperative, public or private corporation or educational institution, or public agency that applies to the department to import fertilized fish eggs into a quarantine facility.

Subp. 3. **Effluent.** "Effluent" means any water discharged from a quarantine facility including fish rearing water, backflush or coolant water, floor drainage, and any potable drainage that does not flow into a sanitary sewer or approved septic system.

Subp. 4. **Heat stress test.** "Heat stress test" means a test for disease in fish as described in this subpart that is conducted for 14 to 21 days at a water temperature between 64 and 68 degrees Fahrenheit. For catfish, the test is conducted for 14 to 21 days at a water temperature above 80 degrees Fahrenheit. All fish are fed or injected with an immunosuppressant at the beginning of the test. At the conclusion of the test, all fish are sampled as provided by *Minnesota Statutes*, section 17.4982, subdivision 12. The number of fish sampled must be adequate to statistically determine a two percent level of disease prevalence at a 95 percent confidence level.

Subp. 5. **Quarantine unit.** "Quarantine unit" means an enclosed rearing area within a quarantine facility that allows for complete isolation from other quarantine units of fish hatching and rearing tanks, fish culture supplies and equipment, feed, clothing, water supply lines, and drainage lines.

Subp. 6. **Sentinel fish.** "Sentinel fish" means a lot of at least 150 fish obtained from a facility with no history of disease that are known to be sensitive to a particular disease agent.

6287.0200 AUTHORITY, SCOPE, PURPOSE.

Subpart 1. **Authority.** This chapter is adopted under authority granted in *Minnesota Statutes*, section 17.496.

Subp. 2. **Scope.** This chapter applies to all facilities constructed for the quarantine of fertilized fish eggs.

Subp. 3. **Purpose.** The purpose of parts 6287.0100 to 6287.0900 is to prescribe design criteria, operational procedures, and release protocols to minimize risk of introducing emergency fish diseases to the naturalized fishery resources of Minnesota while providing an opportunity for the importation of fertilized fish eggs from emergency disease-restricted areas and areas with unknown fish health history.

6287.0300 IMPORTATION REQUIREMENTS.

Only fertilized fish eggs may be imported into a quarantine facility.

6287.0400 CONSTRUCTION REQUIREMENTS OF QUARANTINE FACILITY.

Subpart 1. **Siting.** A quarantine facility must be outside of the 100-year floodplain and be physically separated from other fish raising facilities in the same watershed by not less than five miles, except that the commissioner may permit a quarantine facility to be within five miles of other fish raising facilities if there is minimal risk of transferring disease to the other facilities. Criteria used by the commissioner to determine the risk will include: flow rate of the water which would receive the quarantine facility effluent; construction, water source, and siting of potentially affected fish culture facilities; and disease susceptibility of the species being raised by potentially affected fish culture facilities. Siting is prohibited if effluent from the facility will be discharged into designated trout waters or other waters containing or managed for salmonids.

Subp. 2. **Water supply.** The water supply must be from a spring or well groundwater source, free of fish and fish pathogens, and covered. Water supply systems must be constructed to prevent transmission of pathogens among quarantine units.

Subp. 3. **Egg receiving area.** Each facility must have an egg receiving area isolated from quarantine units with respect to equipment, supplies, and clothing.

Subp. 4. **Quarantine facility size.** Each facility must be designed to consist of no more than six quarantine units and an egg receiving area.

Subp. 5. **Quarantine units.** Quarantine units must be isolated with respect to fish tanks, equipment, supplies, feed, water supply lines, drainage lines, and laboratory clothing. The capacity of each unit must not exceed 100,000 eggs.

Subp. 6. **On-site laboratory space.** There must be a minimum of 16 square feet in at least eight linear feet of counter space within each quarantine unit for pathological examination of fish. Each work area must include a sink, running water, adequate lighting, and electrical outlets.

Subp. 7. **Disinfection stations.** Each quarantine unit and egg receiving area must have separate disinfection stations. This station must include disinfectant supplies, hand washes, foot baths (preferably sunken), an emergency shower, and a locker room where clothes can be changed, stored, and disinfected.

Subp. 8. **Effluent treatment.** Effluent water from all quarantine units and egg receiving areas must enter a common collector. The collector must incorporate a primary disinfectant-sterilization system and an automatic backup system to disinfect all pathogens. All pipes into and out of the collector must be designed to prevent backflow.

Subp. 9. **Backup systems.** Every quarantine facility must have installed backups for all systems vital to maintaining the aquatic environment within the facility. A backup generator sized to handle all necessary electrical equipment must be installed to automatically activate during power failures. Each quarantine unit must be monitored with a flow alarm.

Subp. 10. **Contingency plan.** A contingency plan for disease control and accidental escapement must be submitted to and approved by the commissioner prior to the operation of a quarantine facility. The plan must contain maps of the watershed in which the facility is located, locations where sentinel fish will be confined, identification of sufficient personnel to execute the plan, source of chlorine supply for disinfectant procedures, length and flow rates of feeder streams and main branches, and identification of financial resources to mitigate damage that may occur from the accidental release of fish or fish pathogens.

Subp. 11. **Security.** Minimum security measures must include locking devices on all building entrances and facility gates, and fencing around unenclosed components of the facility.

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Proposed Rules

6287.0500 QUARANTINE FACILITY LICENSING.

Subpart 1. **Quarantine facility licensing and inspection.** No facility may be licensed as a quarantine facility unless the commissioner determines that standards specified in parts 6287.0400 to 6287.0600 are met. The commissioner may conduct an on-site inspection of a quarantine facility at reasonable times.

Subp. 2. **Personnel qualifications.** A quarantine facility must have at least one full-time person with two years of fish culture experience and fish health training from an accredited academic or United States Fish and Wildlife Service program.

6287.0600 OPERATION OF QUARANTINE FACILITY.

Subpart 1. **Egg receiving.** All egg deliveries must have a certified health inspection statement for parental stock from which the eggs were taken. Fish eggs may only be received in the receiving area. A complete disinfection, as described in subpart 5, of the egg receiving area is required before and after each egg delivery. All eggs must be disinfected before transfer into quarantine units. Transfer of disinfected eggs from the egg receiving area shall be done by a person who was not in contact with the incoming eggs before they were disinfected. All packing materials, excess fluids, and other materials related to the shipping of eggs must be incinerated or chlorinated to avoid potential spread of pathogen.

Subp. 2. **Transfer into quarantine.** Eggs from the same lot may be transferred into more than one quarantine unit provided the units remain isolated.

Subp. 3. **Quarantine period.** All fish hatched from quarantined eggs must remain quarantined for a minimum of 12 months, unless they are sold directly to an outlet for processing and human consumption, or unless the fish develop a certifiable disease and must be removed as provided by subpart 6.

Subp. 4. **Facility disinfection.** The following procedure will be considered a complete disinfection when using chlorine.

A. All objects to be disinfected must be cleansed of all organic matter before application of chlorine.

B. A chlorine solution must be maintained on all surfaces at not less than 200 parts per million for the first hour and at not less than 100 parts per million for an additional four hours.

C. All raceways, troughs, drain pipes and lines, and loose equipment, such as buckets, nets, and screens, must be disinfected as specified in item B.

D. All interior surfaces of the quarantine unit must be sprayed with a solution of 1,600 parts per million chlorine. Sufficient quantity and pressure must be applied so that crevices will be penetrated to destroy infectious organisms.

E. All disinfected objects must be thoroughly rinsed with clean water and neutralized with a solution of three parts sodium thiosulfate to one part chlorine upon completion of the disinfection.

F. Other disinfection methods and procedures as approved by the commissioner.

Subp. 5. **Effluent disinfection.** Effluent treatment methods must be approved by the commissioner and must comply with chapter 7050. If chlorine disinfectant is used, a measurable residual level of 1.0 part per million active chlorine must be maintained for one hour of retention time. The design must include a backup system that ensures noninterrupted treatment of effluent. Concentration of the disinfectant must be monitored by a recording-sensing device that is functional at all times.

Subp. 6. **Inspection and disposal of diseased fish.** Daily mortalities may be inspected by the commissioner. Mortalities not required for inspection must remain in the quarantine unit and be placed in disinfectant until they are properly disposed.

If a certifiable disease is detected, a confirmational test must be done. Upon confirmation of a certifiable disease, the commissioner may order that fish be destroyed, sold for human consumption, or otherwise disposed.

Each quarantine facility must dispose of fish mortalities by use of a gas- or oil-fired incinerator or by other disposal methods approved by the commissioner. Equipment and solid waste materials that are potentially contaminated with fish pathogens must be treated by chlorination or an alternate method approved by the commissioner.

Subp. 7. **Disinfection required.** A complete disinfection of the quarantine unit, as described in subpart 5, is required after fish are released from quarantine or after the discovery of a certifiable disease.

If a certifiable disease is detected, sentinel fish must be kept in the affected quarantine unit after disinfection to verify the effectiveness of disinfections, and held for at least 120 days following disinfection. All mortalities of sentinel fish must be monitored and inspected for disease. Surviving sentinel fish must be subjected to a heat stress test.

Subp. 8. **Personnel movement.** Access to quarantine facilities must be limited to designated personnel only. Personnel entering or exiting an egg receiving area or quarantine unit must use a disinfection station. Personnel must disinfect themselves using foot baths and hand washes, and wear protective clothing prior to entering or exiting a quarantine unit or an egg receiving area. Used outer clothing must be disposed of or laundered with disinfectants.

6287.0700 RECORD KEEPING AND REPORTING.

A daily log must be kept on mortality, transfers, feeding, approved chemical use, treatments, assessments, water quality, inspections, disinfectant levels in effluent, and personnel movement. Any signs of disease must be reported to the commissioner within 24 hours. Chemical use to treat disease requires prior confirmation of a diagnosed fish health problem by the commissioner. Mortality reports for each quarantine unit must be submitted to the commissioner weekly. Approved chemical usage and effluent disinfectant operation must be reported and submitted to the commissioner monthly.

6287.0800 INSPECTION REQUIREMENTS.

Fish in quarantine must be monitored and inspected for certifiable disease agents at monthly intervals by a fish health inspector. If requested, the commissioner will conduct fish health inspections for a fee as provided in *Minnesota Statutes*, section 17.4988, subdivision 3.

6287.0900 RELEASE FROM QUARANTINE.

Subpart 1. **Final testing.** A final inspection must be conducted after fish have been in quarantine and have been feeding for 12 to 16 months. This inspection must include the use of a heat stress test on all sampled fish. Results of the inspection must be reviewed and approved by the commissioner.

Subp. 2. **Quarantine report.** A completed quarantine report on forms provided by the commissioner must accompany each lot of fish to be released from quarantine.

Subp. 3. **Release of fish.** Fish released from a quarantine facility cannot be released into the wild and must be processed for use as food or kept in a facility licensed by the commissioner under part 6250.0300, subpart 1, or *Minnesota Statutes*, section 17.4984, subdivision 1, or 97A.401, subdivision 3.

Adopted Rules

The adoption of a rule becomes effective after the requirements of Minn. Stat. §§14.14-14.28 have been met and five working days after the rule is published in *State Register*, unless a later date is required by statutes or specified in the rule.

If an adopted rule is identical to its proposed form as previously published, a notice of adoption and citation to its previous *State Register* publication will be printed.

If an adopted rule differs from its proposed form, language which has been deleted will be printed with strikeouts and new language will be underlined. The rule's previous *State Register* publication will be cited.

An emergency rule becomes effective five working days after the approval of the Attorney General as specified in Minn. Stat. §14.33 and upon the approval of the Revisor of Statutes as specified in §14.36. Notice of approval by the Attorney General will be published as soon as practicable, and the adopted emergency rule will be published in the manner provided for adopted rules under §14.18.

Department of Health

Adopted Permanent Rules Relating to Health; WIC

The rules proposed and published at *State Register*, Volume 19, Number 31, pages 1607-1614, January 30, 1995 (19 SR 1607), are adopted with the following modifications:

Rules as Adopted

4617.0058 INDIVIDUAL NUTRITION CARE PLAN.

A competent professional authority from the local agency must prepare an individual nutrition care plan for each participant who meets the individual nutrition care plan criteria in the local agency nutrition education plan, for each participant who requests a plan, and for each participant for whom a competent professional authority has determined that an individual nutrition care plan is needed. An individual nutrition care plan must include:

- D. the ~~name~~ title of the person who will monitor implementation of the individual nutrition care plan;

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Adopted Rules

Department of Health

Adopted Permanent Rules Relating to Merit System (Health)

The rules proposed and published at *State Register*, Volume 19, Number 26, pages 1394-1397, December 27, 1994 (19 SR 1394), are adopted as proposed.

Human Services Department

Adopted Permanent Rules Relating to Merit System Rules

The rules proposed and published at *State Register*, Volume 19, Number 26, pages 1397-1402, December 27, 1994 (19 SR 1397), are adopted as proposed.

Department of Public Safety

Adopted Permanent Rules Relating to Merit System (Public Safety)

The rules proposed and published at *State Register*, Volume 19, Number 26, pages 1403-1405, December 27, 1994 (19 SR 1403), are adopted as proposed.

Department of Natural Resources

Adopted Exempt Rules Relating to Experimental Fishing Regulations

Rules as Adopted

6264.0300 DESIGNATED EXPERIMENTAL WATERS.

[For text of subs 1 to 34, see M.R.]

Subp. 35. Big Sand Lake experimental regulations. While on or fishing on Big Sand Lake in Hubbard county, all walleye in possession or under control, regardless of where taken, must be less than 18 inches in length or greater than 26 inches in length from the tip of the nose to the tip of the tail when fully extended. A person's possession limit may not include more than one walleye over 26 inches. Possession includes personal possession and possession in a vehicle.

<u>Name</u>	<u>Location</u>	<u>County</u>	<u>End Date</u>
<u>Big Sand Lake</u>	<u>T.141, R.34, S.Various</u>	<u>Hubbard</u>	<u>3/1/2000</u>

Emergency Rules

Proposed Emergency Rules

According to Minn. Stat. of 1984, §§14.29-14.30, state agencies may propose adoption of emergency rules if: 1) expressly required; 2) authorized by statute; or 3) if the manner permitted by a directive (given by statute, federal law or court order) does not allow for compliance with sections 14.14-14.28. The agency must, however, publish a notice of intent to adopt emergency rules, along with the rules themselves, in the *State Register*. The notice must advise the public:

- 1) that a free copy of the proposed emergency rule is available upon request from the agency;
- 2) that notice of the date that the rule is submitted to the attorney general will be mailed to persons requesting notification;
- 3) that the public has at least 25 days after publication of the proposed emergency rule to submit data and views in writing; and
- 4) that the emergency rule may be modified if the data and views submitted support such modification.

Adopted Emergency Rules

Emergency rules take effect five working days after approval by the attorney general, and after compliance with Minn. Stat. §§14.29-14.365. As soon as possible, emergency rules are published in the *State Register* in the manner provided for in section 14.18.

Emergency rules are effective for the period stated in the notice of intent to adopt emergency rules. This may not exceed 180 days.

Continued/Extended Emergency Rules

Adopted emergency rules may be continued in effect (extended) for an additional 180 days. To do this, the agency must give notice by: 1) publishing notice in the *State Register*; and 2) mailing the same notice to all persons who requested notification on rulemaking. No emergency rule may remain in effect 361 days after its original effective date. At that point, permanent rules adopted according to Minn. Stat. §§14.14-14.28 supercede emergency rules.

Department of Natural Resources

Adopted Emergency Game and Fish Rules; Waters Closed to the Possession of Fish

The rules proposed and published at *State Register*, Volume 19, Number 33, pages 1736-1737, February 13, 1995 (19 SR 1736), are adopted as proposed.

Department of Transportation

Commissioners' Order No. 80878: Amended Uniform Traffic Control Devices Manual

WHEREAS, the Commissioner of Transportation has adopted a manual (Minnesota Manual on Uniform Traffic Control Devices for Streets and Highways, dated October 3, 1991) establishing a uniform system of traffic control devices for streets and highways of the State of Minnesota as required by *Minnesota Statutes*, Section 169.06, Subdivision 1; and

WHEREAS, said manual is being revised, to be adopted and distributed during calendar year 1995; and

WHEREAS, the Commissioner may authorize and adopt amendments to the Minnesota Manual of Uniform Traffic Control Devices.

NOW, THEREFORE, pursuant to authority vested in my office and as provided in *Minnesota Statutes*, section 169.06, subd. 1 (1994), I do hereby adopt and prescribe the revisions as listed on the Record of Revisions or Additions as an amendment to the 1991 Minnesota Manual on Uniform Traffic Control Devices for Streets and Highways.

It is further ordered that the provisions of this revision to the 1991 MN MUTCD shall be implemented and applied to all construction and maintenance work area traffic control performed on or after January 1, 1996 upon highways within this State. These provisions may be implemented immediately unless contract specifications dictate the usage of the MN MUTCD, Part VI - Traffic Controls for Street and Highway Construction, Maintenance, Utility and Emergency Operations, or Appendix B - Traffic Control for Short Term Street or Highway Work Zones.

Commissioners' Orders

This Order amends Commissioner's Order No. 77588, dated October 3, 1991 as amended by Commissioner's Orders No. 78988, dated January 4, 1993, No. 79901, dated February 4, 1994, and as further amended by Commissioner's Order No. 80748, dated January 6, 1995.

This Order rescinds Commissioner's Order No. 70797, dated December 20, 1995 which initially adopted Appendix B - Traffic Control for Short Term Street or Highway Work Zones for inclusion in the Minnesota Manual on Uniform Traffic Control Devices for Streets and Highways.

Dated at St. Paul, Minnesota, this 3rd day of April, 1995.

RECORD OF REVISIONS OR ADDITIONS

REVISION NUMBER	DATE ISSUED
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4	4/95
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PAGES REVISED OR ADDED

CONTENTS (in its entirety), 2B-32.2, 2B-33, 2B-34.2,
2C-10, 2C-19, 2D-11, 3F-1, PART VI (in its entirety),
7E-2, C-31, C-32, C-33, C-34, C-38, C-42, and INDEX (in its entirety)

PAGES REMOVED OR DELETED

APPENDIX B - Traffic Control for Short Term Street or Highway Work Zones

James N. Denn
Commissioner of Transportation

Department of Transportation

Commissioner's Order No. 80881: Amended Order and Notice of Street and Highway Routes Designated and Permitted to Carry the Gross Weights Allowed under *Minnesota Statutes* § 169.825

WHEREAS, the Commissioner of Transportation has made his Order No. 80000, dated March 10, 1994, which order has been amended by Orders No's. 80212, 80246, 80580 and 80861 designating and permitting certain street and highway routes, or segments of those routes, to carry the gross weights allowed under *Minnesota Statutes* § 169.825, and

WHEREAS, the Commissioner has determined that the additional following routes, or segments of routes, should be designated to carry the gross weights allowed under *Minnesota Statutes* § 169.825.

IT IS HEREBY ORDERED that Commissioner of Transportation Order No. 80000 is further amended this date by adding the following designated streets and highway routes, or segment of routes, as follows:

COUNTY ROADS

Olmstead - CSAH 10 from I-90 to T.H. 14 (12 month.)

Dated: 31 March 1995

James N. Denn
Commissioner

Pursuant to the provisions of Minnesota Statutes §14.10, an agency, in preparing proposed rules, may seek information or opinion from sources outside the agency. Notices of intent to solicit outside opinion must be published in the *State Register* and all interested persons afforded the opportunity to submit data or views on the subject, either orally or in writing.

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

Board of Chiropractic Examiners

Notice of Solicitation of Outside Information or Opinions Regarding Proposed Rules Governing Temporary Licensure and Governing Rendering of Opinions

NOTICE IS HEREBY GIVEN that the Minnesota Board of Chiropractic Examiners (MBCE) is seeking information or opinions from sources outside the agency in preparing to propose the adoption of the rule governing alternative forms of continuing education. The adoption of this rule is authorized by *Minnesota Statutes*, section 148.08, which permits the agency to promulgate rules in order to administer sections 148.01 to 148.105.

The MBCE requests information and opinions concerning the issuance of temporary licensure. Additionally, the MBCE requests information and opinions concerning the rendering of an opinion constituting the practice of chiropractic. Interested persons or groups may submit data or views on the subject matter of concern in writing. Written statements should be addressed to: Rules Committee, Minnesota Board of Chiropractic Examiners, 2700 University Avenue West, Suite 20, St. Paul, MN 55114-1089.

All statements of information and opinions shall be accepted until May 10, 1995 at 4:30 p.m. Any written material received by the Minnesota Board of Chiropractic Examiners shall become part of the rulemaking record to be submitted to the attorney general or administrative law judge in the event that the rule is adopted.

Dated: 13 March 1995

Larry A. Spicer, D.C.
Executive Director

Minnesota Health Care Commission

Health Technology Advisory Committee

Solicitation of Nominations for Technology Evaluation

The Health Technology Advisory Committee (HTAC) of the Minnesota Health Care Commission seeks nominations to be considered for technology evaluation. The criteria used by HTAC to select technologies for evaluation are as follows:

- 1) The level of controversy within the medical or scientific community, including questionable or undetermined efficacy;
- 2) the cost implications;
- 3) the potential for rapid diffusion;
- 4) the impact on a substantial patient population;
- 5) the existence of alternative technologies;
- 6) the impact on patient safety and health outcome;
- 7) the public health importance;
- 8) the level of public and professional demand;
- 9) the social, ethical, and legal concerns; and
- 10) the prevalence of the disease or condition.

Nominations may be submitted in writing within 30 days from the publication of this notice to Mary Fahey at:

121 East 7th Place, Suite 400
P.O. Box 64975
St. Paul, MN 55164-0975
Fax 612/282-5628
Phone 612/282-6355

The submission of supporting information such as relevant medical literature and the names of experts is encouraged.

Housing Finance Agency

Notice of Hearing on Bond Issue to Permanently Finance Mortgage Loans Made to Dakota's Children, Inc., a Minnesota Nonprofit Corporation

The Minnesota Housing Finance Agency will hold a public hearing at 1:00 p.m. on Monday, April 24, 1995, at the Minnesota Housing Finance Agency, 400 Sibley Street, Suite 300, St. Paul, Minnesota 55101, for the purpose of taking public testimony regarding the issuance of its Rental Housing Bonds in a principal amount not to exceed \$2,000,000. The Bonds will be issued to permanently finance mortgage loans made to Dakota's Children, Inc., a Minnesota nonprofit corporation, for residential housing as defined in the Agency's Rental Housing Bond Resolution. The developments assisted, which serve developmentally disabled persons, are the following:

<u>Facility</u>	<u>Address</u>	<u>Approximate Mortgage Amount</u>
8 Unit Group Home	6525 Edgewood Ave. No. Brooklyn Park, MN	\$246,100.00
6 Unit Group Home	2759 France Ave. No. Robbinsdale, MN	\$205,164.00
9 Unit Group Home	3807 W. Broadway Robbinsdale, MN	\$358,103.00
9 Unit Group Home	3801 W. Broadway Robbinsdale, MN	\$355,111.00
6 Unit Group Home	14850 75th Avenue No. Maple Grove, MN	\$227,349.00
8 Unit Group Home	5449 Lyndale Ave. No. Brooklyn Center, MN	\$247,300.00

The Bonds to be issued attributable to each individual project will be greater than the mortgage amount shown above in order to pay costs of issuance and fund necessary bond reserves.

Additional information may be obtained from the Minnesota Housing Finance Agency, Attn: Sharon Strelow. Parties wishing to comment on the issuance of the Bonds may appear in person at the hearing or may submit written comments to the undersigned prior to the hearing.

Katherine Hadley
Commissioner

Department of Labor and Industry

Labor Standards Division

Notice of Prevailing Wage Certifications for Commercial Construction Projects

Effective April 10, 1995 prevailing wage rates were determined and certified for commercial construction projects in the following counties:

Blue Earth: Asbestos Removal Phase 3, Armstrong Hall, Mankato State Univ-Mankato; Asbestos Removal Crawford Hall Bwing, Mankato State Univ-Mankato.

Brown: New Ulm High School Concession Stand-New Ulm.

Clay: Phase 1B-Repair/Replacement of Steam & Condensate Pipe Supports-Moorhead; 1995 Reroofing Center for the Arts-Moorhead State Univ-Moorhead.

Crow Wing: ISD 181-Franklin School Locker Room & Gymnasium Remodeling-Brainerd; Kitchen/Office Area Riverside Elem School-Brainerd.

Dakota: Burnsville High School Chiller & Cooling Tower Replacement-Burnsville; Partial Window Retrofit/Replacement-

Lincoln Center Elem School-South St. Paul; Minnesota Vets Home-Door Replacement-Hastings; 1st Floor Classrooms/Auto Shop-Rosemount Sr High-Rosemount.

Goodhue: Jefferson Elem HVAC Upgrade (Plbg/Htg pkg, Temp Control pkg, Sheet Metal pkg)-Red Wing.

Hennepin: Cottage & Misc Bldgs-County Home School-Minnetonka; Hennepin County Brooklyn Park Transfer Station Addition-Brooklyn Park; ADA Improvements-Metropolitan Council Transit Operations Facility-Retail Stores-Minneapolis; ADA Improvements-Metropolitan Council Transit Operations Facility-Mpls, Brooklyn Ctr, Richfield; HCMC Relamp-Minneapolis; Floyd B Olson School Conversion & Deferred Maintenance-Minneapolis; Remodeling 1995 Life Safety & Accessibility Exiting Improvements-Bloomington; 1995 Reroofing Wayzata Public Schools-Sunset Hills Elem School-Plymouth; 1995 Reroofing Wayzata Public Schools, Wayzata West Jr. High School-Wayzata; Annual Bldg Remodeling Contract-Minneapolis; MN/DOT Eden Prairie Truck Station-ADA Compliance/Elevator-Eden Prairie; U of M Eddy Hall Roof Replacement-Minneapolis.

McLeod: ISD 422 Glencoe Facilities Fire Marshall Improvements-Glencoe.

Meeker: Remodel Wagner Elementary School-Litchfield.

Mower: Phase II MN Riverland Technical College-Austin Campus 1995 Hearpr Life/Safety Improvements-Austin.

Nobles: Alterations to Worthington Senior High School-Worthington.

Olmsted: Chicago Great Western Depot Rehab-Rochester.

Ottertail: Science Bldg Renovation-Fergus Falls Community College-Fergus Falls.

Ramsey: Agronomy Bldg Window Replacement-St. Paul; ADA Improvements Metropolitan Council Transit Operations-St. Paul; ADA Improvements-Retail Stores, Metropolitan Council Transit Operations Facility-St. Paul; Roof replacement Eastern Hts Elementary School-St. Paul; Franklin Elem Handicapped Accessibility-St. Paul; Johnson High School Science Lab Safety Law Corrections-St. Paul; Addition & Remodeling to Carver Elementary School-Maplewood.

St. Louis: Hibbing Community College Fine Arts Bldg, Ventilation Improvements-Hibbing.

Scott: Partial Reroofing Prior Lake Schools Westwood Elem & High School-Prior Lake.

Steele: MN/DOT Elevator/Accessibility Remodel Owatonna Headquarters-Owatonna.

Washington: 1995 Mahtomedi Wildwood & O H Anderson Elementary Schools Additions & Alterations-Mahtomedi.

Winona: 1995 Energy Retrofit Work-Winona.

Wright: 1995 St Michael Elementary Sch Reroof-St. Michael.

Copies of the certified wage rate for these projects may be obtained by writing the Minnesota Department of Labor and Industry, Prevailing Wage Section, 443 Lafayette Road, St. Paul, Minnesota 55155-4306. The charge for the cost of copying and mailing are \$1.36 per project. Make check or money order payable to the State of Minnesota.

Gary W. Bastian
Acting Commissioner

Pollution Control Agency

Ground Water and Solid Waste Division

Notice of Solicitation of Outside Information or Opinions Regarding Proposed Rule Governing Compost Facilities, *Minnesota Rules* part 7035.2835

NOTICE IS HEREBY GIVEN that the Minnesota Pollution Control Agency (Agency) is seeking information or opinions from sources outside the Agency in preparing to propose the amendment of the rule governing compost classification, distribution and end use. The adoption of the rule is authorized by *Minnesota Statutes*, section 115.03, subd. 1, and 116.07, subds. 2, 4, and 4g, which requires the Agency to adopt rules for the control of the collection, transportation, storage, processing and disposal of solid waste.

The Agency requests information and opinions concerning the subject matter of the rule. Interested persons or groups may submit data or views on the subject matter of concern in writing or orally. Written statements should be addressed to:

Roberta Wirth
Ground Water and Solid Waste Division

State Grants

Minnesota Pollution Control Agency
520 Lafayette Road North
St. Paul, MN 55155-4194

Oral statements will be received during regular business hours over the telephone at (612) 296-7384 and in person at the above address.

All statements of information and opinions shall be accepted until December 1, 1995. Any written material received by the Agency shall become part of the rulemaking record to be submitted to the attorney general or administrative law judge in the event that the amendment is adopted.

The Agency plans to convene an advisory committee to assist it in development of the rule amendment. Interested persons or groups may request to participate on the advisory committee by contacting the Agency by April 1, 1995, at the address or telephone number given above.

Charles W. Williams
Commissioner

State Grants

In addition to requests by state agencies for technical/professional services (published in the State Contracts section), the *State Register* also publishes notices about grant funds available through any agency or branch of state government. Although some grant programs specifically require printing in a statewide publication such as the *State Register*, there is no requirement for publication in the *State Register* itself.

Agencies are encouraged to publish grant notices, and to provide financial estimates as well as sufficient time for interested parties to respond.

Department of Corrections

Notice of Availability of Funds for Services to Victims of Crime

The Minnesota Department of Corrections, Victim Services Unit, announces that availability of \$77,000 in grant funds for services to victims of crime. Grants are for the 12-month period July 1, 1995, through June 30, 1996. Successful applicants may be eligible to apply for continued funding after the initial grant period.

One grant of \$50,000 is available to provide services to sexual assault victims in the counties of Goodhue and Wabasha. Nonprofit 501(c)(3) organizations and governmental units are eligible to apply for these funds.

One grant of \$27,000 is available to provide criminal justice intervention services for battered women and their children in Lyon County. Nonprofit 501(c)(3) organizations are eligible to apply for these funds.

The deadline for proposal submission is 4:30 p.m. on Friday, June 2, 1995. To receive a request for proposal that describes how to apply for funding, contact:

Minnesota Department of Corrections
Victim Services Unit
300 Bigelow Building
450 North Syndicate
St. Paul, MN 55104
Phone: 612/642-0251
800/657-3679 outside the Twin Cities metro area
TDD 612/643-3589.

Department of Human Services

Minnesota Board on Aging

Notice of Request for Grant Proposals to Implement Congregate Housing Services On-Site Coordinator Projects

PURPOSE. The Minnesota Board on Aging is requesting proposals for congregate housing services on-site coordination projects in subsidized housing (apartments) for older persons. An applicant must have: 1. an on-site coordinator; and 2. a plan which assures the availability of one meal per day, seven days a week, for elderly participants in need of this service. An on-site coordinator works in one or more buildings and serves as a contact for older persons who need services, support and assistance in order to "age in place" and to delay or prevent nursing home placement. Additional requirements are listed in the RFP and Application package. New applicants able to show existing cash and in-kind support for their project will have an advantage. These are demonstration grants, not permanent funding.

Pending availability of state funds, the Minnesota Board on Aging anticipates awarding grants as follows.

Eligible Applicants

1. Public or non-profit agencies or owners of subsidized housing projects for the elderly who have fiscal/administrative capacity to hire an on-site coordinator (e.g. county social service agencies, private agencies, public housing or other agencies which provide subsidized housing) may apply.

2. The funding awards will be for one year, July 1, 1995 through June 30, 1996. Up to \$8,000 to \$12,000 may be available the first year for up to one grant.

3. Contingent upon availability of funds, and satisfactory performance and compliance with the requirements of the grant, the Board on Aging has the option of extending the grant for an additional 12 months from July 1, 1996 through June 30, 1997.

This solicitation is contingent upon action by the 1995 Legislature. The Board and the State reserve the right to cancel this solicitation if it is deemed in their best interest.

Application Process

To request an RFP and application package for state fiscal year 1996 grant funds, call Bernie Kuhn at (612) 296-3868 or at toll free number 1-800-882-6262.

For further information on this notice and questions about the application process contact Ron Abato at (612) 296-3769, or at 1-800-882-6262.

Six copies of the completed application forms **must be received no later than 4:00 p.m. on Friday, May 19, 1995 at the offices of the Minnesota Board on Aging.** Proposals arriving after this deadline will not be accepted.

Send completed proposals to: Minnesota Board on Aging, Attention: Ron Abato, 444 Lafayette Road, St. Paul, MN 55155-3843.

Grants will be made to applicants which in the judgment of the Minnesota Board on Aging will most effectively meet the program requirements and criteria as stated in the application materials.

Department of Human Services

Chemical Dependency Program Division

Request for Proposals (RFP) for Services for Chemically Dependent Women

The Chemical Dependency Program Division of the Minnesota Department of Human Services (hereinafter, CDPD) is soliciting proposals through a competitive bidding process to address two distinct training needs.

First, the Division is requesting proposals for training and technical assistance designed to impact key decision makers in an effort to improve services to substance abusing women in alcohol and drug treatment programs that do not specialize in women's services but admit women to treatment, \$36,000.00 is available for one grantee each year of funding.

Secondly, proposals will be considered for the provision of an annual statewide continuing education program for 250 chemical dependency professionals and other health care/human service providers who work with women in the areas of treatment and pre-

State Grants

vention. \$25,000.00 is available for one grantee each year of funding. Each application is to be submitted for two years with separate budgets for each year.

Eligible applicants are non-profit or for-profit organizations, and/or individuals who for the first funding area are able to develop, prepare and conduct training for traditional program decision makers on acquiring and providing services to women clients; and for the second area who are knowledgeable in conference planning and development and women's treatment/prevention issues.

A Selection Committee will be formed to screen and review grant applications for this RFP and to make recommendations to the CDPD. The committee will include individuals with special expertise in the award area, State Alcohol and Other Drug Advisory Council members, DHS staff and representatives of the communities/groups to be served. The CDPD staff will make a formal recommendation to the Grants Committee of the State Alcohol and Other Drug Abuse Advisory Council. The Council will make a recommendation to the CDPD director. The final determination will be made by the Commissioner of the Department of Human Services (DHS).

Funds may be used for materials and supplies, in-state travel, lodging, mailings and contracted services or for conference presenters, out of state travel, coping materials. It is anticipated that the work called for would begin by October 1, 1995, or upon such date at it is executed as to encumbrance by the Commissioner of Finance, whichever occurs later. Second year funding will be based on satisfactory performance and the availability of funds.

This Request for Proposals is contingent on the availability of funds. The State reserves the right to reject any and all proposals and to apply the funds to another purpose. The State will not reimburse for the costs of proposal preparation or participation in proposal consideration procedures. Eight copies of the proposal must be received by CDPD no later than 4:20 p.m., Friday, May 19, 1995, or have a legible postmark date no later than May 18, 1995. Proposals in response to the Request for Proposals (RFP) must be submitted using the Chemical Dependency Program Division's grant application form and format. Copies of the RFP and the application form are available on request from the Chemical Dependency Program Division (296-3991). Proposals should be sent to:

Sheila Big Bear, Grant Assistant
Chemical Dependency Program Division
Department of Human Services
444 Lafayette Road
St. Paul, Minnesota 55155-3823

Requests for information should be addressed to Pamela Young, Women's Planner (612/296-4589). Training on how to complete application materials will be provided at the Minnesota Department of Human Services, 444 Lafayette Road, St. Paul, MN, April 17, 1995, from 1:00 to 3:00 p.m. Please call Pamela Young at 296-4589, if you wish to attend this training.

Professional, Technical & Consulting Contracts

Department of Administration procedures require that notice of any consultant services contract or professional and technical services contract which has an estimated cost of over \$10,000 be printed in the *State Register*. These procedures also require that the following information be included in the notice: name of contact person, agency name and address, description of project and tasks, cost estimate, and final submission date of completed contract proposal. Certain quasi-state agencies are exempted from some of the provisions of this statute.

In accordance with *Minnesota Rules Part 1230.1910*, certified Targeted Group Businesses and individuals submitting proposals as prime contractors shall receive the equivalent of a 6% preference in the evaluation of their proposal. For information regarding certification, call the Materials Management Helpline (612)296-2600 or [TDD (612)297-5353 and ask for 296-2600].

Department of Corrections

Lino Lakes Correctional Facility

Notice of Availability of Professional/Technical Service Contracts for Various Medical, Psychological, Educational and Program Development Services

The Minnesota Correctional Facility-Lino Lakes, a medium security prison housing 700 adult male inmates, hereby publishes its intention to contract for certain services for the biennium commencing July 1, 1995. Where current contractors have at least equal qualifications, they will be given preference in order to maintain program consistency and stability. The following contracts are up for renewal:

Employee Physical Exams - To provide pre-employment, employment extension physical exams and drug/alcohol testing for staff and report exam results while noting any limitations on job duties. Estimated cost for the two year period is \$20,000. Specific details on the purpose and scope of these physical examinations can be obtained by calling George Schtowchan, MCF-Lino Lakes Personnel Director, at (612) 780-6116. The proposals must be submitted by 4:30 p.m. on May 1, 1995. Send the proposals to George Schtowchan, MCF-LL, 7525 4th Ave., Lino Lakes, MN 55014.

Emergency Medical Services - To provide emergency or urgent care services to inmates. Provider must be a licensed hospital or medical care facility located no more than 15 minutes away from MCF-LL. Estimated cost for the two year period is \$100,000. Specific details on the purpose and scope of these services can be obtained by calling Shirley Davis, MCF-Lino Lakes R.N. Administrative Supervisor, at (612) 780-6100 ext. 225. The proposals must be submitted by 4:30 p.m. on May 1, 1995. Send the proposals to Shirley Davis, MCF-LL, 7525 4th Ave., Lino Lakes, MN 55014.

Dental Care - To provide the services of a licensed dentist to perform on-site dental care to inmates for twenty hours per week. Estimated cost for the two year period is \$104,000. Specific details on the purpose and scope of these services can be obtained by calling Shirley Davis, MCF-Lino Lakes R.N. Administrative Supervisor, at (612) 780-6100 ext. 225. The proposals must be submitted by 4:30 p.m. on May 1, 1995. Send the proposals to Shirley Davis, MCF-LL, 7525 4th Ave., Lino Lakes, MN 55014.

Consulting Radiologist - To provide radiology services at District Memorial Hospital and interpret X-rays made for diagnosis and treatment inmates. Estimated cost for the two year period is \$30,000. Specific details on the purpose and scope of these services can be obtained by calling Shirley Davis, MCF-Lino Lakes R.N. Administrative Supervisor, at (612) 780-6100 ext. 225. The proposals must be submitted by 4:30 p.m. on May 1, 1995. Send the proposals to Shirley Davis, MCF-LL, 7525 4th Ave., Lino Lakes, MN 55014.

Optometrist - To provide optometry services including on-site eye examinations, glaucoma testing, prescriptions for corrective lenses and fitting of glasses for inmates. Estimated cost for the two year period is \$16,000. Specific details on the purpose and scope of these services can be obtained by calling Shirley Davis, MCF-Lino Lakes R.N. Administrative Supervisor, at (612) 780-6100 ext. 225. The proposals must be submitted by 4:30 p.m. on May 1, 1995. Send the proposals to Shirley Davis, MCF-LL, 7525 4th Ave., Lino Lakes, MN 55014.

Child Care Lead Worker - To provide on-site child care services and lead worker direction to other child care workers in the Rainbow Road program. Lead age appropriate child development, social/behavioral and educational/literacy enrichment activities for children ages 2-12. Estimated cost for the two year period is \$23,000. Specific details on the purpose and scope of these services can be obtained by calling Elizabeth Telke, MCF-Lino Lakes Activities Director, at (612) 780-6124. The proposals must be submitted by 4:30 p.m. on May 1, 1995. Send the proposals to Elizabeth Telke, MCF-LL, 7525 4th Ave., Lino Lakes, MN 55014.

Family Education Coordinator - To provide educational workshops for inmates, their "significant other" and children. Estimated cost for the two year period is \$17,000. Specific details on the purpose and scope of these services can be obtained by calling Elizabeth Telke, MCF-Lino Lakes Activities Director, at (612) 780-6124. The proposals must be submitted by 4:30 p.m. on May 1, 1995. Send the proposals to Elizabeth Telke, MCF-LL, 7525 4th Ave., Lino Lakes, MN 55014.

Psychotherapist - To conduct on-site psychiatric screenings, crisis intervention counseling and psychotherapy to inmates and occasionally their families. Sessions will average eight hours per week. Estimated cost for the two year period is \$32,000. Specific

Professional, Technical & Consulting Contracts

details on the purpose and scope of these services can be obtained by calling Bert Mohs, MCF-Lino Lakes A/W Operations, at (612) 780-6130. The proposals must be submitted by 4:30 p.m. on May 1, 1995. Send the proposals to Bert Mohs, MCF-LL, 7525 4th Ave., Lino Lakes, MN 55014.

Parenting Skills Development - To conduct a parenting skills development program and lead on-going support groups for inmates wishing to improve their parenting skills. Estimated cost for the two year period is \$15,000. Specific details on the purpose and scope of these services can be obtained by calling Bert Mohs, MCF-Lino Lakes A/W Operations, at (612) 780-6130. The proposals must be submitted by 4:30 p.m. on May 1, 1995. Send the proposals to Bert Mohs, MCF-LL, 7525 4th Ave., Lino Lakes, MN 55014.

Department of Corrections

Sex Offender/Chemical Dependency Services Unit

Notice of Request for Proposal for Contracts for Providing Post-Release Programming for Adult Sex Offenders

Subject to legislative appropriation, the Minnesota Department of Corrections, Sex Offender/Chemical Dependency Services unit announces the availability of contract funds for provision of short-term sex offender post release programming for adult sex offenders on supervised release from state correctional facilities.

With the exception of programming for female sex offenders, selection criteria will give preference to programming in greater Minnesota rather than the metropolitan area.

For more information or a copy of RFP, call William Donnay (612) 642-0374.

Proposals must be received by 4:00 p.m., on May 5, 1995.

William Donnay
Corrections Program and Policy Monitor
Department of Corrections
300 Bigelow Building
450 N. Syndicate Street, Room 300
St. Paul, Minnesota 55104-4107

Department of Corrections

Education Unit

Notice of Request for Proposals for Provision of Higher Education Programs for Inmates

NOTICE IS HEREBY GIVEN that the Minnesota Department of Corrections is seeking the services of qualified higher education institutions to proposals to provide selected courses within three Minnesota adult correctional institutions at Stillwater, Lino Lakes, and Shakopee. Public institutions of higher education chartered by the State of Minnesota and/or private institutions of higher education, located in Minnesota and approved by the Higher Education Coordinating board, are eligible to submit proposals.

The Contractor will be responsible for planning and implementing a program of higher education which will be designed to provide a variety of courses and associated services for the three correctional institutions listed above. A maximum of \$150,000 will be available to apply for in meeting this request.

To direct inquiries and/or request a copy of the complete Request for Proposals contact:

Roger Knudson
Minnesota Department of Corrections
300 Bigelow Building
450 N. Syndicate Street
St. Paul, Minnesota 55104
(612) 642-0244

Proposals must be submitted no later than April 28, 1995. This request for proposal does not obligate the state to complete the project, and the state reserves the right to cancel the solicitation if it is considered to be in its best interest.

Department of Corrections

Education Unit

Notice of Request for Proposals for Professional/Technical Services for Art Workshops

NOTICE IS HEREBY GIVEN that the Minnesota Department of Corrections is seeking the services of qualified practicing artists to teach art workshops on a part-time basis. The following correctional facility locations will provide these services on contract period from July 1, 1995 to June 30, 1997: Lino Lakes, Moose Lake, Shakopee, St. Cloud, Stillwater.

Goals and Objectives:

1. Inmates will learn specific art skills
2. Inmates will have opportunities to show work on at least two occasions
3. Inmates will be exposed to art appreciation
 - a. Inmates will progress from introductory to advanced knowledge in different art mediums
 - b. Inmates will expand their knowledge on a variety of artists and art forms through readings, and lectures.

Evaluation Criteria:

1. Experience as a professional artist with that being a primary source of income
2. Experience teaching art in a correctional setting
3. Experience in one or more institution-appropriate art programs listed above
4. Ability to work with groups in a correctional setting

Direct inquiries and resume to:

Roger Knudson
Minnesota Department of Corrections
300 Bigelow Building
450 N. Syndicate Street
St. Paul, Minnesota 55104
(612) 642-0244

Proposals must be submitted no later than April 28, 1995. This request for proposal does not obligate the state to complete the project, and the state reserves the right to cancel the solicitation if it is considered to be in its best interest.

Department of Human Services

Health Care Programs Administration

Notice of Availability of Health Care Consultation Contracts

The Department of Human Services (DHS) intends to issue consultant contracts for the purpose of providing professional advice and recommendations in the administration of the Medical Assistance (MA), General Assistance Medical Care (GAMC) and MinnesotaCare Programs.

All physicians must be Board Certified or Board eligible within their respective specialties. Medical specialty areas being sought are:

Adult Psychiatry
Child and Adolescent Psychiatry
General Surgery
Facial Plastic & Reconstructive Surgery
Orthopedic Surgery
Internal Medicine
Physical Medicine and Rehabilitation
Ophthalmology, Otorhinolaryngology
Obstetrics
Gynecology
Family Practice

Professional, Technical & Consulting Contracts

Pediatrics
Neurosurgery
Diagnostic Radiology
Radiation Oncology
Head and Neck Surgeon
Oral Surgery
Pulmonology with home and pediatric focus
Dermatology
Gastroenterology
Hematology
Pathology
Emergency Medicine
Endocrinologist
Anesthesiology
Allergy
Cardiology and Clinical Oncology

DHS intends to issue consultant contracts to the following specialties for professional advice and recommendations in the administration of the Health Care Program:

PhD. Licensed Psychologists for the following specialties:

Clinical Child Psychology
Clinical Adult Psychology
Neuropsychological Assessment
Neurotherapy
Rehabilitation Neuropsychology

A Doctor of Chiropractic Medicine
Dentists specializing in Orthodontics
Dentists who practice General Dentistry
Dentists specializing in Oral Surgery
Dentists specializing in Prosthodontics
Dentist specializing in TMJ
Dentist specializing in Periodontist
A Certified Audiologist
Certified Registered Physical Therapists
Certified Speech-Language Pathologist
Registered Dietician
Licensed Optometrist
Licensed Respiratory Therapist
Licensed Prosthetist/Orthotics
Licensed Enterostomal Nurse
Registered Pediatric Nurse Practitioner
Licensed Occupational Therapist
Certified Laboratory Technician
Registered Pharmacist with geriatric focus
Registered Pharmacist with infectious disease focus
Registered Pharmacist with a focus on the treatment of AIDS
Registered Pharmacist with a focus on Oncology
A Registered Pharmacist with focus on Toxicology
A licensed Podiatrists
A Certified Registered Nurse Anesthetist

All contracts will be awarded to candidates based on their recent experience, education, achievements, and professional standing and the Department's need for types of specialists. DHS shall make the final selection of consultants and issue contracts of varying amounts of time and money for the period of July 1, 1995 through June 30 1997, with an option of up to two-year renewal to June 30, 1999.

Professional, Technical & Consulting Contracts

Interested parties should submit resumes signed in ink or direct inquiries no later than 4:20 p.m. May 15, 1995 to:

Martha Beckwith
Service Authorization
Primary Care Payment Policy
Department of Human Services
444 Lafayette Road
Saint Paul, MN 55155-3853
Phone (612) 296-7584
FAX (612) 282-9919

Martha Beckwith is the DHS contact able to discuss these contracts.

Department of Human Services

Family and Children's Services Division

Notice of Request for Proposals for Recruitment of Child Foster Care and Adoptive Families

The Family and Children's Services Division, Minnesota Department of Human Services is soliciting proposals from county social services agencies, tribes, private non-profit agencies and community organizations to develop and implement recruitment and education efforts to increase the pool of foster care and adoptive families available to local social services agencies for placement of children of color.

In recognition of the needs of children who are separated from their birth families and placed in substitute care arrangements, the Department of Human Services is especially in need of foster and adoptive families for children of color who are disproportionately represented in out-of-home placement. The Commissioner of Human Services has allocated an annual total of \$88,000 for projects to recruit foster care and adoptive families of color. Projects will begin July 1, 1995 and will continue through June 30, 1997.

Proposals in response to this RFP must be submitted according to the RFP application instructions. To obtain a copy of the application, please contact the Family and Children's Services Division, Minnesota Department of Human Services, telephone 612-297-3635. Upon request, this information will be made available in alternative format such as Braille, large print or audiotape.

The Department will hold a pre-application conference for applicants. Date, time and location of the conference will be included in the application materials.

All applicants must provide six (6) copies of the completed proposal to the Family and Children's Services Division, attn: Charles Hawkins, Department of Human Services, 444 Lafayette Road, St. Paul Minnesota 55155-3832, no later than 4:00 p.m. on May 5, 1995.

Selection of the contractor(s) will be completed by May 19, 1995. The State reserves the right to make multiple awards under this RFP.

This RFP does not obligate the State to complete the project, the State reserves the right to cancel the solicitation if it is considered to be in its best interests.

Affirmative Action

In accordance with the provisions of *Minnesota Statutes*, Section 363.073; for all contracts estimated to be in excess of \$50,000, all responders having more than 20 full-time employees at any time during the previous 12 months must have an affirmative action plan approved by the Commissioner of Human Rights before a proposal may be accepted. Your proposal will be rejected unless it includes one of the following:

1. A copy of your firm's current certificate of compliance issued by the Commissioner of Human Rights; or
2. A letter from Human Rights certifying that your firm has a current certificate of compliance.
3. A notarized letter certifying that your firm has not had more than 20 full-time employees in Minnesota at any time during the previous 12 months.

Professional, Technical & Consulting Contracts

Department of Natural Resources

Division of Fish and Wildlife, Section of Fisheries

Request for Proposals to Produce, Print and Fund the Minnesota Department of Natural Resource's 1996-97 Fishing Regulations Handbook

The Minnesota Department of Natural Resources (DNR) is requesting proposals from qualified individuals or firms to produce and print the DNR 1996-97 Fishing Regulations Handbook. Funding for the production and printing may be through the sale of paid advertising. All advertising revenue will belong to the firm selected, with the firm selected providing to the DNR a required number of copies of the handbook without charge.

Copies of the Request for Proposals may be obtained at the Department of Natural Resources, Bureau of Information and Education, 500 Lafayette Road, St. Paul, MN 55155.

Final date for submitting proposals is Monday, May 1, 1995 at 4:00 p.m.

For more information contact Sheila Gebhard, Bureau of Information and Education, Minnesota Department of Natural Resources, 500 Lafayette Road, St. Paul, MN 55155. (612) 296-6038.

Department of Trade and Economic Development

Business and Community Development Division

Notice of Request for Proposals (RFP) to Facilitate Annual Planning and Team Building Sessions

Purpose

The Minnesota Department of Trade and Economic Development (DTED) is soliciting proposals for conducting an annual planning and team building sessions with its Business and Community Development Division (BCD). The purpose of these sessions is to assist staff in the development of work plans and budget for the next fiscal year and team building.

Budget/Time Frame

The first phase of the contract will be to organize and conduct individual meetings with Managers and Directors of the BCD and hold a 2-day planning/team building session along with follow-up meetings with the Deputy Commissioner and Directors. The time period for these meetings is May 1995.

The second phase of the contract will be to organize and conduct meetings with the Director, Supervisors and staff of the Office of Information, Analysis and Evaluation and hold a 2-day planning/team building session along with follow-up meetings with the Director and Supervisors. The time period for these meetings is June/July, 1995.

A responder must apply for both phases of this contract. Responder rates should be based on both hourly and daily rates.

Procedures for Submitting Proposals

Responses must be received no later than 4:00 p.m. on May 1, 1995.

This Request for Proposals does not obligate the State to complete the project, and the State reserves the right to cancel the solicitation if it is considered to be in its best interest.

For more information please contact:

Jennifer Engh
Deputy Commissioner
Business and Community Development
500 Metro Square
121 7th Place East
St. Paul, Minnesota 55101-2146
(612) 296-3562
FAX: (612) 296-5287
Equal Opportunity Employer.

Department of Transportation

Transportation Resources Investment & Management Division

Office of Aeronautics

Notice of Availability of Contracts for Navigation Systems Technicians

The Office of Aeronautics will award 12 to 16 maintenance contracts for VOR/DME's and NDB's located airports throughout the State. FAA Certification on at least one of the following is required: Wilcox Mark 10 ILS, Wilcox 476 VOR, Cardion 9467 VOR, Aeroacom 5351A DME, Aeroacom 5321 NDB, Aeroacom 5401B, Artais AWOS, Handar AWOS.

Contact period: July 1, 1995 through June 30, 1997.

For further information, or to obtain a copy of the completed Request for Proposal, contact:

Robert Milton
Office of Aeronautics
222 East Plato Blvd.
St. Paul, MN 55107
(612) 296-9250

Proposals must be received no later than May 12, 1995.

Veterans Homes Board

Notice of Request for Proposals for Analysis of the Cost to the State of Operating Veterans Homes Programs

The Minnesota Veterans Homes Board of Directors requests proposals to perform an in depth analysis of the cost to the State of operating veterans homes programs under:

- Current practices (USDVA funding and licensing)
- Medicaid/Medicare (Title 18 & 19 funding and licensing)
- Possible combination of Title 18, Title 19, and current funding and suggestions of other potential sources of funding for the operation of veterans homes.

Final report will provide a comparison of current practices versus each of the above. Included must be the cost to State of converting from current practices to any of the above. Conversion costs will identify changes in staffing requirements under adaptive or different systems.

The contract will begin immediately upon execution and will be completed by December 30, 1995.

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

Prospective responders who wish to receive a full copy of the request for proposal or have any questions regarding this request for proposal may call or write:

Richard Zierdt, Executive Director
Veterans Homes Board of Directors
Room 122, 20 W. 12th Street
St. Paul, MN 55155
Telephone: 612-296-2073

Other department personnel are NOT allowed to discuss the request for proposal with anyone, including responders, before the submission deadline.

All proposals must be sent to:

Minnesota Veterans Homes Board of Directors
Room 122, 20 W. 12th Street
St. Paul, MN 55155

Non-State Public Bids, Contracts & Grants

All proposals must be received not later than 4:00 p.m. May 1, 1995, as indicated by a notation made by the Receptionist, Room 122, 20 W. 12th Street.

Late proposals will not be accepted.

Submit 15 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. Prices and terms of the proposal as stated must be valid for the length of any resulting contract.

The department has estimated that the cost of this contract should not exceed \$150,000.

Non-State Public Bids, Contracts & Grants

The *State Register* also serves as a central marketplace for contracts let out on bid by the public sector. The *Register* meets state and federal guidelines for statewide circulation of public notices. Any tax-supported institution or government jurisdiction may advertise contracts and requests for proposals from the private sector.

It is recommended that contracts and RFPs include the following: 1) name of contact person; 2) institution name, address, and telephone number; 3) brief description of project and tasks; 4) cost estimate; and 5) final submission date of completed contract proposal. Allow at least three weeks from publication date (four weeks from date article is submitted for publication). Surveys show that subscribers are interested in hearing about contracts for estimates as low as \$1,000. Contact the editor for further details.

Minnesota Health Data Institute

Minnesota Institute for Community Health Information

Notice of Request for Proposals for Consumer Survey Data Analysis Services

The Minnesota Health Data Institute (MHDI)/Minnesota Institute for Community Health Information (MICH) seeks a firm to assist its Consumer Survey Task Force to analyze data collected in its 1995 MHDI Consumer Survey. MHDI/MICH will supply the contractor with a data file of responses collected through telephone interviews this Spring with approximately 18,400 enrollees in a total of 46 private sector and public program health plans. A preliminary data file will be supplied to the contractor at the start of the project, estimated to be on or before May 8, with the final data file to be supplied by July 1. The contractor will complete the following tasks by August 1, 1995: 1) weighting of cases, 2) basis psychometric analysis, 3) analysis required to produce the information to be included in the Report to the Public of the survey results, 4) analysis required to produce the information to be included in the Technical Report, 5) written summaries of selected finding for inclusion in the Technical Report, 6) production of a stub and banner table for the total sample, and 7) production of separate stub and banner tables for each of the 46 plans.

Contractor should have demonstrated skills and experience in survey data analysis, including experience with analyzing and reporting the results of large-scale consumer surveys about health plans and medical care in a comparative framework. Contractor should have a track record of on-time performance on large-scale projects.

The contractor will be selected through a competitive bidding process. Details are contained in a request for proposals that may be obtained by contacting:

Deb Anderson
Minnesota Health Data Institute
Piper Jaffray Plaza, Suite 910
444 Cedar Street
St. Paul, MN 55101
(612) 228-4373 or (612) 222-4209 (fax)

Proposals are due by noon on Tuesday, April 25.



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NEW Human Services Rules Now Available

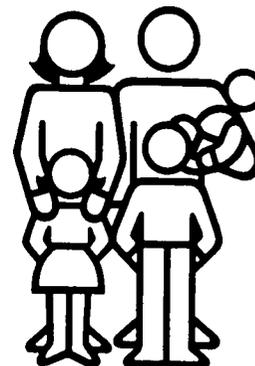
Human Services Rules

Minnesota Rules Chapters 9500-9585, including May '94 amendments. Extracts from Rules governing assistance pro- programs, eligibility, grant amounts, AFDC and residence requirements. Looseleaf, 1,836pp. Stock No. 3-95 \$39.95

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Are you up-to-date with these recently revised Laws, Rules, and Manuals?

Human Services Laws

Selected Chapters from the 1993 Minnesota Statutes related to human services delivery. Among the many topics covered are: government data practices, human service licensing, MN Commitment Act of 1982, medical assistance, MN Family Preservation Act, and chemical dependency. Looseleaf, 1,551pp. Requires 2 binders. Stock No. 2-56 \$34.95

Health Care Program Manual

(... formerly known as the MA/GAMC Medical Care Provider Manual) This MinnesotaCare Programs Provider Manual provides up-to-date information for providers and agency personnel regarding services to Medicaid patients. Covers GAMC and MinnesotaCare services, provider enrollment, claims processing and program compliance. 336pp. (DHS, 1994) Stock No. 10-12 \$20.00

Home Health Care/Hospice Rules 1993

MN Statutes Chapter 144A and MN Rules Chapters 4668 and 4669. 61pp. Stock No. 3-82 \$6.95

Nursing & Boarding Care Home Rules

Chapters 4620.1200, 4638, 4655, and 4660. Licensing requirements for facilities where nursing, personal or custodial care is provided. 215pp. (1993) Stock No. 3-12 \$14.00

Nursing Board Laws

MN Statutes Chapter 148 governs practice of professional nursing in Minnesota. 20pp. (1993) Stock No. 2-91 \$5.00

Nursing Board Rules

Rules governing preparation programs and licensing and registration of nurses. MN Chapters 6301, 6305, 6310, 6316, 6321, 6330 and 6340. Includes '94 rule changes as an insert. 70pp. (1993) Stock No. 3-94 \$7.00

Social Work Practice Act

Laws and rules relating to social work licenses. MN Statutes Chapter 148B and MN Rules Chapter 8740. 70pp. (1993) Stock No. 3-39 \$7.95

Supervised Living Facilities Laws & Rules

Statutes Chapters 144.56 and 144.651-.653 and Rules Chapter 4665. Standards for construction, equipment, maintenance, and operation of supervised living facilities. 42pp. (1992) Stock No. 3-15 \$4.50

Pharmacy Laws

MN Statutes Chapter 151-152, 214, 319A and sections of other chapters. 122pp. (1993) Stock No. 2-78 \$8.00

Pharmacy Rules

MN Rules Chapter 6800. 100pp. (1993) Stock No. 3-67 \$8.95

