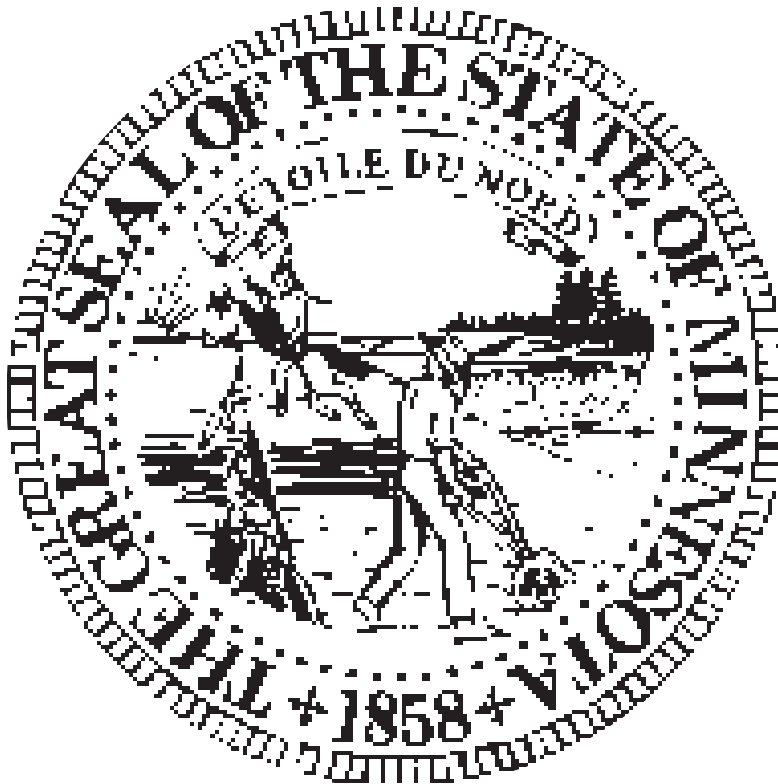


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State Register

Rules and Official Notices Edition



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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.

Printing Schedule and Submission Deadlines

Vol. 22 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
# 17	Monday 27 October	Monday 13 October	Monday 20 October
# 18	Monday 3 November	Monday 20 October	Monday 27 October
# 19	Monday 10 November	Monday 27 October	Friday 31 October
# 20	Monday 17 November	Friday 31 October	Monday 10 November

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Joanne E. Benson, Lt. Governor 612/296-3391	Judi Dutcher, State Auditor 612/297-3670	Michael A. McGrath, State Treasurer 612/296-7091
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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:

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

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

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Professional, Technical and Consulting contract awards are
published monthly in an *Awards Report*.

Individual copies and subscriptions for both publications are
available through Minnesota's Bookstore, (612) 297-3000 or
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Minnesota Rules: Amendments and Additions

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

The *State Register* is the official source, and only complete listing, for all state agency rulemaking in its various stages. State agencies are required to publish notice of their rulemaking action in the *State Register*. Published every Monday, the *State Register* makes it easy to follow and participate in the important rulemaking process. Approximately 80 state agencies have the authority to issue rules. Each agency is assigned specific **Minnesota Rule** chapter numbers. Every odd-numbered year the **Minnesota Rules** are published. The current 1995 set is a 13-volume bound collection of all adopted rules in effect at the time. Supplements are published to update this set of rules. Generally speaking, proposed and adopted exempt rules do not appear in this set because of their short-term nature, but are published in the *State Register*.

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

When rules are first drafted, state agencies publish them as **Proposed Rules**, along with a notice of hearing, or a notice of intent to adopt rules without a hearing in the case of noncontroversial rules. This notice asks for comment on the rules as proposed. Proposed emergency rules and withdrawn proposed rules are also published in the *State Register*. After proposed rules have gone through the comment period, and have been rewritten into their final form, they again appear in the *State Register* as **Adopted Rules**. These final adopted rules are not printed in their entirety in the *State Register*, only the changes made since their publication as Proposed Rules. To see the full rule, as adopted and in effect, a person simply needs two issues of the *State Register*, the issue the rule appeared in as proposed, and later as adopted. For a more detailed description of the rulemaking process, see the most current edition of the *Minnesota Guidebook to State Agency Services*.

The *State Register* features partial and cumulative listings of rules in this section on the following schedule: issues #1-13 inclusive; issues #14-25 inclusive; issue #26 cumulative for issues #1-26; issues #27-38 inclusive; issue #39, cumulative for issues #1-39; issues #40-51 inclusive; and issues #1-52 (or 53 in some years), cumulative for issues #1-52 (or 53). An annual subject matter index for rules was separately printed usually in August, but starting with Volume 19 now appears in the final issue of each volume. For copies or subscriptions to the *State Register*, contact Minnesota's Bookstore, 117 University Avenue, St. Paul, MN 55155 (612) 297-3000, or toll-free 1-800-657-3757.

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2642.0010; .0100; .0110; .0120; .0140; .0180; .0190; .0200; .0210; .0220; .0300; .0310; .0320; .0330; .0350; .0370; .0380; .0390; .0450; .0510; .0650; **2644.0010**; .0100; .0110; .0120; .0150; .0190; .0300; .0330; .0360; .0370; .0380; .0400; .0410; .0510; .0600; .0620; .0670; .0730; .0750 (adopted)..... 594

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Comments on Planned Rules or Rule Amendments

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

Rules to be Adopted After a Hearing

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

Rules to be Adopted Without a Hearing

Pursuant to *Minnesota Statutes* § 14.22, an agency may propose to adopt, amend, suspend or repeal rules without first holding a public hearing. An agency must first solicit **Comments on Planned Rules** or **Comments on Planned Rule Amendments** from the public. The agency then publishes a notice of intent to adopt rules without a public hearing, together with the proposed rules, in the *State Register*. If, during the 30-day comment period, 25 or more persons submit to the agency a written request for a hearing of the proposed rules, the agency must proceed under the provisions of §§ 14.14-14.20, which state that if an agency decides to hold a public hearing, it must publish a notice of intent in the *State Register*.

Department of Natural Resources

Proposed Permanent Rules Relating to Harmful Exotic Species

DUAL NOTICE: Notice of Intent to Adopt Rules Without a Public Hearing Unless 25 or More Persons Request a Hearing, and Notice of Hearing if 25 or More Requests for Hearing are Received

Proposed Rules and Rule Amendments Governing Harmful Exotic Species *Minnesota Rules*, parts 6216.0100 - .0600.

Introduction. The Department of Natural Resources intends to adopt rules without a public hearing following the procedures set forth in the Administrative Procedure Act, *Minnesota Statutes*, sections 14.22 to 14.28, and rules of the Office of Administrative Hearings, *Minnesota Rules*, parts 1400.2300 to 1400.2310. If, however, 25 or more persons submit a written request for a hearing on the rules within 30 days or by 4:30 p.m. on November 26, 1997, a public hearing will be held beginning on January 14, 1998 at the Holiday Inn St. Paul North, 1201 West County Road E, Arden Hills, Minnesota, starting at 1:30 p.m., and reconvening at 6:30 p.m., and reconvening on January 15, 1998 at the Holiday Inn, 2115 South 6th St., Brainerd, Minnesota, starting at 6:30 p.m., and continuing until completed. To find out whether the rules will be adopted without a hearing or if the hearing will be held, you should contact the agency contact person after November 26, 1997 and before January 14, 1998.

Agency Contact Person. Comments or questions on the rules and written requests for a public hearing on the rules must be submitted to the agency contact person. The agency contact person is: Jay Rendall at Department of Natural Resources, 500 Lafayette Road, Box 20, St. Paul, Minnesota 55155-4020, telephone (612) 297-1464. TTY users may call the Department of Natural Resources at 1-800-657-3929.

Subject of Rules and Statutory Authority. The proposed rules and rule amendments govern harmful exotic species. Exotic species are wild animal species or aquatic plant species that are not native species. Harmful exotic species are those exotic species that can naturalize and either: (1) cause or may cause displacement of, or otherwise threaten native species in their natural communities, or (2) threaten or may threaten natural resources or their use in the state.

The proposed rules and rule amendments cover:

- (1) designation of infested waters, and prohibited, regulated and unregulated exotic species;
- (2) the conditions and procedures for the issuance of permits for the propagation, possession, importation, purchase, or transport of a prohibited exotic species for the purposes of disposal, control, research or education;
- (3) the conditions and procedures for the issuance of permits for the introduction of a regulated exotic species;

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

- (4) the process for the commissioner's review of introduction of unlisted exotic species and designation to appropriate classification;
- (5) restricted activities on infested waters;
- (6) the notification procedure requirements for a person that allows or causes the introduction of an animal that is prohibited, regulated, or unlisted exotic species;
- (7) designations of limited infestations of Eurasian water milfoil, and the conditions and procedures for marking and use of water bodies with limited infestations of Eurasian water milfoil; and
- (8) the conditions and procedures for the appropriation, use, and transportation of water from infested waters.

The statutory authority to adopt the rules is *Minnesota Statutes*, section 84D.12, subdivisions 1 and 2.

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

Comments. You have until 4:30 p.m. on November 26, 1997, to submit written comment in support of or in opposition to the proposed rules or any part or subpart of the rules. Your comment must be in writing and received by the agency contact person by the due date. Comment is encouraged. Your comments should identify the portion of the proposed rules addressed, the reason for the comment, and any change proposed. You are encouraged to propose any change desired. Any comments that you would like to make on the legality of the proposed rules must also be made during this comment period.

Request for a Hearing. In addition to submitting comments, you may also request that a hearing be held on the rules. Your request for a public hearing must be in writing and must be received by the agency contact person by 4:30 p.m. on November 26, 1997. Your written request for a public hearing must include your name and address. You must identify the portion of the proposed rules to which you object or state that you oppose the entire set of rules. Any request that does not comply with these requirements is not valid and cannot be counted by the agency for determining whether a public hearing must be held. You are also encouraged to state the reason for the request and any changes you want made to the proposed rules.

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

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

Modifications. The proposed rules may be modified, either as a result of public comment or as a result of the rule hearing process. Modifications must be supported by data and views submitted to the agency or presented at the hearing and the adopted rules may not be substantially different than these proposed rules. 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 January 14 and 15, 1998, will be canceled if the agency does not receive requests from 25 or more persons that a hearing be held on the rules. If you requested a public hearing, the agency will notify you before the scheduled hearing whether or not the hearing will be held. You may also call the agency contact person at (612) 297-1464 after November 26, 1997 to find out whether the hearing will be held.

Notice of Hearing. If 25 or more persons submit written requests for a public hearing on the rules, a hearing will be held following the procedures in *Minnesota Statutes*, sections 14.131 to 14.20. The hearing will be held on the date and at the time and place listed above. The hearing will continue until all interested persons have been heard. Administrative Law Judge Richard C. Luis is assigned to conduct the hearing. Judge Luis can be reached at the Office of Administrative Hearings, 100 Washington Square, Suite 1700, Minneapolis, Minnesota 55401-2138, telephone (612) 349-2542, and fax (612) 349-2665.

Hearing Procedure. If a hearing is held, you and all interested or affected persons, including representatives of associations or other interested groups, will have an opportunity to participate. You may present your views either orally at the hearing or in writing at any time before the close of the hearing record. All evidence presented should relate to the proposed rules. You may also submit written material to the Administrative Law Judge to be recorded in the hearing record for five working days after the public hearing ends. This five-day comment period may be extended for a longer period not to exceed 20 calendar days if ordered by the Administrative Law Judge at the hearing. Following the comment period, there is a five-working-day response period during which the agency and any interested person may respond in writing to any new information submitted. No additional evidence may be submitted during the five-day response period. All comments and responses submitted to the Administrative Law Judge must be received at the Office of Administrative Hearings no later than 4:30 p.m. on the due date. All comments or responses received will

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

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

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

Lobbyist Registration. *Minnesota Statutes*, chapter 10A, requires each lobbyist to register with the State Ethical Practices Board. Questions regarding this requirement may be directed to the Ethical Practices Board at: First Floor South, Centennial Building, 658 Cedar Street, St. Paul, Minnesota 55155, telephone (612) 296-5148 or 1-800-657-3889.

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

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

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

Dated: 10 October 1997

Gail Lewellan
Assistant Commissioner of Human
Resources and Legal Affairs

6216.0100 PURPOSE.

The purpose of parts 6216.0100 to 6216.0600 is to prevent the spread of harmful exotic species, ~~and undesirable including prohibited and regulated~~ exotic aquatic plants and wild animals, into and within the state as authorized by *Minnesota Statutes*, sections ~~17.457, 18.316, 18.317, and 84.967 to 84.969~~ 17.497 and 84D.12, while allowing flexibility for conditional possession of harmful exotic species. Parts 6216.0100 to 6216.0600 also provide a public process for designation of infested waters and classification and designation of exotic species according to criteria in statute.

6216.0200 DEFINITIONS.

Subpart 1. **Scope.** For the purposes of parts 6216.0100 to 6216.0600, the terms used have the meanings given to them in *Minnesota Statutes*, sections ~~17.457, 17.4984, 17.4985, 18.316, 18.317, 84.967 to 84.969, and 97A.015~~ section 84D.01, unless otherwise noted in this part.

Subp. 1a. **Applicant.** "Applicant" means a person who applies for a Minnesota Department of Natural Resources prohibited exotic species permit or regulated exotic species permit according to part 6216.0265, a water appropriation permit or public works permit according to *Minnesota Statutes*, chapter 103G, or an infested water permit according to part 6216.0500, subpart 6, or who requests a determination of the appropriate classification of an unlisted exotic species for introduction according to *Minnesota Statutes*, section 84D.06.

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

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

Subp. 3a. **Free-living state.** “Free-living state” means to be unconfined or outside the control of a person.

Subp. 4. [See repealer.]

Subp. 4a. **Introduction.** “Introduction” has the meaning given in *Minnesota Statutes*, section 84D.01, subdivision 9. Introduction does not include the immediate return of an exotic species to waters of the state from which it was removed. “Introduce” means the act of introduction.

Subp. 5. **Littoral area.** “Littoral area” means ~~those areas of a water body~~ any part of a body of water 15 feet deep or less ~~in~~ depth.

Subp. 6. **Person.** “Person” has the meaning given in *Minnesota Statutes*, section 645.44, subdivision 7.

6216.0230 NOMENCLATURE.

The scientific taxonomic nomenclature used in parts 6216.0100 to 6216.0600 follows the nomenclature assigned by the following sources, which are incorporated by reference. The sources are available through the Minitex interlibrary loan system and are not subject to frequent change:

A. The American Fisheries Society, *Common and Scientific Names of Fishes from the United States and Canada* (fifth edition 1991);

B. John J. Mayer and I. Lehr Brisbin, Jr., *Wild Pigs in the United States* (1991);

C. The American Ornithologists’ Union, *Checklist of North American Birds* (sixth edition 1983 and subsequent supplements);

D. John T. Kartesz, *A Synonymized Checklist of the Vascular Flora of the United States, Canada, and Greenland* (second edition 1994); and

E. Ronald M. Nowak, *Walker’s Mammals of the World* (fifth edition 1991).

6216.0250 PROHIBITED EXOTIC SPECIES.

Subpart 1. **Designation.** The species in subparts 2 to 5 and any hybrids, cultivars, or varieties of the species are designated as prohibited exotic species ~~because they pose a substantial threat to native species in the state.~~

Subp. 2. **Aquatic plants.** The following aquatic plants are designated as prohibited exotic species:

A. African oxygen weed (*Lagarosiphon major*) (Ridley) Moss ~~ex~~ Wagner;

B. aquarium watermoss or giant salvinia (*Salvinia molesta*) Mitchell;

C. Australian stonecrop (*Crassula helmsii*) (Kirk) Cockayne;

D. curly-leaf pondweed (*Potamogeton crispus*) Linnaeus;

E. Eurasian water milfoil (*Myriophyllum spicatum*) Linnaeus;

~~B. hydrilla (*Hydrilla verticillata*);~~

~~E. F.~~ European frog-bit (*Hydrocharis morsus-ranae*) Linnaeus;

~~D. G.~~ flowering rush (*Butomus umbellatus*) Linnaeus;

H. hydrilla (*Hydrilla verticillata*) (Carl von Linnaeus) Royle;

I. Indian swampweed (*Hygrophila polysperma*) (Roxburgh) T. Anders;

~~E. J. any variety, hybrid, or cultivar of purple loosestrife (*Lythrum salicaria*, *Lythrum virgatum*, or combinations any variety, hybrid, or cultivar thereof) Linnaeus; and~~

K. water aloe or water soldiers (*Stratiotes aloides*) Linnaeus; and

~~F. L.~~ water chestnut (*Trapa natans*) Linnaeus.

Subp. 3. **Fish.** The following fish are designated as prohibited exotic species:

A. bighead carp (*Hypophthalmichthys nobilis*) Richardson;

B. black carp (*Mylopharyngodon piceus*) (Richardson) Peters;

C. grass carp (*Ctenopharyngodon idella*) Valenciennes;

~~B. rudd (*Scardinius erythrophthalmus*);~~

~~E. D.~~ round goby (*Neogobius melanostomus*);

- ~~D.~~ E. rudd (*Scardinius erythrophthalmus*) Linnaeus;
- F. ruffe (*Gymnocephalus ~~cernua~~ cernuus*) Linnaeus;
- ~~E.~~ G. sea lamprey (*Petromyzon marinus*) Linnaeus; and
- H. silver carp (*Hypophthalmichthys molitrix*) Valenciennes;
- ~~F.~~ I. white perch (*Morone americana*) Gmelin; and
- J. zander (*Stizostedion lucioperca*) Linnaeus.

Subp. 4. **Invertebrates.** The following invertebrate is designated as a prohibited exotic species:

- ~~A.~~ rusty crayfish (*Oreconectes rusticus*); and
- ~~B.~~ zebra mussel species (all species of the genus *Dreissena* spp.).

Subp. 5. **Mammals.** The following mammals are designated as prohibited exotic species:

- A. Asian raccoon dog, also known as finnraccoon (*Nyctereutes procyonoides*);
- B. Eurasian swine, European wild boar (*Sus scrofa scrofa*) Linnaeus;
- C. European rabbit (*Oryctolagus cuniculus*); and
- ~~C.~~ D. any strain of nutria, any strain (*Mycocastor coypu*).

6216.0260 REGULATED EXOTIC SPECIES.

Subpart 1. **Designation.** The species in subparts 2 to 5 are designated as regulated exotic species.

Subp. 2. **Aquatic plants.** The following aquatic plants are designated as regulated exotic species:

- A. Carolina fanwort or fanwort (*Cabomba caroliniana*) A. Gray;
- B. parrot's feather (*Myriophyllum aquaticum*) (da Conceicao Vellozo) Verdcourt; and
- C. waterlilies (*Nymphaea* spp. with flowers other than white) Linnaeus.

Subp. 3. **Fish.** The following fish are designated as regulated exotic species:

- A. alewife (*Alosa pseudoharengus*) Wilson;
- B. common carp (*Cyprinus carpio*) Linnaeus;
- C. goldfish (*Carassius auratus*) Linnaeus;
- D. koi (*Carassius auratus* subspecies or selected strains);
- E. rainbow smelt (*Osmerus mordax*) Mitchell; and
- F. oneochromis, sartheradon, tilapia (*Tilapia* spp.).

Subp. 4. **Invertebrates.** The following invertebrates are designated as regulated exotic species:

- A. Chinese mystery snail, Japanese trap door snail (*Cipangopaludina* spp.) Hannibal;
- B. rusty crayfish (*Oreconectes rusticus*) Girard; and
- C. spiny water flea (*Bythotrephes cederstroemi*) Schoedler.

Subp. 5. **Birds.** The following birds are designated as regulated exotic species:

- A. Egyptian goose (*Alopochen aegyptiaus*) Linne;
- B. mute swan (*Cygnus olor*) Gmelin; and
- C. Sichuan pheasant (*Phasianus colchicus strachi*).

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6216.0265 PERMITS FOR PROHIBITED AND REGULATED EXOTIC SPECIES.

Subpart 1. Requirement. No person may possess, import, purchase, propagate, or transport a prohibited exotic species without a permit from the commissioner issued according to this part, except as authorized by *Minnesota Statutes*, section 84D.05. No person may introduce a regulated exotic species without a permit from the commissioner issued according to this part, except as authorized in subpart 2.

Subp. 2. Exemptions and alternate permits for regulated exotic species. Permits and licenses issued under *Minnesota Statutes*, sections 17.4981 to 17.4994 and chapter 97C, may authorize the introduction of regulated exotic species under the conditions specified in the permits.

Subp. 3. Prohibited exotic species permit limitation. A person may apply for a permit for prohibited exotic species only for the purposes of disposal, control, research, or education according to *Minnesota Statutes*, section 84D.11, subdivision 1.

Subp. 4. Eligibility; prohibited exotic species permit. An applicant for a prohibited exotic species permit must:

A. have experience in or demonstrate the skills necessary for handling potentially harmful species, including:

(1) knowledge of precautions necessary to prevent spread through handling; or

(2) previous experience handling harmful exotic species without allowing escapes;

B. maintain a facility or transportation equipment that prevents the escape of exotic species;

C. if the applicant is an individual, be at least 18 years of age at the time the application is received by the department; and

D. if the applicant is a corporation, limited partnership, or other business entity, be qualified to do business in Minnesota as shown by a certificate of authority to transact business in Minnesota or a certificate of limited partnership from the Minnesota Secretary of State.

Subp. 5. Permit application.

A. Written application for a permit for a prohibited or regulated exotic species shall be made on a form prescribed by the commissioner and shall contain the following:

(1) the legal name, address, daytime and evening telephone numbers, and, if an individual, date of birth of the applicant;

(2) the scientific and common names of either the prohibited exotic species that the applicant desires to propagate, possess, import, purchase, or transport or the regulated exotic species that the applicant desires to introduce;

(3) a detailed description of the activity the applicant will be undertaking;

(4) a detailed description of the facilities or transportation equipment to be used and an explanation of how the equipment is sufficient to prevent an unauthorized introduction of a prohibited exotic species;

(5) a description of the applicant's experience in handling the same or similar species;

(6) a written contingency plan for eradication or recapture of an unauthorized introduction of a prohibited exotic species for which the permit application is submitted; and

(7) an agreement to comply with the requirements of parts 6216.0100 to 6216.0600.

B. The commissioner may request additional information from the applicant in writing after the application is received if necessary to evaluate the potential risk to the state's resources.

Subp. 6. Inspection of facilities or equipment. After receipt of an application for a prohibited exotic species permit, and a determination by the commissioner that the applicant has satisfied all the initial requirements for a permit as described in this part, the commissioner may inspect the applicant's holding facilities or other containment or transportation equipment. Facilities holding prohibited exotic species under permit are subject to inspection by the commissioner at any reasonable time.

Subp. 7. Transferability. A permit issued under this part is not transferable.

Subp. 8. Expiration date and renewal. All prohibited exotic species and regulated exotic species permits expire at midnight on December 31 of each year, unless otherwise specified in the permit. Applications for renewal of permits shall be made by October 1 of the year the permit expires. Applications for renewal shall describe any changes to the information initially required in subpart 5.

Subp. 9. Revocation of permit.

A. The commissioner may revoke all or part of a permit issued under this part when:

(1) the commissioner determines that a permittee has failed to comply with parts 6216.0100 to 6216.0600; or

(2) it is necessary to protect the interests of the public, to protect native plant and animal populations in the state, or to otherwise protect the state's natural resources.

B. Except in an emergency situation when delay would threaten the state's natural resources, the commissioner shall, at least 14 days prior to the effective date of the revocation, inform the permit holder in writing of the nature of the revocation and of the conditions that, in the commissioner's opinion, require revocation.

C. Within 30 days of receipt of a notice of revocation, the permit holder may apply for an amendment to the permit or request a hearing before the commissioner to contest the revocation, to support the permit holder's proposed amendment, or both.

D. The permit shall be revoked on the date stated on the revocation notice until such time that the decision is reversed or modified.

Subp. 10. **Disclaimer of liability.** A prohibited exotic species permit or regulated exotic species permit issued under this part is permissive only. No liability is incurred by the state or any of its officers, agents, or employees by issuing a prohibited or regulated exotic species permit or by any acts or operations of the permittee or any prohibited or regulated exotic species in possession of the permittee. A prohibited exotic species or regulated exotic species permittee is solely responsible for damage or injury to persons, domestic or wild animals, plants, and any real or personal property of any kind, resulting from any activities undertaken pursuant to the permit.

Subp. 11. **Effective date.** A person possessing, importing, purchasing, selling, propagating, transporting, or introducing a prohibited exotic species on the effective date of parts 6216.0250 to 6216.0265 must apply for a permit within 60 days of the effective date of parts 6216.0250 to 6216.0265.

6216.0270 UNREGULATED EXOTIC SPECIES.

Subpart 1. **Designation.** The species in subparts 2 to 5 are designated as unregulated exotic species. These exotic species are not subject to regulation under *Minnesota Statutes*, chapter 84D.

Subp. 2. **Fish.** The following fish are designated as unregulated exotic species:

- A. Atlantic salmon (*Salmo salar*) Linnaeus;
- B. brown trout (*Salmo trutta*) Linnaeus;
- C. coho salmon (*Oncorhynchus kisutch*) Walbaum;
- D. Chinook salmon (*Oncorhynchus tshawytscha*) Walbaum;
- E. pink salmon (*Oncorhynchus gorbuscha*) Walbaum;
- F. rainbow trout (*Oncorhynchus mykiss*) Walbaum; and
- G. subtropical, tropical, and saltwater fish, except anadromous species.

Subp. 3. **Invertebrates.** The following invertebrates are designated as unregulated exotic species: subtropical, tropical, and saltwater invertebrates.

Subp. 4. **Mammals.** The following mammals are designated as unregulated exotic species:

- A. ass, burro, donkey (*Equus asinus*);
- B. camel (*Camelus bactrianus* and *C. dromedarius*);
- C. cat, all domestic breeds (*Felis catus*);
- D. cattle (*Bos taurus* and *Bos indicus*);
- E. chinchilla (*Chinchilla laniger*);
- F. dog, all domestic breeds (*Canis familiaris*);
- G. farmed cervidae, as defined in *Minnesota Statutes*, section 17.451, subdivision 2;
- H. gerbil, all species;
- I. Guinea pig (*Cavia porcellus*);
- J. hamster (*Mesocricetus auratus*);
- K. horse (*Equus caballus*);

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- L. llamas, alpaca (*Lama* spp.);
- M. mouse, house mouse (*Mus musculus*);
- N. mule, hinney (*Equus asinus* x *E. caballus*);
- O. rat (*Rattus norvegicus* and *Rattus rattus*);
- P. sheep (*Ovis aries*); and
- Q. swine (*Sus scrofa domestica*).

Subp. 5. **Birds.** The following birds are designated as unregulated exotic species:

- A. chicken (*Gallus gallus*) Gray;
- B. chukkar partridge (*Alectoris chukkar*) Gray;
- C. domestic ducks, including Peking duck and Muscovy duck (*Cairina moschata*) Linnaeus;
- D. helmeted Guinea fowl (*Numida meleagris*) Linnaeus;
- E. house sparrow (*Passer domesticus domesticus*) Linnaeus;
- F. Hungarian partridge, gray partridge (*Perdix perdix*) Linnaeus;
- G. peafowl (*Pavo cristatus*) Linnaeus;
- H. pigeon or rock dove (*Columba livia*) Gmelin;
- I. ostriches, emus, rheas, and other members of the ratitae family;
- J. ring-necked pheasant (*Phasianus colchicus*) Linnaeus;
- K. starling (*Sturnus vulgaris vulgaris*) Linnaeus; and
- L. turkey, domestic (*Melagris gallopavo*) Linnaeus, morphologically distinct from wild turkey.

6216.0280 ESCAPE OF EXOTIC SPECIES.

Subpart 1. **Reporting.** To report an unauthorized introduction of prohibited, regulated, or unlisted exotic animal species, in compliance with *Minnesota Statutes*, section 84D.10, a person shall notify the department's area or regional conservation officer or the exotic species program staff in the department's St. Paul office by telephone within 48 hours after learning of the unauthorized introduction.

Subp. 2. **Information required.** The following information shall be provided to the department about the unauthorized introduction:

- A. the quantity and species;
- B. the location of the introduction;
- C. the date and time the introduction occurred or was discovered;
- D. the last known location of the species; and
- E. the reporter's address and daytime and evening telephone numbers.

6216.0290 PROCESS FOR REVIEW OF PROPOSED INTRODUCTIONS OF UNLISTED EXOTIC SPECIES.

Subpart 1. **Applications and information required.**

A. A person who seeks to introduce an unlisted exotic species in the state according to *Minnesota Statutes*, section 84D.06, shall submit an application on a form prescribed by the commissioner. The form shall request the following information:

- (1) the name, address, and telephone number of the applicant;
- (2) the scientific and common names, family, and reference used for the scientific name of the unlisted exotic species proposed for introduction;
- (3) the number of individual plants or animals proposed for introduction;
- (4) the reason and need for the proposed introduction;
- (5) the potential to use native species for the same purpose;
- (6) the location for the proposed introduction;
- (7) scientific-based information about the native range of the unlisted exotic species;

(8) the source of the actual individual organisms proposed to be introduced;

(9) scientific-based information about the ability of the unlisted exotic species to naturalize, displace native species, and harm natural resources or their use in similar climates and latitudes; and

(10) an assessment of the potential adverse impacts on native Minnesota species and ecosystems, including scientific-based information about:

(a) the potential to introduce disease or parasites to native fish or wildlife populations;

(b) the potential for interbreeding or hybridizing with native fish or wildlife;

(c) the potential predation on native fish or wildlife; and

(d) any possible competition with native fish, wildlife, or aquatic plants for food, habitat, water, or other resources.

B. The commissioner may request additional information in writing after the application is received if necessary to assess the potential impacts of an introduction.

Subp. 2. **Application review.** The commissioner shall reject an application within ten working days after receipt of the application if the application does not contain the information required in subpart 1.

Subp. 3. **Review period.** Within 60 days of receipt of an application that contains the information in subpart 1, the commissioner shall assess the apparent risk of the introduction in the state and classify the species according to Minnesota Statutes, section 84D.04, subdivision 2. If the commissioner determines during the 60-day period that there should be a public comment period for the proposed introduction, or the commissioner determines that additional information is necessary to adequately evaluate the proposed introduction, the commissioner may extend the review period and state the basis of the extension in writing to the applicant. The review period may be extended to a date 30 days from the end of the public comment period or receipt by the department of the additional information requested from the applicant.

Subp. 4. **Review process.** Prior to classification of an unlisted exotic species and making a final assessment on a proposed introduction, the commissioner may:

A. seek information and opinions from technical experts;

B. solicit public comment and hold public hearings on the proposed introduction;

C. consult with other potentially affected jurisdictions; and

D. in the case of an animal species, request a certificate of veterinary inspection or other appropriate certification that the animal is pathogen-free.

Subp. 5. **Comment period and comments.** If the commissioner determines that a public comment period is necessary on the proposed introduction, the commissioner shall promptly proceed to publish a notice in the EQB Monitor, which is published by the Environmental Quality Board. A 30-day period for review and comment begins the day a notice of the public comment period is published in the EQB Monitor. Written comments to the commissioner during the public comment period may address the accuracy and completeness of material contained in the application, additional information regarding the proposed introduction that is not contained in the application, or potential impacts that may warrant further investigation before the commissioner acts on the proposed introduction.

Subp. 6. **Designation and notification.** After completion of the review of a proposal to introduce an unlisted exotic species and making a determination of the appropriate classification, the commissioner shall designate the species and notify the applicant as required under Minnesota Statutes, section 84D.06.

6216.0300 ~~IDENTIFICATION~~ DESIGNATION, NOTICE, AND MARKING OF INFESTED WATERS AND LIMITED INFESTATIONS OF EURASIAN WATER MILFOIL.

Subpart 1. **~~Identification~~ Designation of infested waters and notice.** The commissioner shall ~~identify~~ designate infested waters. The commissioner shall publish the names of ~~identified~~ designated water bodies in the *State Register* before May 1 of each year and provide notice through other available means where practical. The department shall post signs describing the infestation at all public accesses to ~~identified~~ designated water bodies. At any time the commissioner may ~~identify~~ designate additional water bodies or ~~identify~~ remove from designation those water bodies which no longer are infested waters.

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Subp. 2. **Identification Designation of limited infestations of Eurasian water milfoil and notice.** The commissioner shall ~~identify~~ designate water bodies having limited infestations of Eurasian water milfoil as defined in *Minnesota Statutes*, section 84.967, subdivision 3. The commissioner shall publish the names of ~~identified~~ designated water bodies in the *State Register* before May 1 of each year and provide notice through other available means where practical. The department shall post signs describing the infestation at all public accesses to ~~identified~~ designated water bodies. At any time the commissioner may ~~identify~~ designate additional water bodies or ~~identify~~ remove from designation those water bodies which no longer have limited infestations.

Subp. 3. **Delineation and markers for limited infestations of Eurasian water milfoil.** Areas of infestation of Eurasian water milfoil where control is planned in water bodies ~~identified~~ designated as having limited infestations shall be marked by the commissioner, or other persons authorized by the commissioner, using buoys or signs as specified in part 6110.1500, subpart 7. A minimum of three buoys or signs must be used to delineate an infested area, and placed at intervals of not more than 300 feet apart. In addition, at least two buoys or signs shall be placed at or near the shoreline to delineate an infested area if adjacent to shore. Buoys or signs shall be removed after control actions are completed and water use restrictions have expired.

6216.0350 DESIGNATED INFESTED WATERS.

Subpart 1. **Listing of waters infested with Eurasian water milfoil.** The following water bodies are designated by the commissioner as infested with Eurasian water milfoil (*Myriophyllum spicatum*). Activities at these waters are subject to parts 6216.0100 to 6216.0600, *Minnesota Statutes*, section 84D.13, and other applicable laws.

	<u>Name</u>	<u>DNR Protected Waters Inventory Number</u>
<u>A. Anoka County</u>		
	(1) <u>Cenaiko Lake</u>	<u>02-0654</u>
	(2) <u>Crooked Lake</u>	<u>02-0084</u>
	(3) <u>Otter Lake</u>	<u>02-0003</u>
	(4) <u>Unnamed lake in Springbrook Nature Center</u>	<u>02-0688</u>
<u>B. Carver County</u>		
	(1) <u>Ann Lake</u>	<u>10-0012</u>
	(2) <u>Auburn Lake</u>	<u>10-0044</u>
	(3) <u>Bavaria Lake</u>	<u>10-0019</u>
	(4) <u>Firemen's Lake</u>	<u>10-0226</u>
	(5) <u>Lotus Lake</u>	<u>10-0006</u>
	(6) <u>Lake Minnewashta</u>	<u>10-0009</u>
	(7) <u>Pierson Lake</u>	<u>10-0053</u>
	(8) <u>Riley Lake</u>	<u>10-0002</u>
	(9) <u>Schutz Lake</u>	<u>10-0018</u>
	(10) <u>Stone Lake</u>	<u>10-0056</u>
	(11) <u>Lake Virginia</u>	<u>10-0015</u>
	(12) <u>Lake Waconia</u>	<u>10-0059</u>
	(13) <u>Lake Zumbra</u>	<u>10-0041</u>
<u>C. Chisago County</u>		
	(1) <u>Green Lake</u>	<u>13-0041</u>
	(2) <u>Rush Lake</u>	<u>13-0069</u>
<u>D. Crow Wing County</u>		
	(1) <u>Bay Lake</u>	<u>18-0034</u>
	(2) <u>Ruth Lake</u>	<u>18-0212</u>
<u>E. Dakota County</u>		
	(1) <u>Crystal Lake</u>	<u>19-0027</u>
	(2) <u>Lac Lavon</u>	<u>19-0347</u>
	(3) <u>Twin Lakes</u>	<u>19-0028</u>
<u>F. Douglas County</u>		
	(1) <u>Oscar Lake</u>	<u>21-0257</u>

G. Hennepin County

<u>(1) Arrowhead Lake</u>	<u>27-0045</u>
<u>(2) Brownie Lake</u>	<u>27-0038</u>
<u>(3) Bryant Lake</u>	<u>27-0067</u>
<u>(4) Bush Lake</u>	<u>27-0047</u>
<u>(5) Lake Calhoun</u>	<u>27-0031</u>
<u>(6) Cedar Lake</u>	<u>27-0039</u>
<u>(7) Christmas Lake</u>	<u>27-0137</u>
<u>(8) Dutch Lake</u>	<u>27-0181</u>
<u>(9) Eagle Lake</u>	<u>27-0111</u>
<u>(10) Fish Lake</u>	<u>27-0118</u>
<u>(11) Forest Lake</u>	<u>27-0139</u>
<u>(12) Lake Harriet</u>	<u>27-0016</u>
<u>(13) Hiawatha Lake</u>	<u>27-0018</u>
<u>(14) Lake Independence</u>	<u>27-0176</u>
<u>(15) Lake of the Isles</u>	<u>27-0040</u>
<u>(16) Libbs Lake</u>	<u>27-0085</u>
<u>(17) Little Long Lake</u>	<u>27-0179</u>
<u>(18) Long Lake</u>	<u>27-0160</u>
<u>(19) Medicine Lake</u>	<u>27-0104</u>
<u>(20) Minnehaha Creek</u>	<u>27-0000</u>
<u>(21) Lake Minnetonka</u>	<u>27-0133</u>
<u>(22) Niccum's Pond</u>	<u>private</u>
<u>(23) Lake Nokomis</u>	<u>27-0019</u>
<u>(24) Parker's Lake</u>	<u>27-0107</u>
<u>(25) Lake Rebecca</u>	<u>27-0192</u>
<u>(26) Rice Lake</u>	<u>27-0116</u>
<u>(27) Round Lake</u>	<u>27-0071</u>
<u>(28) Lake Sarah</u>	<u>27-0191</u>
<u>(29) Schmidt Lake</u>	<u>27-0102</u>
<u>(30) Swan Lake</u>	<u>27-0000</u>
<u>(31) Whaletail Lake</u>	<u>27-0184</u>
<u>(32) Wirth Lake</u>	<u>27-0037</u>

H. Kanabec County

<u>(1) Knife Lake</u>	<u>33-0028</u>
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I. Olmsted County

<u>(1) George Lake</u>	<u>55-0008</u>
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J. Pope County

<u>(1) Gilchrist Lake</u>	<u>61-0072</u>
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Proposed Rules

K. Ramsey County

(1) <u>Bald Eagle Lake</u>	<u>62-0002</u>
(2) <u>Lake Gervais</u>	<u>62-0007</u>
(3) <u>Island Lake</u>	<u>62-0075</u>
(4) <u>Keller Lake</u>	<u>62-0010</u>
(5) <u>Phalen Lake</u>	<u>62-0013</u>
(6) <u>Round Lake</u>	<u>62-0012</u>
(7) <u>Silver Lake</u>	<u>62-0001</u>
(8) <u>Sucker Lake</u>	<u>62-0028</u>
(9) <u>Lake Vadnais</u>	<u>62-0038</u>
(10) <u>Lake Wabasso</u>	<u>62-0082</u>

L. Scott County

(1) <u>Lower Prior Lake</u>	<u>70-0026</u>
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M. Todd County

(1) <u>Sauk Lake</u>	<u>77-0150</u>
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N. Washington County

(1) <u>White Bear Lake</u>	<u>82-0167</u>
(2) <u>St. Croix River</u>	<u>82-0001</u>

O. Wright County

(1) <u>Augusta Lake</u>	<u>86-0284</u>
(2) <u>Beebe Lake</u>	<u>86-0023</u>
(3) <u>Clearwater Lake</u>	<u>86-0252</u>
(4) <u>Lake Mary</u>	<u>86-0156</u>
(5) <u>Little Waverly Lake</u>	<u>86-0106</u>
(6) <u>Lake Pulaski</u>	<u>86-0053</u>
(7) <u>Rock Lake</u>	<u>86-0182</u>
(8) <u>Sugar Lake</u>	<u>86-0233</u>
(9) <u>Waverly Lake</u>	<u>86-0114</u>

P. Multiple Counties

(1) <u>Mississippi River,</u> <u>downstream of St. Anthony Falls</u>

Subp. 2. **Listing of waters infested with round goby.** The following water bodies are designated by the commissioner as infested with round goby (*Neogobius melanostomus*). Activities at these waters are subject to parts 6216.0100 to 6216.0600, *Minnesota Statutes*, section 84D.13, and other applicable laws.

DNR Protected Waters Inventory Number

Multiple Counties

(1) <u>Lake Superior</u>	<u>16-0001</u>
(2) <u>St. Louis River,</u> <u>downstream of the</u> <u>Fond du Lac dam</u>	

Subp. 3. **Listing of waters infested with ruffe.** The following water bodies are designated by the commissioner as infested with ruffe (*Gymnocephalus cernuus*). Activities at these waters are subject to parts 6216.0100 to 6216.0600, *Minnesota Statutes*, section 84D.13, and other applicable laws.

DNR Protected Waters Inventory Number

Multiple Counties

(1) <u>Lake Superior</u>	<u>16-0001</u>
(2) <u>St. Louis River,</u> <u>downstream of the</u> <u>Fond du Lac dam</u>	

Proposed Rules

Subp. 4. **Listing of waters infested with spiny water flea.** The following water bodies are designated by the commissioner as infested with spiny water flea (*Bythotrephes cederstroemi*). Activities at these waters are subject to parts 6216.0100 to 6216.0600, Minnesota Statutes, section 84D.13, and other applicable laws.

	<u>Name</u>	<u>DNR Protected Waters Inventory Number</u>
A. <u>St. Louis County</u>		
	(1) <u>Fish Lake</u>	<u>69-0491</u>
	(2) <u>Island Lake</u>	<u>69-0372</u>
B. <u>Multiple Counties</u>		
	(1) <u>Lake Superior</u>	<u>16-0001</u>
	(2) <u>Cloquet River from Island Lake to the St. Louis River</u>	
	(3) <u>St. Louis River, downstream of the Cloquet River</u>	

Subp. 5. **Listing of waters infested with white perch.** The following water bodies are designated by the commissioner as infested with white perch (*Morone americana*). Activities at these waters are subject to parts 6216.0100 to 6216.0600, Minnesota Statutes, section 84D.13, and other applicable laws.

	<u>Name</u>	<u>DNR Protected Waters Inventory Number</u>
<u>Multiple Counties</u>		
	(1) <u>Lake Superior</u>	<u>16-0001</u>
	(2) <u>St. Louis River, downstream of the Fond du Lac dam</u>	

Subp. 6. **Listing of waters infested with zebra mussels.** The following water bodies are designated by the commissioner as infested with zebra mussels (*Dreissena* spp.). Activities at these waters are subject to parts 6216.0100 to 6216.0600, Minnesota Statutes, section 84D.13, and other applicable laws.

	<u>Name</u>	<u>DNR Protected Waters Inventory Number</u>
<u>Multiple Counties</u>		
	(1) <u>Lake Superior</u>	<u>16-0001</u>
	(2) <u>Mississippi River, downstream of St. Anthony Falls</u>	
	(3) <u>St. Louis River, downstream of the Fond du Lac dam</u>	

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

6216.0400 RESTRICTED ACTIVITIES ON INFESTED WATERS AND WATERS WITH LIMITED INFESTATIONS OF EURASIAN WATER MILFOIL.

Subpart 1. **Prohibition of taking bait from infested waters.** The taking of wild animals from infested waters for bait or aquatic farm purposes is prohibited.

Subp. 2. **Prohibition of sport gill netting for whitefish and ciscoe in infested waters.** If the commissioner identifies designated waters that are open to sport gill netting for whitefish and ciscoe as infested waters, the commissioner may close the gill netting season for the identified designated water body or require that gill nets used in the infested waters not be used in other water bodies. The commissioner shall publish the names of identified designated water bodies and new requirements or closures in the *State Register* and provide notice through media releases and other available means where practical. In addition, the commissioner shall post notice of the restrictions at public access points to identified designated water bodies.

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

Subp. 4. **Prohibition on Entry into delineated areas marked for limited infestation of Eurasian water milfoil prohibited.**

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

6216.0500 TRANSPORTATION AND APPROPRIATION OF WATER FROM INFESTED WATERS.

Subpart 1. **Transporting water and live fish from infested waters.** Water from infested waters may not be used to transport fish except as provided in subpart 4. Live fish taken under a commercial fishing license may be transported from infested waters to other waters or holding facilities from May 1 to October 31 with a transportation permit issued by the department pursuant to *Minnesota Statutes*, section 17.4985.

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

Subp. 3. **Persons leaving select infested waters.** A person leaving infested waters identified designated as having populations of zebra mussel or spiny water flea including, but not limited to, Minnesota waters of the the Mississippi River downstream of St. Anthony Falls; Minnesota waters of Lake Superior including waters of the St. Louis River downstream of the mouth of the Cloquet River; waters of the Minnesota River downstream of Shakopee; Island Lake Reservoir in St. Louis County; and the Cloquet River downstream from Island Lake Reservoir, must drain bait containers, other boating-related equipment holding water, and livewells and bilges by removing the drain plug before transporting the watercraft and associated equipment on public roads.

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

Subp. 5. **Fish hatchery or aquatic farm operations in infested waters.**

A. Natural lakes or wetland basins that are identified designated as infested waters will not be licensed by the department pursuant to *Minnesota Statutes*, section 17.4984, for aquatic farms or pursuant to *Minnesota Statutes*, section 97C.211, as private fish hatcheries.

B. Artificial water basins that have populations of prohibited or regulated exotic species may be used for aquatic farm or private hatcheries under license by the department. After notifying a licensee that an artificial water basin has a prohibited or regulated exotic species, the commissioner may require that nets, traps, buoys, stakes, and lines that have been used in such artificial water basins must be dried for a minimum of ten days, or frozen for a minimum of two days, before they are used in noninfested waters. All aquatic plants must be removed from nets and other equipment that are removed from the artificial water basins.

C. The commissioner may license aquatic farm or private fish hatchery facilities to use infested waters as a source for the facilities' water. The commissioner may require that the waters be treated to eliminate prohibited or regulated exotic species.

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

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

6216.0600 VIOLATIONS; CONFISCATIONS.

Unless a different penalty is prescribed, a violation of parts ~~6216.0100 to 6216.0500~~ 6216.0265, 6216.0280 to 6216.0290, or 6216.0400 to 6216.0500 is a misdemeanor as set forth in *Minnesota Statutes*, sections ~~18.317 and 84.9691~~ section 84D.13. Where a violation has occurred, the department may confiscate the prohibited, regulated, or unlisted exotic species immediately upon discovery wherever found and, at the department's discretion, destroy it. Where infested water is being appropriated, or diverted or transported without a permit, or otherwise contrary to the provisions of parts 6216.0100 to 6216.0600, the department may order that the activities cease. Any expense or loss in connection with enforcement of the order shall be borne by the permittee or responsible person.

SUPERSEDING PERMANENT RULE; REPEALER. *Minnesota Rules*, part 6216.0350, as permanently adopted by these rules, supersedes the expedited emergency rule adopted effective August 4, 1997, and published in the *State Register*, volume 22, page 199. The expedited emergency rule, *Minnesota Rules*, part 6216.0350, is repealed. *Minnesota Rules*, part 6216.0200, subpart 4, is repealed.

Pollution Control Agency

Proposed Permanent Rules Relating to Air Quality; Incorporation of Federal National Emission Standards for Hazardous Air Pollutants

Notice of Intent to Adopt a Rule Without a Public Hearing

Proposed Amendments to the State Air Pollution Control Rules to Incorporate the Federal Rules for National Emission Standards for Hazardous Air Pollutants for Source Categories by Reference.

Introduction. The Minnesota Pollution Control Agency (MPCA) intends to adopt rules without a public hearing following the procedures set forth in the Administrative Procedure Act, *Minnesota Statutes* § 14.22 to 14.28 and rules of the Office of Administrative Hearings, *Minnesota Rules*, parts 1400.2300 to 1400.2310. You have 30 days to submit written comments on the proposed rule and may also submit a written request that a hearing be held on the rule.

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

Sherryl Livingston
Air Quality Division
Minnesota Pollution Control Agency
520 Lafayette Road North
St. Paul, Minnesota 55155-4194
(612) 296-7832
1-800-657-3843 (MN Toll Free)
FAX: (612) 297-7709

Subject of Rule and Statutory Authority. The proposed rules consists of amendments to the state air pollution control rules to incorporate nationally applicable federal rules by reference. The federal rules adopted by reference are the rules governing National Emission Standards for Hazardous Air Pollutants for Source Categories (NESHAPs). Section 112 of Title III of the 1990 Clean Air Act Amendments mandates that the U.S. Environmental Protection Agency (EPA) develop technology based standards for major industrial sources that emit any of a list of 189 hazardous air pollutants. The 1990 amendments established a new program to control hazardous air pollutants. Under the new program, Congress requires EPA to set standards for categories and sub-categories of sources that emit hazardous air pollutants. For example, federal NESHAPs have been developed for petroleum refineries, coke oven batteries and dry cleaners. The technology based standards, referred to as maximum achievable control technology standards, are embodied in the NESHAPs. The federal rules are being incorporated into state law so that the state can receive delegation from EPA to implement and enforce the NESHAPs in the state of Minnesota.

The statutory authority to adopt the rule is *Minnesota Statutes* § 116.07, subd. 4. A copy of the proposed rules is published immediately after this notice.

Comments. You have until 4:30 p.m. on November 26, 1997, to submit written comment in support of or in opposition to the proposed rules and any part or subpart of the rule. Your comment must be in writing and received by the MPCA contact person by the due date. Comment is encouraged. Your comment should identify the portion of the proposed rule addressed and the reason for the comment. You are encouraged to propose any change desired. Any comments that you would like to make on the legality of the proposed rule must also be made during this comment period.

Request for Rule 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 November 26, 1997. Your written request for a public hearing must include your name and address. You must identify the portion of the proposed rule to which you object or state that you oppose the entire rule. Any request that does not comply with these requirements is not valid and cannot be counted by the MPCA for determining whether a public hearing must be held. You are also encouraged to state the reason for the request and any changes you want made to the proposed rule.

<p>KEY: PROPOSED RULES SECTION — <u>Underlining</u> 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 — <u>Underlining</u> indicates additions to proposed rule language. Strike outs indicate deletions from proposed rule language.</p>

Proposed Rules

Request to Have MPCA Board Make Decision on Rule. You have the right to submit a request to the MPCA Commissioner or an MPCA Board member to have the MPCA Board make the decision on whether to adopt the proposed rule. Your request must be in writing, must state to whom it is directed, and must be received by the MPCA contact person by 4:30 p.m. on November 26, 1997. Under *Minnesota Statutes* § 116.02, the MPCA Board will only make the decision on the rule if the MPCA Commissioner grants your request or if an MPCA Board member makes a timely request that the decision be made by the MPCA Board.

Withdrawal of Requests for Rule Hearing. 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 enough requests for a hearing are withdrawn to reduce the number below 25, the MPCA must give written notice of this to all persons who requested a hearing, explain the actions the MPCA took to effect the withdrawal, and ask for written comments on this action. If a public hearing is required, the MPCA will follow the procedures in *Minnesota Statutes* §§ 14.131 to 14.20.

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

Rule Modifications. The proposed rule may be modified as a result of public comment. The modifications must be supported by comments and information submitted to the MPCA, and the adopted rule may not be substantially different than this proposed rule. 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 (SONAR) is now available from the MPCA contact person. The SONAR contains a summary of the justification for the proposed rule, including a description of who will be affected by the proposed rule and an estimate of the probable cost of the proposed rule. Copies of the SONAR may be obtained at the cost of reproduction from the MPCA.

Consideration of Economic Factors. *Minnesota Statutes* § 116.07, subd. 6 requires the MPCA to give due consideration to economic factors in exercising its powers. The MPCA has given due consideration to available information as to any economic impacts the proposed rules would have. Because the MPCA is incorporating existing federal regulations into state rules, the state rules proposed in this rulemaking do not impose any additional costs on Minnesota businesses that are not already imposed as a matter of federal law upon Minnesota businesses. This rule, thereof, does not have any economic impact on its own.

Additional information regarding the MPCA's consideration of economic factors is discussed in greater detail in Section VI, Items C and E in the SONAR.

Impact on Farming Operations. *Minnesota Statutes* § 14.111 requires that if an agency adopts or repeals rules that affect farming operations, the agency must provide a copy of the proposed rule change to the Commissioner of Agriculture, no later than 30 days prior to publication of the proposed rule in the *State Register*. The proposed rules do not affect farming operations.

Review by the Commissioner of Transportation. *Minnesota Statutes* § 174.05 requires the MPCA to inform the Commissioner of Transportation of all rulemakings that concern transportation, and requires the Commissioner of Transportation to prepare a written review of the rules. The requirements of *Minnesota Statutes* § 174.05 are not applicable.

Departmental Charges Imposed by the Rule. *Minnesota Statutes* § 16A.1285 is inapplicable because the proposed rules do not impose any departmental charges or fees.

Adoption and Review of Rule. If no hearing is required and if the decision is not required to be made by the MPCA Board, the MPCA Commissioner may adopt the rule after the end of the comment period. The rule and supporting documents will then be submitted to the Office of Administrative Hearings for review for legality. You may ask to be notified of the date the rule is submitted to the office. If you want to be so notified, or want to receive a copy of the adopted rule, or want to register with the MPCA to receive notice of future rule proceedings, submit your request to the MPCA contact person listed above.

Peder A. Larson
Commissioner

7011.7340 WOOD FURNITURE MANUFACTURING OPERATIONS.

Code of Federal Regulations, title 40, part 63, subpart JJ, as amended, entitled "National Emission Standards for Wood Furniture Manufacturing Operations," is adopted and incorporated by reference, except that decisions made by the administrator under *Code of Federal Regulations*, title 40, sections 63.804(f)(4)(iv)(D) and (E), 63.804(g)(4)(iii)(c), 63.804(g)(4)(vi), 63.804(g)(6)(vi), 63.805(a), 63.805(d)(2)(v), and 63.805(e)(1), are not delegated to the commissioner and must be made by the administrator.

7011.7360 SHIPBUILDING AND SHIP REPAIR OPERATIONS.

Code of Federal Regulations, title 40, part 63, subpart II, as amended, entitled "National Emission Standards for Shipbuilding and Ship Repair (Surface Coating)," is adopted and incorporated by reference.

7011.7380 PRINTING AND PUBLISHING INDUSTRY.

Code of Federal Regulations, title 40, part 63, subpart KK, as amended, entitled “National Emission Standards for the Printing and Publishing Industry.” is adopted and incorporated by reference, except that decisions made by the administrator under Code of Federal Regulations, title 40, approval of alternate test method for organic hazardous air pollutant content determination under section 63.827(b) and approval of alternate test method for volatile matter determination under section 63.827(c) are not delegated to the commissioner and must be made by the administrator.

7011.7400 OFF-SITE WASTE OPERATIONS.

A. Code of Federal Regulations, title 40, part 63, subpart DD, as amended, entitled “National Emission Standards for Hazardous Air Pollutants from Off-site Waste and Recovery Operations.” is adopted and incorporated by reference, except that decisions made by the administrator under Code of Federal Regulations, title 40, section 63.694 are not delegated to the commissioner and must be made by the administrator.

B. Code of Federal Regulations, title 40, part 63, subpart OO, as amended, entitled “National Emission Standards for Tanks-Level 1.” is adopted and incorporated by reference.

C. Code of Federal Regulations, title 40, part 63, subpart PP, as amended, entitled “National Emission Standards for Containers.” is adopted and incorporated by reference.

D. Code of Federal Regulations, title 40, part 63, subpart QQ, as amended, entitled “National Emission Standards for Surface Impoundments.” is adopted and incorporated by reference.

E. Code of Federal Regulations, title 40, part 63, subpart RR, as amended, entitled “National Emission Standards for Individual Drain Systems.” is adopted and incorporated by reference.

F. Code of Federal Regulations, title 40, part 63, subpart VV, as amended, entitled “National Emission Standards for Oil-Water Separators and Organic-Water Separators.” is adopted and incorporated by reference.

7011.7420 GROUP I POLYMERS AND RESINS.

Code of Federal Regulations, title 40, part 63, subpart U, as amended, entitled “National Emission Standards for Hazardous Air Pollutant Emissions: Group I Polymers and Resins.” is adopted and incorporated by reference.

7011.7440 GROUP IV POLYMERS AND RESINS.

Code of Federal Regulations, title 40, part 63, subpart JJJ, as amended, entitled “National Emission Standards for Hazardous Air Pollutant Emissions: Group IV Polymers and Resins.” is adopted and incorporated by reference.

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Adopted Rules

A rule becomes effective after the requirements of *Minnesota Statutes* §§ 14.05-14.28 have been met and five working days after the rule is published in the *State Register*, unless a later date is required by statutes or specified in the rule.

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

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

Exempt Rules

An exempt rule adopted under *Minnesota Statutes* §§ 14.386 or 14.388 is effective upon its publication in the *State Register*.

Emergency Expedited Rules

Provisions for the Commissioner of Natural Resources to adopt emergency expedited Game and Fish Rules are specified in *Minnesota Statutes* §§ 84.027. The commissioner may adopt emergency expedited rules when conditions exist that do not allow the Commissioner to comply with the requirements for emergency rules. The Commissioner must submit the rule to the attorney general for review and must publish a notice of adoption that includes a copy of the rule and the emergency conditions. Emergency expedited rules are effective upon publication in the *State Register*, and may be effective up to seven days before publication under certain emergency conditions. Emergency expedited rules are effective for the period stated or up to 18 months.

Department of Health

Adopted Permanent Rules Relating to Wellhead Protection

The rules proposed and published at *State Register*, Volume 22, Number 5, pages 133-152, August 4, 1997 (22 SR 133), are adopted with the following modifications:

4720.5120 SCHEDULE; INNER WELLHEAD MANAGEMENT ZONE.

Wellhead protection measures for the inner wellhead management zone of a public water supply well must be initiated:

- B. before June 1, ~~1998~~ 1999, for an existing community water supply well;

4720.5540 AQUIFER TEST PLAN CONTENT.

An aquifer test plan must be prepared for the wells in a public water supply system and submitted to the department for approval. The aquifer test plan must contain:

- G. the existing data and the calculated transmissivity value, if the method selected is one of those specified in part 4710.5510, subpart 6, item ~~A~~, B, ~~E~~, ~~F~~, ~~or G~~ subitem (1), (2), (5), (6), or (7).

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

The *State Register* also publishes other official notices of state agencies and non-state agencies, including notices of meetings and mat-

Minnesota Comprehensive Health Association

Notice of Meeting of the Actuarial Committee

NOTICE IS HEREBY GIVEN that a meeting of the Minnesota Comprehensive Health Association's (MCHA), Actuarial Committee will be held at 1:00 p.m. on Thursday, October 30, 1997. The meeting will take place at Blue Cross Blue Shield of MN, Main Building, 6th floor meeting room, 3535 Blue Cross Road, Eagan, MN.

For additional information, please call Lynn Gruber at (612) 593-9609.

Department of Health

Health Policy System Compliance

Notice of Establishment of the Health Care Consumer Protection Advisory Board

In an effort to give health care consumers a stronger voice in the health care system, the Health Care Consumer Advisory Board was established by the Minnesota Legislature. Comprised solely of health care consumers, it will advise the Department of Health, the Department of Commerce, and the Legislature as to the needs of health care consumers.

The Board is scheduled to meet next on October 28, 1997, from 1-5 p.m., at the Metro Square Building, lower level room 56, 121 East Seventh Place, St. Paul, Minnesota. Upcoming meeting dates include November 10, November 20 and December 11. If you are interested in being on their public mailing list, please send your name and address to Susan Oudsema, Minnesota Department of Health, 121 East Seventh Place, P.O. Box 64975, St. Paul, Minnesota 55164-0975 OR call 612/282-5608 OR fax 612/282-5628 to be placed on the mailing list.

Housing Finance Agency

Department of Children, Families and Learning

Department of Trade and Economic Development

Notice of Public Comment Period on the Draft 1998 Minnesota Consolidated Housing and Community Development Plan and the 1997 Consolidated Plan Annual Performance Report

The Minnesota Housing Finance Agency (MHFA), the Department of Children, Families and Learning (CFL) and the Department of Trade and Economic Development (DTED) announce the availability of the 1998 Minnesota Consolidated Housing and Community Development Plan, and 1997 Consolidated Plan Annual Performance Report for review and public comment from November 11, 1997, through December 10, 1997, at 4 PM.

The Consolidated Plan is a condition of funding under several programs administered by the Department of Housing and Urban Development (HUD).

The following formula grant programs are covered by the Consolidated Plan:

- The Community Development Block Grant (CDBG) programs;
- The Emergency Shelter Grants (ESG) program; and
- The HOME Investment Partnerships (HOME) program.

The 1998 Consolidated Plan is the annual Action Plan, which identifies resources that will be available to help the State address its housing and community development needs and describes how the State will administer the three HUD grants.

Official Notices

The Consolidated Plan Annual Performance Report provides information on housing and community development assistance activity in Minnesota that occurred in the 1997 program year (10/1/96 through 9/30/97). Information is provided on funds (state and federal) that were disbursed through state agencies during that time.

A limited number of the draft documents are available through MHFA, which may be requested by calling 612/296-7608, 1/800/657-3769, or teletypewriter (TTY): 612/297-2361.

Copies of the Consolidated Plan or the Consolidated Plan Annual Performance Report may also be found at the following locations:

The annual Minnesota draft citizen participation plan and consolidated plan are sent to the following locations during public comment periods. Interested citizens may access either plan at these locations.

LIBRARIES

Arrowhead Library System, 701 11th Street North, Virginia
Bemidji Public Library, 6th & Beltrami, Bemidji
Duluth Public Library, 520 West Superior Street, Duluth
East Central Regional Library, 244 South Birch, Cambridge
Grand Marais Public Library, First Street & West Second Avenue, Grand Marais
Great River Regional Library, 405 St. Germain, St. Cloud
Lake Agassiz Regional Library, 115 S. 6th Street, Moorhead
Marshall-Lyon County Library, 301 West Lyon Street, Marshall
Minneapolis Public Library, 300 Nicollet Mall, Minneapolis
Minnesota Valley Regional Library, 100 E. Main Street, Mankato
Nobles County Library, Post Office Box 99, Worthington
Northwest Regional Library, 101 East First Street, Thief River Falls
Owatonna/Steele County Library, 105 North Elm Street, Owatonna
Pioneerland Public Library System, 410 W. 5th Street, Willmar
Red Wing Public Library, 225 East Avenue, Red Wing
Rochester Public Library, 11 First Street SE, Rochester
St. Paul Public Library, 90 West 4th Street, St. Paul
Winona Public Library, 151 West 5th Street, Winona

REGIONAL DEVELOPMENT COMMISSIONS

Arrowhead RDC, 330 Canal Park Drive, Duluth
East Central RDC, 100 South Park Street, Mora
Headwaters RDC, P.O. Box 906, Bemidji
Metro Council, 230 East Fifth Street, St. Paul
Mid-Minnesota, 333 West Sixth Street, Willmar
Northwest RDC, 115 S. Main Ave., Ste 1, Warren
Region Five, 611 Iowa Avenue, Staples
Region Nine, P.O. 3367, Mankato
South West RDC, P.O. Box 265, Slayton
Upper Minnesota Valley RDC, 323 West Schlieman, Appleton

HOUSING PARTNERSHIP'S REGIONAL NETWORK PROJECT OFFICES

Central Minnesota Housing Partnership, PO Box 642, St. Cloud
Southeast Minnesota Housing Network, 1414 NorthStar Drive, Zumbrota
Southwestern MN Housing Partnership, 2524 Broadway Avenue, Box 265, Slayton
Tri-Valley Opportunity Council, PO Box 607, Crookston
West Central Minnesota Housing Partnership, 220 West Washington Ave., Fergus Falls

MINNESOTA INITIATIVE OFFICES

Central MN Initiative Fund, 70 SE First Avenue, Little Falls
Northland Foundation, 332 West Superior, Ste 600, Duluth
Northwest MN Initiative Fund, 722 Paul Bunyan Dr. NW, Bemidji
Southeast MN Initiative Fund, 540 West Hills Circle, Box 570, Owatonna
Southwest MN Initiative Fund, PO Box 130, Granite Falls
West Central MN Initiative Fund, 220 West Washington, Ste 205, Fergus Falls

COUNCILS, ASSOCIATIONS, AND OTHER LOCATIONS

American Indian Housing Group, 1305 E. 24th St., Minneapolis
Asian Pacific Minnesotans, 100 Meridian Bank, 205 Aurora Ave., St. Paul
Centro Cultural Chicano, 2201 Nicollet Ave. S., Minneapolis
CLUES, 220 S. Robert St., Ste 103, St. Paul
Council on Black Minnesotans, 2233 University Ave., St. Paul
MHFA, 400 Sibley Street, Suite 300, St. Paul
Minnesota Coalition for the Homeless, 122 West Franklin, Ste 520, Minneapolis
Spanish Speaking Affairs Council, 50 Sherburne Avenue, Room G-4, St. Paul
Upper Midwest American Indian Center, 1113 W. Broadway, Minneapolis

Written or oral comments on the proposed Consolidated Plan and the Consolidated Plan Annual Performance Report will be taken by MHFA from November 11, 1997, through December 10, 1997, at 4 PM. Comments should be directed to: C.J. Eisenbarth Hager, MHFA, 400 Sibley Street, Suite 300, St. Paul, MN 55101, phone: 612/296-8147, FAX: 612/296-8139, or teletypewriter (TTY): 612/297-2361.

If an alternative format is necessary for persons with special needs, please contact Denise Rogers at 612/296-8206, 1/800/657-3769, or TTY 612/297-2361.

Department of Human Services

Health Care Division

Notice of Availability of the Minnesota Health Care Programs Provider Participation List [Also Known as DHS Rule 101 Provider Compliance List]

NOTICE IS HEREBY GIVEN that the Minnesota Health Care Programs provider participation list for October 1, 1997 is now available. The provider participation list is a compilation of health care providers who are in compliance with DHS Rule 101. This list is distributed on a quarterly basis to the Department of Employee Relations, the Department of Labor and Industry, and the Department of Commerce. To obtain the list, contact Jodey Klein, Rule 101 Specialist, at (612) 296-0766, 1-800-657-3974. You may FAX your request to (612) 296-5690 or send to the Customer Services Division, Department of Human Services, 444 Lafayette Road, St. Paul, MN 55155-3856.

David Doth, Commissioner
Department of Human Services

Official Notices

Department of Human Services

Community Services Division

Notice of Publication of State Title XX Activities Report

The Community Services Division of the Minnesota Department of Human Services has submitted a Title XX Activities Report for the period of October 1, 1995 through September 30, 1996 to the United States Department of Health and Human Services, Administration of Children, Youth and Families, Office of Community Services. The report is intended to meet federal requirements for funds provided under Title XX of the Social Security Act.

The plan is available for public review and comment. A copy of the plan can be obtained by contacting:

Minnesota Department of Human Services
Community Services Division
Title XX Activities Report - 1996
444 Lafayette Road
St. Paul, Minnesota 55155-3839

Department of Human Services

Community Services Division

Notice of Publication of State Title XX Intended Use Report

The Community Services Division of the Minnesota Department of Human Services has submitted a Title XX Intended Use Report for the period of October 1, 1997 through September 30, 1998 to the United States Department of Health and Human Services, Administration of Children, Youth and Families, Office of Community Services. The report is intended to meet federal requirements for funds provided under Title XX of the Social Security Act.

The plan is available for public review and comment. A copy of the plan can be obtained by contacting:

Minnesota Department of Human Services
Community Services Division
Title XX Intended Use Report - 1998
444 Lafayette Road
St. Paul, Minnesota 55155-3839

Department of Labor and Industry

Labor Standards Division

Notice of Correction to Prevailing Wage Rates

Highway and Heavy Prevailing Wage Rates Certified 10/13/97 have been adjusted for specific classes of labor due to errors in calculation for the following Regions:

Regions 1 thru 10: (Power Equipment Operators - Groups 1, 2, 3.)

Copies of the corrected certification may be obtained by contacting the Minnesota Department of Labor and Industry, Prevailing Wage Section, 443 Lafayette Road, St. Paul, Minnesota 55155-4306, or calling (612) 296-6452. Charges for the cost of copying and mailing are \$1.00 for the first page and 50 cents for each additional page. Make check or money order payable to the State of Minnesota.

Gary W. Bastian
Commissioner

Department of Labor and Industry

Labor Standards Division

Notice of Prevailing Wage Certifications for Commercial Construction Projects

CORRECTION:

The Roof Replacement - Various Buildings/Ah-Gwah-Ching Center, Ah-Gwah-Ching project formerly certified on 971013 for Itasca County — correctly certified for Cass County.

Effective October 27, 1997 prevailing wage rates were determined and certified for commercial construction projects in the following counties:

Hennepin: MN/DOT 100kw Standby Generator - Traffic Management Center-Minneapolis.

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 is \$1.36 per project. Make check or money order payable to the State of Minnesota.

Gary W. Bastian
Commissioner

Metropolitan Airports Commission

Notice of Public Hearing Concerning Acquisition of Properties Near Minneapolis-St. Paul International Airport Hennepin County, Minnesota

NOTICE IS HEREBY GIVEN that the Metropolitan Airports Commission, a public corporation organized under the laws of the State of Minnesota, will hold a public hearing pursuant to *Minnesota Statutes* § 473.641 to consider the acquisition by the Metropolitan Airports Commission of certain properties located proximate to the Minneapolis-Saint Paul International Airport, more specifically:

The T.O. Plastics Property which is located at 2901 E. 78th Street, Bloomington, Minnesota

The Metro Parkway Associates Property which is located at 7800 Metro Parkway, Bloomington, Minnesota

The public hearing will be held commencing at 2:00 p.m. on the 6th day of November, 1997 in the Main Terminal Building at the Minneapolis-Saint Paul International Airport, Room 3040.

The hearing will afford interested persons, groups and agencies an opportunity for public consideration of the economic, social and environmental effects of the proposed acquisitions. Information relating to relocation will be presented at the public hearing in accordance with appropriate federal requirements. Any person wishing to submit information relating to this matter may appear at the public hearing and make an oral statement or present written material. Persons intending to make oral presentations are requested to notify the Commission by October 29, 1997 in writing or by telephone to Ms. Jenn Unruh, Metropolitan Airports Commission, 6040 - 28th Avenue South, Minneapolis, Minnesota 55450; telephone 726-8100. Written statements and other exhibits relating to this matter will be incorporated into the transcript of the hearing, provided such statements or exhibits are submitted at the hearing or are presented to the Metropolitan Airports Commission prior to the close of work on November 17, 1997.

Dated: 21 October 1997

Jeffrey W. Hamiel
Executive Director
Metropolitan Airports Commission
6040 - 28th Avenue South
Minneapolis, Minnesota 55450

Official Notices

Metropolitan Airports Commission

Notice of Public Hearing for Testimony on the Adoption of the Revised Commercial Vehicles Ordinance

NOTICE IS HEREBY GIVEN that on the 13th day of November, 1997 at 9:30 a.m. in the Lindbergh Terminal Building at Minneapolis-St. Paul International Airport, Room 3040, the Metropolitan Airports Commission will hold a public hearing to receive testimony relative to the adoption of:

REVISED COMMERCIAL VEHICLES ORDINANCE

An Ordinance to promote and conserve public safety, health, peace, convenience and welfare and to provide for the equitable allocation of the costs of establishing and maintaining ground transportation facilities at the Airport, by regulating the operation of all Commercial Vehicles at Minneapolis-St. Paul International Airport, Wold-Chamberlain Field, a public airport under the operation, direction and control of the Metropolitan Airports Commission, and repealing Ordinance 79.

The Ordinance regulates commercial vehicle operation at Minneapolis-St. Paul International Airport.

Copies of the draft Ordinance may be obtained by contacting:

Landside Operations Department
Metropolitan Airports Commission
Minneapolis-St. Paul International Airport, Room 330
4300 Glumack Drive
St. Paul, MN 55111
(612) 726-5463

Dated: 20 October 1997

Jeffrey W. Hamiel
Executive Director
Metropolitan Airports Commission
6040 - 28th Avenue South
Minneapolis, MN 55450

Department of Public Safety

Minnesota Auto Theft Prevention Program

Notice of Meeting of the Board of Directors

The Department of Public Safety, Minnesota Auto Theft Prevention Program, will be holding its Board of Directors meetings on the following dates: October 23, 1997, November 20, 1997 and December 18, 1997. Meetings will begin at 9:00 a.m. at the MATPP office located at 1110 Centre Pointe Curve, Suite 405, Mendota Heights, MN (Hwy 110 and Lexington Ave. west of Hwy 35W - south side of the GNB Technologies Bldg.). Meetings are open to the public. For more information you may contact the MATPP office at (612/405-6155).

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

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

Department of Children, Families & Learning

Office of Community Services

Notice of Request for Proposals to Enhance the Affordability and Availability of a High Quality and Culturally Responsive Child Care System in Minnesota

The Minnesota Department of Children, Families and Learning is soliciting proposals from qualified public or private nonprofit organizations or agencies, including Indian reservations, to enhance and improve the affordability and availability of a high quality and culturally responsive child care system in Minnesota.

Proposals are being solicited for the following federal fund categories.

Building Culturally Competent Programs

Building capacity: Support and develop programs focused on systemic elements of child care in Minnesota to increase the capacity of quality culturally appropriate child care options. Total funds available: \$350,000

Provide translators and translations of materials and information to non-English speaking families and care providers to increase the capacity of a culturally responsive system. Total funds available: \$100,000

Bi-lingual Licensors to assist in developing care in non-English speaking communities. Total funds available: \$250,000

Caring for Children with Special Needs

Develop and research resources to expand the capacity and improve the care for children with special needs in existing child care centers and family child care homes. Provide technical assistance to the regional child care resource and referral agencies in recruiting and coordinating training for child care providers. Total funds available: \$150,000

Family Support Models

Innovative and responsive initiatives will be designed to provide support to families and caregivers in the formal and informal child care system. Funds will be used to increase collaborative efforts across early childhood care and education programs including Early Childhood Family Education, Head Start, and Child Care. Homevisiting partnerships demonstration projects will be explored specifically for working with relative and license exempt caregivers. Total funds available: \$110,000

Parent Leadership

Provide a model demonstration project for parents to become more effective partners with child care providers at the local and state level to impact the availability and affordability of a quality and culturally responsive child care system in Minnesota. Total funds available: \$50,000

Salary Enhancement

Build on national and state projects and evaluate effective strategies to recruit and retain high quality child care through increased compensation for providers. Total funds available: \$72,000

The project period is from February 1998 for six months to 18 months depending on each fund category.

For complete information on the Request for Proposals, please contact the Department of Children, Families and Learning, 550 Cedar Street, St. Paul, Minnesota 55101-2273, telephone (612)297-2359, fax (612)296-5890.

State Grants & Loans

Department of Public Safety

Minnesota Auto Theft Prevention Program

Notice of Grant Availability for Auto Theft Prevention Programs for Government Units and Local Business and Community Organizations

The Minnesota Auto Theft Prevention Program Board announces the availability of \$1,865,000.00 in grant money. Applications will be accepted from State, County, Local Police Departments, Governmental Agencies, Prosecutors, Judiciary, Businesses, Community and Neighborhood Organizations. Money granted through this program must be dedicated to the area of auto theft. Grant application packets may be obtained by contacting Dennis Roske at the Auto Theft Prevention Office at (612/405-6153 or 405-6155). To be considered, applications must be received in the MATPP office in Mendota Heights by 4:30 p.m. on December 31, 1997.

Department of Trade and Economic Development

Notice of Request for Proposals for the Taconite Mining Grant Program

Background

Laws of Minnesota 1997, Chapter 200, Article 1, Section 57 to be codified in *Minnesota Statutes* 116J.992 mandates that the Commissioner of Trade and Economic Development establish a program to make grants to taconite mining companies to enable them to research technologies that

- (1) reduce energy consumption;
- (2) reduce environmental emissions;
- (3) improve productivity; or
- (4) improve pellet quality.

This grant program is open to the following taconite mining companies operating in Minnesota:

National Steel Pellet Company
Hibbing Taconite Company
Minnesota Ore Operations of USS Group, USX Corporation
Inland Steel Mining Co.
EVTAC, Inc.
LTV Steel Mining Company
Northshore Mining Company

The Minnesota legislature appropriated \$650,000 during the 1997 legislative session to implement the program. These funds are a one time appropriation which is available until June 30, 1999.

Proposal Submission

This request for proposals does not obligate the state to issue a contract, and the state reserves the right to cancel the solicitation if it is considered to be in its best interest.

To request a copy of the full Request for Proposals, prospective responders may call or write:

Mark Lofthus, Director
Office of Business Development and Finance
Department of Trade and Economic Development
500 Metro Square, 121 E. 7th. Place
St. Paul, MN 55101
Telephone: (612) 297-4567

Other state employees are not allowed to discuss this Request for Proposals with anyone including responders, before the proposal submission deadline.

Professional, Technical & Consulting Contracts

Three copies of responder's proposal must be sent to:

Mark Lofthus, Director
Office of Business Development and Finance
Department of Trade and Economic Development
500 Metro Square, 121 E. 7th. Place
St. Paul, MN 55101

All proposals must be received not later than 4:30 p.m. November 26, 1997 as indicated by a notation made by the receptionist and verified by the project manager. Late proposals will not be accepted.

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, and final submission date of completed contract proposal.

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

Department of Administration

State Designer Selection Board

Addenda to Professional Contract for Project 4-97: Battle Point Historic Site, Minnesota Indian Affairs Council, Leach Lake Tribal Council, Cass Lake, Minnesota

Change Item #3 To read:

3. Project Schedule:

Site development plan was completed in 1990. Funds of \$350,000 are available for upgrade to predesign, schematic and design development, and construction documentation. Project construction is pending full appropriation of \$3,000,000 from the 1998 Legislature. If these funds are made available construction would begin in 1998 for full operational status in 1999.

Department of Children, Families and Learning

Request for Proposals for Family Services Collaboratives Evaluation

The Department of Children, Families & Learning requests proposals to retain the services of an outside evaluator for Family Services Collaboratives to revise and expand the existing evaluation approach for communities participating in Family Services Collaboratives and to align it with major evaluation initiatives in the state.

The department has estimated the cost of the project will not exceed \$50,000. The contract period is estimated to begin December 1, 1997 and will be completed by December 1, 1998.

To request a full copy of the Request for Proposal contact:

Department of Children Families & Learning
948 Capitol Square Building
550 Cedar Street
St. Paul, MN 55101
ATTN: Deborah Wells

Any questions concerning the request for proposal should be directed to Deborah Wells at the Department of Children, Families & Learning at (612)296-9783.

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

Professional, Technical & Consulting Contracts

Response Deadline: Proposals must be received at the Department of Children, Families & Learning offices by 4:00 p.m. on November 17, 1997.

The Department of Children, Families & Learning reserves the right to modify or withdraw this RFP at any time and will not reimburse the applicant for costs incurred in the preparation or submittal of proposals.

Legislative Coordinating Commission

Contract Available for Sign Language Interpreter Services for the Minnesota Legislature

The Legislative Coordinating Commission (LCC) is soliciting proposals from qualified individuals and organizations interested in providing sign language interpreting services to individuals who are hard of hearing, deaf, or deafblind during the 1998 legislative session. The LCC is also soliciting proposals from qualified individuals and organizations to provide sign language interpreting services throughout the State of Minnesota for meetings with members of the legislature. A single proposal may be submitted to fulfill both requirements.

All proposals must satisfy the criteria as outlined in the full text of the Request For Proposals. The proposals must not exceed \$10,000 for services provided during the legislative session and \$8,000 for services provided throughout the State of Minnesota.

For a copy of the full text of the Request For Proposal, please contact:

Chad Thuet, Assistant Director
Legislative Coordinating Commission
100 Constitution Avenue
St. Paul, Minnesota 55155
612/296-1121 (Voice)

Proposals must be received by November 21, 1997, at 4:00 p.m. No late applications will be accepted. All expenses incurred in responding to this notice shall be borne by the responder.

Winona State University

Request for Proposal for Laundry Equipment and Service

NOTICE IS HEREBY GIVEN that Winona State University will receive sealed proposals for laundry equipment and service for residence halls on campus.

Request for Proposal specifications will be available October 27, 1997 from Sandra Schmitt, Purchasing Director, P.O. Box 5838, 205 Somsen Hall, Winona State University, Winona, MN 55987 or by calling 507/457-5067.

Sealed proposals must be received by Sandra Schmitt, P.O. Box 5838 or Somsen 205C, Business Office, Winona State University, Winona, MN 55987 by 10:00 AM on November 24, 1997.

Winona State University reserves the right to reject any or all bids or portions thereof, or to waive any irregularities or informalities in proposals received.

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 Historical Society

Notice of Request for Bids for Accessible Walkpath and Porch at Sibley Historic Site, Highway 13, Mendota, Minnesota

The Minnesota Historical Society is seeking bids from qualified firms and individuals to provide all materials, equipment, labor and supplies for the completion of the Accessible Walkpath and Porch at the Sibley Historic Site, Highway 13, Mendota, Minnesota.

The work will generally consist of minor site clearing and demolition, excavation, earthwork, paving, site work, cast-in-place concrete work, stonework, prefabricated structural wood, carpentry, painting and minor utility relocation.

The Request for Bids is available by calling or writing, PFA Paul Finsness, Architects, 734 Larpenteur Avenue East, St. Paul, MN 55117, Telephone (612) 771-7183.

Bids must be received no later than 2:00 PM Central Time November 12, 1997 (Wednesday). Attendance is required at a pre-bid conference at the site (DuPuis House) at 11:00 AM Central Time November 4, 1997.

Complete specifications and details concerning submission requirements and bid form are included in the Request for Bids.

Dated: 16 October 1997

Minnesota Historical Society

Notice of Request for Bids for Site Development at Birch Coulee, Renville County, Morton, Minnesota

The Minnesota Historical Society is seeking bids from qualified firms to provide design services for the development of this site. Development will be done according to the site Master Plan, 1978 and by subsequent legislative mandated modifications. The project will consist of:

- 1) Site Preparation
- 2) New access road and parking area
- 3) New walking/interpretive trail
- 4) Prairie restoration
- 5) Visitor amenities (shelter, restrooms, etc.)

The Birch Coulee historic site is located in sections 19 and 20, T113N, R34W, Birch Coulee Township, Renville County. It is approximately two miles north of Morton, MN at the junction of Renville County Roads 2 and 18.

The Request for Bids is available by calling or writing, Contracting Office, Minnesota Historical Society, 345 Kellogg Blvd. West, St. Paul, Minnesota 55102. Telephone 612-297-7007. Complete project summary/site history, bid format, details concerning submission requirements are included.

Bids must be received no later than 2:30 PM Central Time November 12, 1997 in St. Paul by the Contracting Office. A pre-bid inspection conference at the site is scheduled for October 31, 1997 at 1:00 PM Central Time.

Dated: 16 October 1997

Non-State Public Bids, Contracts & Grants

University of Minnesota

Notice of Request for Proposals for Intercampus Natural Gas Pipeline

The University of Minnesota is seeking proposals from qualified firms for the design, construction and maintenance of an inter-campus natural gas pipeline. This pipeline will connect the steam generation plants located on the St. Paul and Minneapolis campuses of the University. The deadline for receipt of proposals is 2:00 p.m., Monday, December 1, 1997.

Details concerning the scope of work, qualifications, evaluation criteria and submission requirements are included in the Request for Proposals. A copy of the Request for Proposals is available upon non-refundable payment of \$50 made payable to Sebesta Blomberg & Associates, Inc. for shipping and handling and request to Tom Schubbe, Sebesta Blomberg & Associates, Inc., 5075 Wayzata Boulevard, Minneapolis, MN 55416 (Telephone: 612-546-7570; FAX: 612-546-0494, or e-mail: tschubbe@sebesta.com).

Environmental Protection —

Videos & Training Material

Transport Packaging: Reducing Waste & Saving Money — Video

Video shows how businesses can eliminate waste and increase profits with reusable and source-reduced transport packaging. Includes *Reusable Transport Packaging Directory*. (color, 12 minutes, 1997) Stock No. 4-22 \$9.50

New!

Source Reduction: How to Implement a Source Reduction Program — Video

Video and resource manual *Source Reduction* Now demonstrates how to set up a source reduction program in a commercial, industrial or institutional organization. (color, 12 minutes, 1997) Stock No. 4-21 \$9.50

New!

Motor Vehicle Salvage Facility Environmental Compliance Manual & Video

Durable manual and color video *Salvage Yards & the Environment: The Next Generation*, AND 3 work-site posters. Convenient tabs guide you through general operating procedures, draining, dismantling & storage practices, waste handling, storage and disposal practices, PLUS a quick reference table for handling hazardous waste. 220pp. with VHS. (PCA, 1994) Stock No. 10-9 \$35.00

Hazardous Waste: Identification & Evaluation — Video

Find out how to determine if a waste is hazardous, and what basic steps to take to evaluate wastes. Fact sheets on F-listed wastes are included with video. (color, 9.5 minutes, 1995) Stock No. 4-7 \$19.00

Blue Ribbon Task Force Report

Findings and recommendations of task force examining the funding of Minnesota's water quality programs. 78pp. (PCA, 1995) Stock No. 10-6 \$19.95

Common Automotive Wastes — Video

Video covers eight sections on hazardous wastes most commonly found in vehicle maintenance and collision-repair operations (antifreeze, lead acid batteries, sludges and residues, parts washer solvents & cleaners, towels, wipes and sorbents, used oil and paint-related wastes). Includes management options for each plus a 'Used Oil' fact sheet. (color, 17.6 minutes, 1995) Stock No. 4-8 \$10.00

Hazardous Waste Storage — Video

Learn how to choose the right container, close and mark it correctly, plus proper care when moving it off-site. Also includes handy storage poster and fact sheet on labeling and storing hazardous waste correctly. (color, 12.5 minutes, 1994) Stock No. 4-6 \$10.00

New

MPCA Point-Source Final Report

Phase 2 of *Blue Ribbon Task Force Report* features Improvement Initiative. 142pp. (PCA, 1996) Stock No. 10-1 \$10.95

