

179 Mar. 12

STATE REGISTER



STATE OF MINNESOTA

EXECUTIVE ORDERS

RULES

PROPOSED RULES

SUPREME COURT

STATE CONTRACTS

OFFICIAL NOTICES

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STATE REGISTER

Printing Schedule for Agencies

Issue Number	*Submission deadline for Executive Orders, Adopted Rules and Proposed Rules	*Submission deadline for State Contract Notices and other **Official Notices.	Issue Date
SCHEDULE FOR VOLUME 3			
37	Monday Mar 5	Monday Mar 12	Monday Mar 19
38	Monday Mar 12	Monday Mar 19	Monday Mar 26
39	Monday Mar 19	Monday Mar 26	Monday Apr 2
40	Monday Mar 26	Monday Apr 2	Monday Apr 9

*Deadline extensions may be possible at the editor's discretion; however, none will be made beyond the second Wednesday (12 calendar days) preceding the issue date for rules, proposed rules and executive orders, or beyond the Wednesday (5 calendar days) preceding the issue date for official notices. Requests for deadline extensions should be made only in valid emergency situations.

**Notices of Public Hearings on proposed rules are published in the Proposed Rules section and must be submitted two weeks prior to the issue date.

Instructions for submission of documents may be obtained from the Office of the State Register, Suite 415, Hamm Building, 408 St. Peter Street, St. Paul, Minnesota 55102.

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The *State Register* is the official publication of the State of Minnesota, containing executive orders of the governor, proposed and adopted rules of state agencies, and official notices to the public. Judicial notice shall be taken of material published in the *State Register*.

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MCAR AMENDMENTS AND ADDITIONS

The following is a listing of all proposed and adopted rules published in this issue of the *State Register*. The listing is arranged in the same order as the table of contents of the *Minnesota Code of Agency Rules* (MCAR). All adopted rules published in the *State Register* and listed below amend the rules contained in the MCAR set. Both proposed temporary and adopted temporary rules are listed here although they

are not printed in the MCAR due to the short term nature of their legal effectiveness. During the term of their legal effectiveness, however, adopted temporary rules do amend the MCAR. A cumulative listing of all proposed and adopted rules in Volume 3 of the *State Register* will be published on a quarterly basis and at the end of the volume year.

TITLE 2 ADMINISTRATION

Part 1 Administration Department

2 MCAR §§ 1.16201-1.16208 (adopted) 1711

TITLE 6 ENVIRONMENT

Part 4 Pollution Control Agency

6 MCAR §§ 4.8051-4.8052 (proposed) 1716

SW 51-61 (proposed) 1722



Woodland Caribou were once fairly common in northern Minnesota, but are now extinct in this state. Settlement and changes in habitat brought them to near extinction by the late 1930s and the last band was seen north of Red Lake. Caribou are between elk and deer in size and both sexes have antlers. ("Caribou on Ice" by F. Lee Jacques)

EXECUTIVE ORDERS

Executive Order No. 79-1

Providing for the Establishment of the Governor's Committee on Appointments; Repealing Executive Order Nos. 144, 144A, and 189

I, Albert H. Quie, Governor of the State of Minnesota, by virtue of the authority vested in me by the Constitution and the applicable statutes, do hereby issue this Executive Order:

Whereas, qualified persons should be encouraged to serve on boards and committees of state agencies; and,

Whereas, opportunities for such service should be increased for citizens of Minnesota; and,

Whereas, women, youth, minorities, elderly, handicapped, and others who traditionally may not have served on such boards and committees should be encouraged to serve;

Now, therefore, I order:

1. That there be established a Governor's Committee on Appointments to the State Multi-Member Agencies (boards, commissions, councils, committees, authorities, and task forces) and that the committee consist of fifteen citizens; one member from each congressional district and seven members at large.

2. That, in addition to the fifteen members, there be a chairperson or co-chairpersons who shall serve as coordinators of the committee and who shall not be voting members and shall not receive reimbursement for expenses.

3. That the committee shall assist the Governor in considering applicants for appointments to multi-member agencies as provided in Minn. Stat. § 15.0597, and that it may consider applicants for other advisory committees and task forces.

4. That the committee recommend to the Governor the names of the applicants it deems most qualified and best able to serve the interests of the people of Minnesota.

5. That the congressional district members may establish procedures for identifying potential applicants and gathering information from other persons in their congressional districts.

6. That the fifteen committee members may be reimbursed for expenses as provided in Minn. Stat. § 15.0593 (1978).

7. That the members and chairpersons be appointed by and serve at the pleasure of the Governor for terms of one year and until their successors have been appointed.

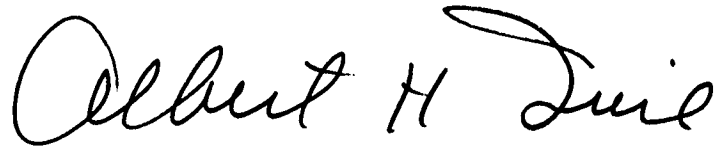
8. That the committee shall establish its own rules of procedures.

9. That Executive Orders No. 144, 144A, and 189 be repealed.

EXECUTIVE ORDERS

Pursuant to Minn. Stat. § 4.035 (1978), this order shall be effective 15 days after its publication in the *State Register* and filing with the Secretary of State and shall expire in two years.

In testimony whereof, I hereunto set my hand this 20th day of February, 1979.



Executive Order No. 79-2

Providing for Flexible Working Schedules for State Employees; Repealing Executive Order No. 180

I, Albert H. Quie, Governor of the State of Minnesota, by virtue of the authority vested in me by the Constitution and applicable statutes, do hereby issue this Executive Order:

Whereas, employment practices which provide flexibility in scheduling hours of work often result in increased worker productivity, reduced absenteeism, extended service to the public, improved employee morale, and a more economical and efficient use of energy, highways, and mass transit systems; and,

Whereas, the State of Minnesota has a responsibility to attract, retain, and insure optimum use of the State's human resources; and,

Whereas, flexible working schedules enhance the quality and dignity of working life by offering employees more control over their working time and the ability to accommodate personal and family life needs as well as work needs;

Now, therefore, I authorize the State of Minnesota to take action to promote a program hereinafter referred to as "flextime," offering flexible work hours within an 8-hour day, 5-day week, to state employees in the executive branch.

1. The Commissioner of Personnel shall be responsible for setting guidelines, establishing procedures, assisting agencies with implementation, and reviewing results of the program.

2. Each commissioner or department head shall be responsible for making flextime available to employees, designing appropriate models of flextime consistent with the duties and requirements of each position, and determining exemptions from or termination of flextime where it adversely affects the operation of the department or the level of service to the public.

EXECUTIVE ORDERS

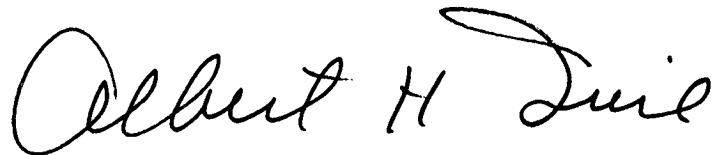
3. Employees shall be responsible for requesting flexible working hours. Participation must be voluntary and consistent with collective bargaining agreements.

4. Wherever there are state employees represented by an exclusive bargaining representative, the appointing authority and/or the Commissioner of Personnel shall be required to meet and negotiate with that exclusive representative for the purpose of reaching an agreement regarding any flextime plan prior to the implementation of such plan.

This order repeals Executive Order No. 180.

Pursuant to Minn. Stat. 1978 § 4.035 (1978) this order shall be effective 15 days after its publication in the *State Register* and filing with the Secretary of State and shall remain in effect until it is rescinded by proper authority or it expires in accordance with § 4.035.

In testimony whereof, I hereunto set my hand on this 26th day of February, 1979.



Executive Order No. 79-3

Assigning Emergency Responsibilities To State Agencies; Repealing Executive Order No. 157

I, Albert H. Quie, Governor of the State of Minnesota, by virtue of the authority vested in me by the Constitution and applicable statutes, do hereby issue this Executive Order:

Whereas, Natural Disasters and Industrial Accidents may occur in any part of the State; and,

Whereas, potential enemies of the United States have the capability to attack this State and the United States;

Now, therefore, I order:

1. Each department, independent division, bureau, board, commission, and independent institution of the State government, hereinafter referred to as agencies, shall prepare and disseminate to all employees appropriate plans and instructions for:

EXECUTIVE ORDERS

- a. The protection of personnel, equipment, supplies, and public records in a disaster.
- b. The carrying on of such of its normal services as may be needed in a disaster.
- c. Carrying out the emergency assignments made by this Order.

2. The responsibility for emergency planning shall rest with the head of each agency. Draft copies of completed plans shall be submitted to the Director, Division of Emergency Services, Department of Public Safety, for review and coordination.

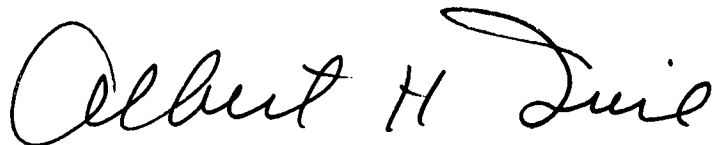
3. Each agency assigned specific disaster responsibilities shall assign competent personnel of the agency to develop necessary emergency plans and to staff the State and Regional Emergency Operating Centers and Assistance Centers. These personnel shall be available for planning, training, and operations, and are authorized time off or compensation for services outside regular working hours as the head of the agency may direct.

4. The assignments of agencies for other than war-caused emergencies are made in Appendix 1 of this Order. These assignments anticipate the need to provide assistance to specific areas of the State affected by disaster. The assignments for a war-caused emergency are made in Appendix 2 of this Order. These assignments are based on the need for complete mobilization of all of the State's resources in such a disaster.

This order repeals Executive Order No. 157.

Pursuant to Minn. Stat. § 4.035 (1978) this order shall be effective 15 days after its publication in the *State Register* and filing with the Secretary of State and shall remain in effect until it is rescinded by proper authority or it expires in accordance with § 4.035.

In testimony whereof, I hereunto set my hand on this 26th day of February, 1979.



EXECUTIVE ORDERS

Executive Order No. 79-3 Appendix 1 — Natural Disaster Assignments

Part I — Department of Public Safety Division of Emergency Services

Section 1-101

The Director of Emergency Services shall serve as the State Coordinating Officer, and the Deputy Director shall serve as the Deputy State Coordinating Officer, for all Presidential Declared Emergency and/or Major Disasters.

Section 1-102

The Division of Emergency Services shall monitor operations of the State portion of the National Warning System and coordinate any actions determined to be necessary to maintain service or extend coverage within the State.

Section 1-103

Either directly or through its Regional Directors, the Division of Emergency Services shall assist local communities that desire to construct flood protection works in completing all prerequisite actions and obtain concurrence of the Department of Natural Resources, Department of Transportation, and Pollution Control Agency in any project before requesting construction assistance from the U.S. Army Corps of Engineers.

Section 1-104

Natural disaster assistance training and education requirements shall be coordinated by the Division of Emergency Services with the agency conducting the training. These needs shall be reflected in the guidance provided to the training agencies concerning the courses desired and their content.

Section 1-105

The Division of Emergency Services shall establish an emergency procedure for receiving notification of any type of disaster within the State and alerting State agencies to respond to these disasters.

Section 1-106

When a major natural disaster threatens or has occurred, the Division of Emergency Services shall activate the State Emergency Operating Center. Regional Directors shall establish an Emergency Operating Center in or adjacent to the disaster area, as required, to coordinate field operations.

The Division shall notify State agencies with responsibilities in emergency operations when the State and/or Regional Emergency Operating Centers are or will be activated in order that they may provide staff.

Section 1-107

The Division of Emergency Services shall coordinate Damage Assessment requests for Federal Disaster Assistance on behalf of political subdivisions and State agencies.

Section 1-108

Once a determination has been made after a Presidential Declaration of a Major Disaster to establish Disaster Assistance Centers, the Division of Emergency Services in conjunction with the State Coordinating Officer, shall assist in notifying the State agencies that will provide representatives to the Center to deal directly with the needs of individual victims and in coordinating their activities thereafter.

Section 1-109

The Division of Emergency Services, in conjunction with the State Coordinating Officer, shall assist political subdivisions in preparing and processing project applications for Federal assistance in repairing and restoring essential public facilities.

Section 1-110

The Division of Emergency Services shall notify the Governor, and Executive Council when staff of other State agencies are involved in disaster operations.

Section 1-111

The Division of Emergency Services shall administer the Individual and Family Grant Program as provided under Public Law 93-288.

Section 1-112

The Division of Emergency Services and/or the State Coordinating Officer shall be responsible for the review and coordination of the emergency operating plans of the agencies given assignments by this order. A current copy of these plans in the form of Standing Operating Procedures will be filed at the State Emergency Operating Center.

Section 1-113

The Division of Emergency Services will coordinate the charitable agencies activities as they pertain to the Foreign Disaster Relief Program.

EXECUTIVE ORDERS

Section 1-114

The Division of Emergency Services will implement procedures for petroleum shortages, petroleum allocation, and insure compliance and enforcement, if necessary, of existing regulations to be enacted pertaining to petroleum shortages and petroleum allocation.

Section 1-115

The Division of Emergency Services will prepare procedures for the development of requests to the State Executive Council for financial assistance under provisions of Minn. Stat. § 9.061, the "Calamity Act."

Division of Criminal Apprehension

Section 1-121

The Division of Criminal Apprehension shall be responsible for the dissemination of warning of Natural Disasters and Industrial Accidents over the Minnesota Law Enforcement Teletype Network.

Section 1-122

The Division of Criminal Apprehension will provide support to the State Patrol in assisting local government in traffic control and law enforcement in a disaster in accordance with the State emergency plan.

Section 1-123

The Division of Criminal Apprehension will assign personnel as enforcement service chiefs at Regional Operating Centers.

Division of Fire Marshal

Section 1-131

The Division of Fire Marshal will assist local government in planning for emergency rescue operations and fire protection and obtaining fire fighting and rescue assistance in an emergency in accordance with the State emergency plan.

Section 1-132

The Division of Fire Marshal will coordinate with the Department of Education, Vocational Training/Field Services Division and the Department of Natural Resources for training of local government in emergency fire and rescue operations.

Division of State Patrol

Section 1-141

The State Patrol Division is responsible for Law En-

forcement and Traffic Control on all Interstate and State Trunk Highways in an emergency.

Section 1-142

The State Patrol Division shall assist local police agencies with available resources in Law Enforcement and Traffic Control when requested by proper local authority to do so.

Section 1-143

The State Patrol Division shall act as Net Control for the National Warning System (NAWAS) within the State for the dissemination of a major emergency or natural disaster warning.

Section 1-144

The State Patrol Division shall be responsible for protection of the personnel in the Capitol Complex during an emergency, and shall prepare plans and procedures to accomplish this protection.

Capitol Security

Section 1-151

The Capitol Security Division of the State Emergency Law Enforcement Services shall be responsible for providing protection to property, and equipment in the Capitol Complex during an emergency and shall prepare plans and procedures to accomplish this.

Section 1-152

The Capitol Security Division will provide twenty-four hour security for the State Emergency Operating Center during an emergency.

Part II — Department of Administration

Section 1-201

The Department of Administration, Telecommunications Division, shall serve as the Emergency Communication Service and shall coordinate planning of Statewide telecommunications systems and services for emergency operations, as necessary, during a declared emergency.

Section 1-202

The Department of Administration shall provide engineers to prepare damage assessment and damage survey reports of public buildings damaged by disaster in accordance with the State emergency plan.

EXECUTIVE ORDERS

Section 1-203

The Department of Administration shall administer the State self insurance program as it relates to Federal Disaster Assistance, as set forth under P/L 93-288.

Part III — Department of Transportation Division of Aeronautics

Section 1-301

The Division of Aeronautics will establish restricted flights over disaster areas when requested by the State Division of Emergency Services or other appropriate authority.

Section 1-302

The Division of Aeronautics will coordinate all flights through and with the Civil Air Patrol in Search and Rescue Missions.

Section 1-303

The Division of Aeronautics will coordinate civilian air transportation and military air transportation in an emergency disaster situation.

Section 1-304

The Division of Aeronautics will provide personnel to prepare damage survey reports for airports and airport facilities damaged in any type of major disaster.

Section 1-305

The Division of Aeronautics will provide Air Transportation and/or reconnaissance as required by the Division of Emergency Services in a buildup of Declared Disaster Situation.

Division of Highways

Section 1-311

The agency shall be responsible for the plans, supervision, direction, and control of emergency engineering services in disaster operations.

Section 1-312

Under certain emergency conditions, the Division of Highways shall make available the Maintenance Construc-

tion Communication System for use as the Division of Emergency Services Command Net.

Section 1-313

The Division of Highways is responsible for debris and wreckage removal from all Interstate and State Trunk Highways and for other assistance to political subdivisions on other roadways as may be required.

Section 1-314

The Division of Highways shall provide any highway clearances and waivers required to expedite the transportation of temporary housing or other high priority materials.

Section 1-315

When an emergency diking project is proposed in the State, the Division of Highways shall determine the impact of the planned construction on the Interstate and State Trunk Highway systems, and recommend approval or disapproval of the project before work begins.

Section 1-316

The Division of Highways shall provide engineers to prepare damage assessment and damage survey reports of damage to roads, streets, and highway facilities caused by a disaster.

Section 1-317

The Division of Highways, working with the State Health Department, shall provide protective action and shall monitor radioactive incidents on the roadways of the State, whether created by a nuclear power plant or transportation accident.

Division of Public Transportation

Section 1-321

The Division of Public Transportation shall prepare plans for receiving and disseminating to appropriate agencies information concerning the shipment of chemical, radiological, and other materials that are potentially hazardous.

Section 1-322

The Division of Public Transportation will be responsible for the coordinating of all rail, bus, and truck transportation in the State during an emergency, including emergency transportation in the disaster area.

Section 1-323

The Division of Public Transportation will coordinate

EXECUTIVE ORDERS

with the Public Services Commission for emergency operations of ports and pipelines in a major emergency or natural disaster.

Part IV — Department of Agriculture

Section 1-401

The Department of Agriculture shall provide guidance for the use of agricultural land and crops affected by natural disaster or peacetime accidents or incidents.

Section 1-402

The Department of Agriculture with the assistance of the Minnesota Livestock Sanitary Board, shall provide guidance for the use of farm animals affected by natural disaster or peacetime accidents or incidents involving hazardous chemicals.

Section 1-403

The Department of Agriculture shall coordinate food service activities with Federal and State agencies having responsibilities for food resources in an emergency, specifically food inspection, coordinating with hotel and restaurant inspection in mass feed facilities.

Section 1-404

The Department of Agriculture will gather and assemble damage estimates for the Division of Emergency Services on agriculture for Disaster Declarations.

Part V — Department of Commerce

Section 1-501

The Department of Commerce shall provide the Division of Emergency Services with an estimate of the immediate economic impact of a disaster and projections of long range effects.

Section 1-502

The Insurance Division of the Department of Commerce shall develop a plan to provide for representation at such assistance centers as deemed necessary by the State Division of Emergency Services Director to furnish information relative to insurance claim procedures to persons affected by the disaster.

Section 1-503

The Consumer Services Section of the Department of Commerce shall provide for representation at such assistance centers as deemed necessary by the State Division

of Emergency Services Director to provide consumer information to disaster victims.

Part VI — Department of Education

Section 1-601

The Department of Education shall assist school districts throughout the State in preparing plans for the protection of school children in an emergency. These plans shall include shelter facilities for students in schools, or evacuating them to their homes.

Section 1-602

When public elementary or secondary school facilities have been damaged or destroyed by a major disaster, the Department of Education shall assist local education districts in preparing and submitting a request for a financial assistance grant from the Federal government as appropriate.

Section 1-603

The Department of Education, Child Nutrition Section, shall have the legal responsibility for Federal Government food commodities. The Department of Public Welfare shall be responsible for coordinating these provisions to victims in the disaster area.

Section 1-604

The Department of Education will assist local government in training for emergency fire and rescue operations in coordination with the State Fire Marshal, and the Department of Natural Resources.

Part VII — Department of Health

Section 1-701

The Department of Health shall establish standards and guidelines and also coordinate and evaluate emergency care training programs for specialized groups including ambulance, police, fire and rescue personnel who are involved in emergency medical care throughout the State.

Section 1-702

The Department of Health, in cooperation with the office of Electronic Communications of the Division of Highways, shall develop a statewide emergency medical services radio communications system.

Section 1-703

The Department of Health, through its district representatives, shall assist in the marshalling of emergency medical

EXECUTIVE ORDERS

resources including hospitals, blood banks, ambulance services, and packaged disaster hospitals to respond to disasters.

Section 1-704

The Department of Health shall provide assistance to the local health officer to ensure the safety of food and water for human consumption during and immediately after a disaster.

Section 1-705

The Department of Health shall contact and secure services of appropriate technical personnel including engineers and Environmental Health Specialists, health physicists and chemists in the field to meet the health needs of the disaster area. Such staff will be responsible for determination of safety of water supplies, the overall determination of the safety of conditions prior to re-occupancy.

Section 1-706

The Department of Health shall provide engineers and Environmental Health Specialists to prepare damage survey reports of health and public water facilities damaged by disaster. The engineers will assist communities in determining the cost estimates to repair or replace damaged health facilities and public water distribution systems so Federal financial assistance can be requested under Public Law 93-288.

Section 1-707

The Department of Health shall be responsible for providing guidance on protective action levels and medical assistance to local health authorities in areas affected by accidents or incidents involving explosions, radioactive materials, or hazardous chemicals.

Part VIII — Department of Economic Security Division of Employment Services

Section 1-801

The Division of Employment Services shall be responsible for coordinating and directing the use of manpower within the State during disaster operations from State and Region Emergency Operating Centers.

Section 1-802

The Division of Employment Services shall prepare plans to provide unemployment assistance to eligible individuals whose unemployment results from a disaster declared under the Disaster Relief Act of 1974 (Public Law 93-288). It will

also pay benefits under regular unemployment compensation laws to eligible individuals in cases where a natural disaster has not been declared.

Governor's Manpower Office

Section 1-811

The Governor's Manpower Office shall provide for representatives at such assistance centers as deemed necessary by the State Division of Emergency Services Director to provide legal assistance to low income disaster victims.

Section 1-812

The Governor's Manpower Office shall provide such personnel as required by the Division of Emergency Services for staffing the State Emergency Operating Center in times of an Emergency Declared by the Executive Council.

Part IX — Department of Military Affairs

Section 1-901

The Department of Military Affairs shall prepare plans and procedures for providing military support to Civil authorities for law enforcement, rescue, and communications in an emergency.

Part X — Department of Natural Resources

Section 1-1001

The Department of Natural Resources shall be responsible for coordinating the Flood Plain Management Program and the National Flood Insurance Program in Minnesota.

Section 1-1002

The Department of Natural Resources is responsible for debris and wreckage removal from State waterways and forested areas.

Section 1-1003

When an emergency diking project is proposed in the State, the Department of Natural Resources shall determine the impact of the planned construction on the flood plain and recommend approval or disapproval of the project before work begins.

Section 1-1004

The Department of Natural Resources shall provide personnel and equipment support to the State Patrol in emergency law enforcement and traffic control operations, when requested by the Director of Emergency Services.

EXECUTIVE ORDERS

Section 1-1005

The Department of Natural Resources shall provide personnel and equipment support to the State Fire Marshal in emergency rescue operations, when requested by the Director of Emergency Services.

Section 1-1006

The Department of Natural Resources is responsible for coordinating fire suppression activities in forested and grassland areas in the State.

Section 1-1007

The Department of Natural Resources shall assist State and local governments in applying for grants from the Federal government for the purpose of reimbursing expenses actually incurred by a property owner in the removal of timber damaged by a major disaster.

Section 1-1008

The Department of Natural Resources shall prepare procedures for providing communications support in a disaster area with Department equipment.

Section 1-1009

The Department of Natural Resources shall provide engineers to prepare damage survey reports of debris clearance, emergency protective measures, and damage to dikes, levees, irrigation works, drainage facilities, and public buildings in the disaster area.

Section 1-1010

The Department of Natural Resources will assist local government in training for emergency fire and rescue operations in full coordination with the State Fire Marshal and the Department of Education.

Part XI — Pollution Control Agency

Section 1-1101

The Pollution Control Agency shall develop plans and procedures for the administration and possible modification of pollution control standards in a disaster situation.

Section 1-1102

The Pollution Control Agency shall provide engineers to prepare damage assessment and damage survey reports of damage to public owned waste disposal systems in the disaster area.

Section 1-1103

When an emergency diking project is proposed in the State, the Pollution Control Agency shall determine the environmental effects of the planned construction and recommend approval or disapproval of the project, before work begins.

Section 1-1104

The Pollution Control Agency shall prepare plans and procedures for coordinating the control of spills of polluting substances.

Part XII — State Housing Finance Agency

Section 1-1201

The Minnesota Housing Finance Agency shall be responsible for the coordination of State and local efforts to provide temporary housing for disaster victims, in accordance with provisions of the State emergency plan.

Section 1-1202

The Minnesota Housing Finance Agency will coordinate low cost loans to homeowners of modest income or less through the Agency's Home Improvement Loan Program.

Part XIII — Department of Revenue

Section 1-1301

The Department of Revenue shall provide for representation at such assistance centers as deemed necessary by the State Division of Emergency Services Director to provide guidance to disaster victims on the effect of their loss on their State taxes.

Section 1-1302

The Department of Revenue shall certify tax losses sustained as a result of a natural disaster, if the disaster is of the magnitude to require such information.

Part XIV — Department of Public Welfare

Section 1-1401

The Department of Public Welfare shall be responsible for coordinating the provision of government commodity foods and food stamps to victims in the disaster area. Legal responsibility for Government commodities is placed with the Minnesota Department of Education, Child Nutrition Section.

EXECUTIVE ORDERS

Section 1-1402

The Department of Public Welfare shall provide for representation at such assistance centers as deemed necessary by the State Division of Emergency Services Director to receive and process applications for the Individual and Family Grant Program from disaster victims.

Section 1-1403

The Governor's Citizen Council on Aging (Aging Program Division) will provide representation at the Disaster Assistance Center and the disaster area, as deemed necessary by the State Director of Emergency Services to assist and identify the elderly disaster victims.

Part XV — State Energy Agency

Section 1-1501

The State Energy Agency will develop a plan for allocation and conservation of energy resources during Energy Emergencies in coordination with energy suppliers in the State for the Division of Emergency Services. The State Energy Agency shall provide staff and relevant information to the Division of Emergency Services to assist in implementation of the plan in an emergency.

Section 1-1502

The State Energy Agency shall develop a package of Public Information Releases for use in an Energy Emergency as requested by the Division of Emergency Services.

Part XVI — Department of Economic Development

Section 1-1601

The Department of Economic Development shall provide the Division of Emergency Services with an estimate of the immediate economic impact of a disaster and projections of long range effects in a major emergency or natural disaster.

Part XVII — State Auditor

Section 1-1701

The State Auditor shall be responsible for conducting the State audit of project applications submitted by political jurisdictions for Federal disaster assistance.

Executive Order No. 79-3

Appendix 2 — War Emergency Assignments

Part I — Department of Public Safety Division of Emergency Services

Section 2-101

The Division of Emergency Services shall be responsible for the coordination of all emergency functions of the State and shall review all emergency plans submitted by other agencies for coordination and shall approve all such plans on behalf of the Governor, except those of a military nature.

Section 2-102

The Division of Emergency Services shall prepare a comprehensive plan describing the purpose, policies, objectives, program emphasis, and legal basis for its day-to-day operations and a plan for emergency operations during a national emergency that will insure the maximum possible protection for all people. This plan shall be in consonance with Federal guidance and shall serve as a guide to political subdivisions and agencies in the development of emergency plans and programs. The plan will coordinate the actions of all agencies of government to make the most efficient use of Federal, State, and local resources.

Section 2-103

The Division of Emergency Services shall provide technical guidance and assistance to other agencies and political subdivisions in the preparation of their plans for pre-emergency, emergency, and recovery operations.

Section 2-104

Federal assistance to the State or political subdivisions of the State for emergency purposes shall be coordinated through the Division of Emergency Services. The procedures for accepting this assistance in the form of services, equipment, supplies, material, or funds, under the limitations set by law will be established by the Division.

Section 2-105

It shall be the responsibility of the Division of Emergency Services to keep the Governor and the Legislature, when in session, informed of any actual or impending disaster. This warning, information, or guidance will be transmitted by the most expeditious means to political subdivisions as required in the interest of public safety.

EXECUTIVE ORDERS

Section 2-106

The emergency training and education needs and requests of other agencies and political subdivisions will be coordinated by the Division of Emergency Services with the agency doing the training. These needs and requests will be reflected in the Division's advice and guidance to support training agencies concerning the needed courses, their content, and the teaching methods to be used.

Section 2-107

The Division of Emergency Services shall maintain Regional offices in geographical sections of the State, as provided in the Minnesota Civil Defense Act of 1951, and the State Emergency plan, to reinforce emergency operations in stricken areas. These area operations will serve as an extension of State government to insure continuity of government and support to all areas of the State.

Section 2-108

The Division of Emergency Services shall act as the State coordinating agency with Federal agencies and others having emergency responsibilities in the area of assistance to individuals, supply, conservation, and management of resources in a national emergency.

Section 2-109

The Division of Emergency Services shall be responsible for the operation of State level programs in economic stabilization and assistance to the counties in establishing economic stabilization programs.

Section 2-110

The Division of Emergency Services shall be responsible for designating alternate emergency operating sites, in succession, for emergency control should the State Emergency Operating Center become inoperable.

Section 2-111

The Division of Emergency Services shall be responsible for the operation of the Radiological Defense (RADEF) Service of State disaster operations. The State Radiological Defense Officer shall be the chief of RADEF Service.

Division of Criminal Apprehension

Section 2-121

The Criminal Apprehension Division shall be responsible for the dissemination of Warning over the Minnesota Law Enforcement Teletype Network.

Section 2-122

The Criminal Apprehension Division shall be responsible for the coordination of the Enforcement Division of the Law Enforcement Service in the State during disaster operations. These activities will be carried out by several agencies with related day-to-day functions.

Section 2-123

The Criminal Apprehension Division shall assign personnel as Law Enforcement Division Chiefs of the Law Enforcement Service at the State and Regional operating centers.

Division of Fire Marshal

Section 2-131

The Division of Fire Marshal shall have the responsibility of preparing plans and procedures for emergency fire and rescue services during a war caused emergency, and shall assign personnel to State and Region Emergency Operating Centers as Chief of the Fire and Rescue Service.

Section 2-132

The State Fire Marshal shall be the Chief of the State Fire and Rescue Service and shall coordinate its emergency operations.

Section 2-133

The Division of Fire Marshal shall provide guidance to the political subdivisions of the State in the development of local emergency plans involving fire and rescue operations.

Division of State Patrol

Section 2-141

The Chief of the State Patrol shall be the Chief of the Law Enforcement Service and shall coordinate its emergency operations in the State.

Section 2-142

The State Patrol Division shall have the responsibility for the operation of the National Warning System (NAWAS) within the State.

Section 2-143

The State Patrol Division shall assign personnel as Law Enforcement Chiefs of the State and Regional Operating Centers.

EXECUTIVE ORDERS

Section 2-144

The State Patrol Division shall prepare plans and procedures for the enforcement of Emergency Highway Traffic Regulations from State and Region Emergency Operating Centers during national emergencies.

Section 2-145

The State Patrol Division shall provide guidance to local law enforcement agencies in developing their emergency plans.

Section 2-146

The State Patrol Division shall be responsible for protection of the personnel in the Capitol Complex during an emergency, and shall prepare plans and procedures to accomplish this protection.

Capitol Security Division

Section 2-151

The Capitol Security Division of the State Emergency Law Enforcement Service shall be responsible for providing protection to property and equipment in the Capitol Complex during an emergency, and shall prepare plans and procedures to accomplish this.

Section 2-152

The Capitol Security Division will provide twenty-four hour security for the State Emergency Operating Center during a national emergency.

Liquor Control Division

Section 2-161

The Liquor Control Division shall provide support to the Emergency Law Enforcement Service of the State during a national emergency for State and Regional Emergency Operating Centers.

Part II — Department of Administration

Section 2-201

The Department of Administration is responsible for the administration of State government from a protected operating center during national emergency. They shall assign the administrative staff, equipment, materials, and personnel needed for emergency operations.

Section 2-202

The Department of Administration is responsible for the management of Headquarters Services to State government in a national emergency. These services include, but are not limited to, stenographic, publications, maintenance, and feeding at State and Region Emergency Operating Centers.

Section 2-203

Computer services needed for survival operations and resource management in an emergency will be furnished by the Department of Administration. These services include the use of computer facilities and support staff to provide needed information on a twenty-four hour basis during and immediately following the emergency.

Section 2-204

The Department of Administration, Telecommunications Division, shall serve as the Emergency Communication Service, and shall coordinate the planning of Statewide telecommunications systems and services for emergency operations, as necessary, during a National Emergency.

Part III — Department of Transportation Division of Aeronautics

Section 2-301

The Division of Aeronautics shall have a plan for the utilization of aircraft available for emergency operations in accordance with Federal guidance.

Section 2-302

The Division of Aeronautics is responsible for providing and coordinating the use of air transportation resources within the Transportation Service of State government during a national emergency at State and Regional Emergency Operating Centers.

Section 2-303

The Division of Aeronautics will provide liaison with the Civil Air Patrol and Federal Aviation Agency and Military in coordinating special emergency missions, such as search and rescue or aerial radiological monitoring.

Section 2-304

The Division of Aeronautics shall maintain accurate records of airport facilities, aircraft registrations, and licensed pilots that could be used to provide transportation to various parts of the State in the event of a national emergency.

EXECUTIVE ORDERS

Section 2-305

The Division of Aeronautics will provide Air Transportation and/or reconnaissance as required by Division of Emergency Services in buildup to/or in the event of a national emergency.

Division of Highways

Section 2-311

The Division of Highways shall be responsible for the plans, supervision, direction, and control of engineering services in emergency operations, and shall assign personnel to State and Regional Emergency Operating Centers.

Section 2-312

Under national emergency conditions, the Division of Highways shall make available the Maintenance Construction Communication System for use as the Emergency Services Command Net.

Section 2-313

The Division of Highways is responsible for debris and wreckage removal from all Interstate and State Trunk Highways and for assistance to political subdivision on other roadways.

Section 2-314

The Division of Highways shall provide any highway clearances and waivers required to expedite the transportation of high priority materials and personnel during periods of declared emergencies, including mass relocation of the populace.

Section 2-315

The Division of Highways shall prepare Emergency Highway Traffic Regulation plans and procedures for the regulation of highway travel during period of emergency operations.

Section 2-316

The Division of Highways shall be responsible for radiological monitoring as needed during a national emergency.

Division of Public Transportation

Section 2-321

The Division of Public Transportation shall prepare plans and procedures for coordination of all rail, bus, truck and

water transportation in the State during a national emergency.

Section 2-322

The Division of Public Transportation will coordinate and direct the operations of the Transportation Service during a national emergency from State and Regional Emergency Operating Centers.

Section 2-323

The Division of Public Transportation will coordinate with the Public Service Commission for operations of ports and pipelines.

Part IV — Department of Agriculture

(Where domestic animals are involved, the Livestock Sanitary Board is responsible)

Section 2-401

The Department of Agriculture is responsible for supervision of the Food Supply Service and the protection of farm animals, land and crops, during a national emergency from State and Regional Emergency Operating Centers.

Section 2-402

The Department of Agriculture shall develop plans and procedures for a statewide food supply and distribution program in order to maintain adequate emergency food supplies. These plans will make provisions for the control and the distribution of primary and secondary foods, as provided for in the Memorandum of Understanding with the United States Department of Agriculture.

Section 2-403

The Department of Agriculture is responsible for a statewide program for the decontamination and salvage of animals and crops exposed to radioactive fallout and the use of agriculture land contaminated by radioactive fallout, to include decontamination methods, cultivation guidance and type of crop to be grown.

Section 2-404

The Department of Agriculture will coordinate food service activities with Federal agencies that have responsibilities for food resources in a national emergency.

Part V — Department of Commerce

Section 2-501

The Banking Division shall develop emergency plans and

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provide the necessary staff to support the State's responsibility in emergency banking and fiscal matters of the economic stabilization program as established by the Federal Reserve Bank.

Part VI — Department of Education

Section 2-601

The Department of Education is responsible for providing intelligence information for State disaster operations. They shall assign a Chief and report writers to the State and Region Emergency Operating Center Intelligence Sections.

Section 2-602

The Department of Education shall be responsible for assisting school districts throughout the State in preparing plans for mass care centers in support of emergency operations.

Section 2-603

The Department of Education is responsible for providing support to the Radiological Defense (RADEF) Service of State emergency staff disaster operations. This includes assigning qualified personnel as Assistant RADEF Chief, plotters, and analysts at the State and Region Emergency Operating Centers.

Section 2-604

The Department of Education is responsible for assigning qualified personnel to the Damage Assessment Service. These assignments will include a Service Chief and analysts at the State and Region Emergency Operating Centers.

Section 2-605

The Department of Education shall be responsible for encouraging and assisting school districts throughout the State in preparation of plans for protecting school children in a national emergency.

Part VII — Department of Health

Section 2-701

The Department is responsible for statewide management of emergency health and medical services and resources during a national emergency. This responsibility includes the assignments of a Health and Water Service Chief and other qualified personnel to State and Region Emergency Operating Centers.

Section 2-702

The Department shall prepare plans and procedures for providing emergency medical care for sick and injured.

Section 2-703

The Department shall prepare plans and procedures for providing emergency health service during a disaster. These plans shall include provisions for blood program, disease control, sewage, and waste disposal, the handling of radioactive materials, potable water supply, and mass burial of casualties.

Part VIII — Department of Economic Security Division of Employment Services

Section 2-801

The Division of Employment Services will prepare plans and procedures for the use of manpower within the State during national emergencies. The plan shall establish procedures for obtaining individual skills available.

Section 2-802

The Division of Employment Services will coordinate and direct the operations of the Employment Service during a national emergency from State and Region Emergency Operating Centers.

Part IX — Department of Military Affairs

Section 2-901

The Department of Military Affairs shall be responsible for preparing plans and procedures for providing available military support to civil authorities for emergency operations as set forth in the Minnesota Military Support Plan.

Part X — Department of Natural Resources

Section 2-1001

The Department of Natural Resources is responsible for preparing plans and procedures for radiological, chemical, and biological monitoring of lakes, animals, forest, and grasslands in its area of jurisdiction and assigning personnel to State and Regional Emergency Operating Centers to assist in emergency operations.

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Section 2-1002

The Department of Natural Resources, Division of Forestry, shall be responsible for Fire and Rescue Service in their areas of jurisdiction under the direction of the Chief of Fire and Rescue Service.

Section 2-1003

The Department of Natural Resources shall provide support to the State Law Enforcement Services from their Enforcement Division for such periods of the national emergency as the Governor may direct.

Section 2-1004

The Department of Natural Resources shall establish plans for the conservation and distribution of surface and underground waters in the State in emergencies.

Section 2-1005

The Department of Natural Resources shall assign the State climatologist to the Intelligence Services.

Part XI — Pollution Control Agency

Section 2-1101

The Pollution Control Agency shall be responsible for providing support to the Department of Health in national emergency operations in the detection of pollution caused by radiological, chemical and biological agents.

Section 2-1102

The Pollution Control Agency shall assist the Department of Health in preparing plans and procedures for the detection and control of radiological, chemical, and biological contamination in national emergencies.

Section 2-1103

The Pollution Control Agency shall develop plans and procedures for the administration and possible modification of pollution control standards in a national emergency.

Part XII — State Housing Finance Agency

Section 2-1201

The State Housing Finance Agency shall be responsible for coordinating emergency construction and housing activities within the State during a period of national emergency, and shall assign personnel to State and Regional Emergency Operating Centers.

Section 2-1202

The State Housing Finance Agency shall assign personnel to the Construction and Housing Division of the Engineering Services.

Part XIII — Department of Revenue

Section 2-1301

The Petroleum Division of the Department of Revenue has the responsibility for assisting the Energy Service in the management of all fuel resources within the State in an emergency.

Section 2-1302

The Petroleum Division of the Department of Revenue shall provide staff for the Energy Service at the State and Regional Emergency Operating Centers.

Section 2-1303

The Alcohol, Tobacco, and Special Taxes Division, and Field Operations Division shall be assigned to the Chief of Economic Stabilization Service for assignment in compliance activities.

Part XIV — Department of Public Welfare

Section 2-1401

The Department of Public Welfare shall be responsible for preparing plans and procedures for providing congregate care during an emergency. Included is the responsibility for providing Congregate Care Service Chiefs for State and Regional Emergency Operating Centers.

Part XV — State Energy Agency

Section 2-1501

The State Energy Agency shall assist the Division of Emergency Services in developing a plan for the emergency management of all energy resources in the State during a national emergency. The Agency shall provide staff and relevant information to the Division of Emergency Services for the energy service of the State.

Part XVI — Department of Economic Development

Section 2-1601

The Department of Economic Development will be in charge of the essential services and be responsible for

EXECUTIVE ORDERS

emergency industrial production, and shall prepare plans and procedures for controlling this production from State and Regional Emergency Operating Centers in coordination with the Business and Defense Service Administration of the United States Department of Commerce.

Section 2-1602

The Department of Economic Development is responsible for providing staffing support to the Economic Stabilization Service in disaster operations.

Part XVII — Attorney General

Section 2-1701

The Attorney General shall be responsible for providing legal advice and opinions for State emergency operations as Chief of Legal Services at the Emergency Operating Center.

Section 2-1702

The Attorney General shall perform legal advisory functions to include preparing and reviewing proclamations and special regulations as issued by the Governor in a national emergency.

Part XVIII — Department of Personnel

Section 2-1801

The Department of Personnel will support the State Employment Services during a national emergency at State

and Regional Emergency Operating Centers and will assist in the development of emergency employment utilization plans.

Part XIX — Department of Finance

Section 2-1901

The Department of Finance shall provide staffing for the State and Regional Emergency Operating Centers.

Section 2-1902

The Department of Finance shall appoint the Chief of the Fiscal Services.

Section 2-1903

The Department of Finance shall develop proper plans for Fiscal Services for the State of Minnesota in a national emergency.

Part XX — Department of Veterans Affairs

Section 2-2001

The Department of Veterans Affairs has the responsibility for coordinating the utilization of all public fallout shelters and providing a Shelter Division Chief within the Congregate Care Service (means feeding, clothing, and lodging in private and congregate facilities) of State and Regional Emergency Operating Centers in a national emergency.

Executive Order No. 79-4

Creating the Governor's Committee on the Northeast Minnesota Economic Protection Fund; Repealing Executive Order No. 178

I, Albert H. Quie, Governor of the State of Minnesota, by virtue of the authority vested in me by the Constitution and applicable statutes, including but not limited to Minn. Stat. § 15.0593 (1978), do hereby issue this Executive Order:

Whereas, the economy of northeastern Minnesota affects that of the entire state; and,

EXECUTIVE ORDERS

Whereas, as recognized by Minn. Stat. including but not limited to §§ 298.291 to 298.294 (1978), the stability of said economy must be protected and promoted; and,

Whereas, the future of the taconite area of Minnesota requires that long-range development goals be established;

Now, therefore, I order:

1. The establishment of the Governor's Committee on the Northeast Minnesota Economic Protection Fund, to address the economic issues.

a. The Committee shall consist of appropriate representation from the area and three ex-officio members representing the Department of Revenue, the Pollution Control Agency, and the Department of Economic Development.

b. The members, excluding the ex-officio members, shall be appointed by the Governor. The ex-officio members shall be designated by their respective agencies.

c. Terms of the members shall be one year.

d. The chairperson shall be appointed by the Governor.

e. Expenses and per diem shall not be paid.

2. Assessment by the Committee of the desirability of preparation of a comprehensive, long-range economic plan for northeastern Minnesota; and if appropriate, recommendation to the Governor of a means of financing such a plan, whether from the Economic Protection Fund or from other sources.

3. Assessment by the Committee of alternative structures for governance of the Economic Protection Fund, with appropriate recommendations to the Governor.

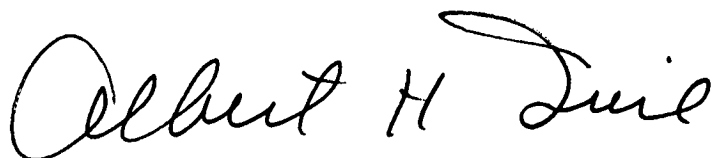
4. Recommendations and advice to the Governor on other alternative development objectives relating to the economy of northeastern Minnesota.

5. Pursuant to Minn. Stat. §§ 4.04 and 7.09 *et seq.*, respectively, the Committee may receive federal and private funds.

This order repeals Executive Order No. 178.

Pursuant to Minn. Stat. § 4.035 (1978), this order shall be effective 15 days after its publication in the *State Register* and filing with the Secretary of State and shall remain in effect until it is rescinded by proper authority or it expires in accordance with Minn. Stat. §§ 4.035 or 15.0593 (1978).

In testimony whereof, I hereunto set my hand on this 23rd day of February, 1979.



EXECUTIVE ORDERS

Executive Order No. 79-5

Providing for the Establishment of The Governor's Council on Motion Picture Production; Repealing Executive Order No. 184

I, Albert H. Quie, Governor of the State of Minnesota, by virtue of the authority vested in me by the Constitution and applicable statutes, hereby issues this Executive Order.

Whereas, Minnesota is experiencing rapid growth in the motion picture industry and is receiving increasing attention as a site for motion picture production and filming, and,

Whereas, businesses in the State of Minnesota stand to receive millions of dollars in increased income through the promotion of Minnesota as a site for film production and making, and,

Whereas, there exists a need to coordinate the activities of public and private entities that promote Minnesota as a site for film production, and,

Whereas, the State stands to receive considerable publicity and promotion as a tourist destination through the production and filming of motion pictures in the state, and

Whereas, the State of Minnesota stands to receive increased tax revenues through the promotion of the state as a site for motion picture production and filming;

Now, therefore, I order:

1. The Governor's Council on Motion Picture Production is created within the Minnesota Department of Economic Development. This Council shall consist of 15 members, and authority to appoint the members and to designate a chairperson is delegated to the Commissioner of Economic Development. The members shall be knowledgeable and interested in the motion picture industry.

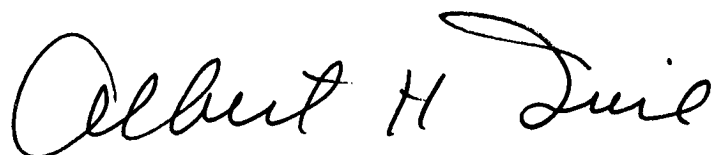
2. The Council shall meet monthly or at the call of the chairperson and shall operate pursuant to the statement of purpose, procedures and policies to be adopted by the Council.

3. The Council shall study issues affecting the attraction of motion picture production firms and filming companies to the state, and shall formulate recommendations for improving the implementing programs to attract these activities to the state.

This order repeals Executive Order No. 184.

Pursuant to Minn. Stat. § 4.035 (1978), this order shall be effective 15 days after its publication in the *State Register* and filing with the Secretary of State and shall remain in effect until it is rescinded by proper authority or it expires in accordance with Minn. Stat. §§ 4.035 or 15.0593 (1978).

In testimony whereof, I hereunto set my hand this 23rd day of February, 1979.



EXECUTIVE ORDERS

Executive Order No. 79-6

Providing for the Establishment of the Governor's Council on Fire Prevention and Control; Repealing Executive Order No. 187

I, Albert H. Quie, Governor of the State of Minnesota, by virtue of the authority vested in me by the Constitution and applicable statutes, hereby issue this Executive Order:

Whereas, it is vital for state government to encourage the development of the best possible fire protection for the people of the State of Minnesota; and,

Whereas, to achieve this goal requires a concerted effort to improve existing delivery systems at state, federal, and local levels and to provide new services and directions; and,

Whereas, there presently exists a complex array of agencies and organizations involved in the delivery of fire prevention and control services in Minnesota; and,

Whereas, no single state agency coordinates the delivery of these services; and,

Whereas, Minnesota can improve the coordination, quantity, and quality of the delivery of these services by creating a liaison body to the United States Fire Administration;

Now, therefore, I order:

1. That there be established the Governor's Council on Fire Prevention and Control, consisting of 15 members to be appointed by the Governor. Members shall be representatives of persons employed in the fire prevention and control occupations, persons engaged in teaching fire prevention and control, representatives of state and municipal government units, and other special interest groups involved in fire prevention and control on a permanent basis. The following individuals or their designees shall serve in an ex-officio, non-voting capacity: The Commissioner of Public Safety, the Director of the Division of Vocational Technical Education in the Department of Education, the Director of the Division of Forestry in the Department of Natural Resources, the Director of the State Building Code Division in the Department of Administration, the Director of the Division of Emergency Services in the Department of Public Safety, the State Fire Marshal, and the Director of the University of Minnesota Fire Center.

2. That membership terms, removal of members, compensation of members, and filling of vacancies be in accordance with Minn. Stat. § 15.0593 (1978).

3. That the Council advise the Governor, the Commissioner of Public Safety, and other state agencies and political subdivisions of the development, administration, and scope of fire protection research and fire prevention and control; the needs of Minnesota's fire suppression and control services; the development and provision of coordinated programs of education and training for such fire suppression and control services and for the general public.

4. That the Council, in performing its duties, shall receive assistance from the Minnesota State Fire Marshal, the Minnesota Department of Education, and other state agencies where appropriate.

5. That the Council shall serve as Minnesota's principal contact with the United States Fire Admin-

EXECUTIVE ORDERS

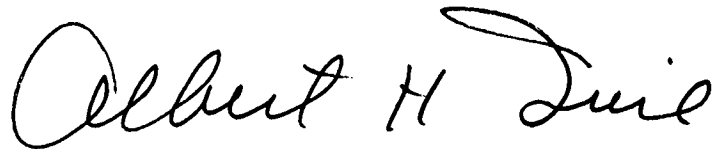
istration for purposes for the application and receipt of federal funds issued by the United States Fire Administration and shall facilitate direct and accurate communication with the United States Fire Administration. The Council shall disburse such funds to carry out the purposes for which the funds are received in accordance with all laws of the state except where federal laws, rules, or regulations differ.

6. That this order does not preclude other state agencies from applying for, receiving, accepting, and expending funds available through the above-named federal agency where said agencies are authorized under law and independently of this order to accept such funds.

This order repeals Executive Order No. 187.

Pursuant to Minn. Stat. § 4.035, this order shall be effective 15 days after its publication in the *State Register* and filing with the Secretary of State and shall remain in effect until it is rescinded by proper authority or it expires in accordance with Minn. Stat. §§ 4.035 or 15.0593 (1978).

In testimony whereof, I hereunto set my hand on this 23rd day of February, 1979.



Executive Order No. 79-7

Providing for the Delegation of Certain Duties, Responsibilities and Powers to the Office of the Lieutenant Governor of the State of Minnesota, Pursuant to Minn. Stat. § 4.04, Subd. 2; Repealing Executive Order No. 53

I, Albert H. Quie, Governor of the State of Minnesota, by virtue of the authority vested in me by the Constitution and applicable statutes, hereby issue this Executive Order:

Whereas, the voters of the State of Minnesota amended the Constitution in November 1972, to alter the duties of the Lieutenant Governor; and,

Whereas, the Minnesota Legislature provided by law in 1971 that the Governor may delegate to the Lieutenant Governor such powers, duties, and responsibilities and functions as are prescribed by law to be performed by the Governor, subject to his control; and,

EXECUTIVE ORDERS

Whereas, the powers, duties, responsibilities, and ministerial and ceremonial acts required of the Governor by the Constitution, laws of the State of Minnesota, and tradition have increased steadily over time; and,

Whereas, the present total burden of executive responsibilities of the Office of the Governor requires the judicious delegation of responsibility in the effective coordination of the legislative process between the Governor's office and both houses of the Legislature; and,

Whereas, the general increase in the responsibility of the Executive Branch of Minnesota state government has placed increasing responsibility on the Office of the Governor as the point of central responsibility for State and Local government partnerships; and,

Whereas, the public demand for fiscal responsibility in the operation of state government has added additional burdens to the Office of the Governor as the office publicly accountable for the prudent spending and effective management of tax dollars which support those agencies and services; and,

Whereas, by Constitutional provision, legislative action, and the elective decision of the people of the State of Minnesota, the Lieutenant Governor is designated as a full-time constitutional officer and a full partner in the Executive Department of Minnesota state government;

Now, therefore, I order in addition to the statutory responsibility of the Lieutenant Governor, the immediate delegation to the Lieutenant Governor of the following responsibilities:

1. The Lieutenant Governor shall coordinate and direct the legislative process between the office of the Governor and both houses of the Legislature.

2. The Lieutenant Governor shall develop, coordinate, and wherever possible implement a systematic state program to preserve and enhance the relationship between state and local units of government and between the state and business, industry and labor.

- a. Providing stimulation and assistance to local subdivisions of government so that they may take advantage of legislation and resources available to them from the State of Minnesota.

- b. Communicating with state business firms, industry and labor to plan and provide for increased job opportunities in the State of Minnesota in cooperation with the Department of Economic Development.

3. The Lieutenant Governor shall assist the Governor in the preparation, review, implementation and analysis of the biennial budget and shall advise and counsel the Governor on matters of policy and personnel.

4. The Lieutenant Governor shall discharge ministerial and ceremonial duties as the Governor may designate from time to time, and represent the Governor at public events and presentations upon the request of the Governor. He shall be responsible for communicating between the enumerated boards, agencies, and commissions and the Office of the Governor; shall seek to expedite decisions required of the Governor concerning their activities; and shall make appropriate recommendations to the Governor concerning their responsibilities, functions, and organization in order that their work may be carried out efficiently, effectively, and in the best interests of the government and the people of the State of Minnesota.

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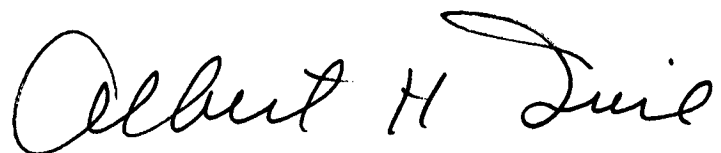
1. Governor's liaison to the Minnesota State Retirement System
2. Governor's liaison officer to the Legislative commission on Minnesota's resources
3. State Employee Suggestion Board
4. Credit Union Advisory Council
5. Upper Great Lakes Regional Commission
6. Mississippi River Parkway Commission
7. Minnesota-Wisconsin Boundary Area Commission
8. Upper Mississippi River Basin Commission
9. Iron Range Resources and Rehabilitation Board
10. Great Lakes Commission
11. Public Employees Retirement Association
12. Teachers Retirement Association
13. Highway Patrolmen's Retirement Association
14. Rural Development Council
15. Minnesota-Wisconsin Boundary Area Technical Advisory Committee
16. Minnesota-Wisconsin Boundary Area Legislative Advisory Committee.

5. The Lieutenant Governor shall make such periodic reports to the Governor as he may request from time to time regarding the discharge of the duties and responsibilities delegated in this order and he shall make such evaluations and recommendations relating to his activities as he may deem appropriate.

This order repeals Executive Order No. 53.

Pursuant to Minn. Stat. § 4.035 (1978), this order shall be effective 15 days after its publication in the *State Register* and shall remain in effect until it is rescinded by proper authority or it expires in accordance with Minn. Stat. § 4.035 (1978).

In testimony whereof, I hereunto set my hand on this 26th day of February, 1979.



EXECUTIVE ORDERS

Executive Order No. 79-8

Providing for the Establishment of the State Rural Development Council; Repealing Executive Order No. 171

I, Albert H. Quie, Governor of the State of Minnesota, by virtue of the authority vested in me by the Constitution and applicable statutes, hereby issue this Executive Order:

Whereas, it is vital for state government to provide the best possible services to the people of the State of Minnesota; and,

Whereas, to achieve this goal requires a concerted effort to improve the existing delivery systems of state, federal, and local levels and to provide new services and new directions; and,

Whereas, because there exists a multitude and complex array of agencies and institutions involved in the delivery of services to rural Minnesota; and,

Whereas, no single state agency by itself presently has a function of coordinating the delivery of services to rural Minnesota for which the state is responsible; and,

Whereas, an interdepartmental council can improve the coordination, quantity, and quality of services delivered;

Now, therefore, I order:

1. The formation of a State Rural Development Council composed of the Director of the State Planning Agency; the Director of the Office of Local and Urban Affairs, State Planning Agency; the Commissioner of Economic Development; the Commissioner of Transportation; the Commissioner of Agriculture; the Director of the State Housing Finance Agency; the Director of the Pollution Control Agency; the Commissioner of Natural Resources; the Director of the Energy Agency; the Commissioner of Economic Security; the Commissioner of Health; a representative of the University of Minnesota; a representative of a private institution of higher education; and a representative of a Minnesota state university to be named by the Governor.

Each regional development commission, the Metropolitan Council, and the U.S. Department of Agriculture State Rural Development Committee shall be asked to appoint a representative to the Rural Development Council; such representative is not required to be a member of the appointing organization.

The Lieutenant Governor shall serve as the Governor's representative on the Rural Development Council.

Representatives of appropriate federal agencies will be invited to participate in the deliberations of the Council and to provide assistance to all of the activities of the Council.

The Commissioner of Agriculture will serve as Chairperson of the Rural Development Council.

The Council will meet at the call of the Chairperson and operate pursuant to procedures and policy statements adopted by the Council and distributed to all member agencies.

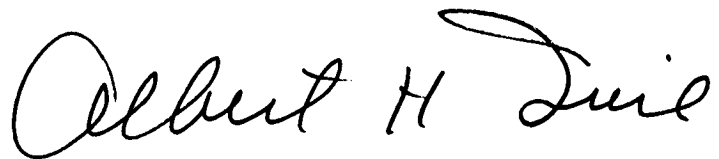
EXECUTIVE ORDERS

2. The adoption of a statement of purpose by the Council at its initial meeting, to be adopted by the consent of the Council.
3. The cooperation of all state departments and agencies with the operation of the Rural Development Council.
4. The designation by Council members of needed staff to work with the Council, and the participation in the administrative costs of the Council by member agencies.
5. The study by the Council of issues affecting the development of rural communities, and the formulation of recommendations for improving and/or implementing programs.
6. The review and recommendation to the Executive Council of rural development project proposals for funding from interest generated by the Rural Rehabilitation Revolving Fund.

This order repeals Executive Order No. 171.

Pursuant to Minn. Stat. § 4.035 (1978), this order shall be effective 15 days after its publication in the *State Register* and filing with the Secretary of State and shall remain in effect until it is rescinded by proper authority or it expires in accordance with § 4.035.

In testimony whereof, I hereunto set my hand on this 26th day of February, 1979.



Executive Order No. 79-9

Providing for the Continuance of an Intergovernmental Personnel Act Advisory Council; Repealing Executive Order No. 73

I, Albert H. Quie, Governor of the State of Minnesota, by virtue of the authority vested in me by the Constitution and applicable statutes, hereby issue this Executive Order:

Whereas, the Intergovernmental Personnel Act became federal law of the United States on January 5, 1971, for the purpose of strengthening the personnel resources of state and local governments; and,

Whereas, the resources provided by the Intergovernmental Personnel Act can benefit governmental units within the State of Minnesota; and,

EXECUTIVE ORDERS

Whereas, intergovernmental cooperation and coordination in the use of Intergovernmental Personnel Act funds is essential;

Now, therefore, I order:

1. The continuance of the Intergovernmental Personnel Act Advisory Council to plan, encourage, develop, and evaluate Minnesota's use of Federal Intergovernmental Personnel Act monies and recommend priorities on the use of funds each year to the Governor;

2. That members of the Council be appointed by the Governor and serve at his pleasure;

3. That the Governor's designee, as Director of the Intergovernmental Personnel Program, serve as Chairperson of the Council and appoint all state and local representatives to the Midwest Intergovernmental Personnel Council and its various sub-committees;

4. That the composition of the Advisory Council be as follows:

— 2 representatives from municipalities;

— 2 representatives from counties;

— a representative from the League of Minnesota Cities;

— a representative from the Association of Minnesota Counties;

— a representative from the Metropolitan Inter-County Council;

— a representative from a state regional organization;

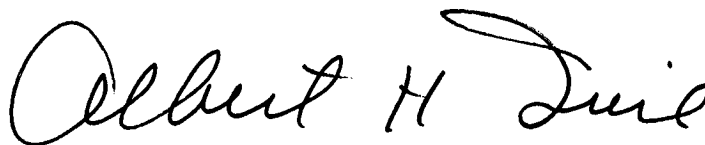
— 5 representatives from state agencies, with consideration of appointing one from State Planning and one from Higher Education.

5. The Intergovernmental Personnel Act Advisory Council shall meet on a regular basis each quarter. Additional meetings may be called at the discretion of the Chairperson. If a Council Member is unable to attend he or she may send a representative, but only members may vote. A member may be removed by the Governor after missing three consecutive meetings.

This order repeals Executive Order No. 73.

Pursuant to Minn. Stat. § 4.035 (1978), this order shall be effective 15 days after its publication in the *State Register* and filing with the Secretary of State and shall remain in effect until it is rescinded by proper authority or it expires in accordance with §§ 4.035 or 15.0593.

In testimony whereof, I hereunto set my hand on this 26th day of February, 1979.



EXECUTIVE ORDERS

Executive Order No. 79-10

Providing for the Continuation of the Minnesota Occupational Information System to Perform Responsibilities and Accept Federal Funds Under Title III of the Comprehensive Employment and Training Act of 1973; Repealing Executive Order No. 147

I, Albert H. Quie, Governor of the State of Minnesota, by virtue of the authority vested in me by the Constitution and applicable statutes, do hereby issue this Executive Order:

Whereas, a grant authorized by Title III of the Comprehensive Employment and Training Act of 1973 provides funds to support a statewide occupational information system; and,

Whereas, certain sums of money have been allocated through the Act and by appropriation to support the development and implementation of statewide occupational information systems in Minnesota; and,

Whereas, the availability of funds allocated to Minnesota for the development and implementation of an occupational information system is contingent on the establishment of a consortium policy board which is broadly representative of both the users and producers of occupational information, namely schools and educational agencies, manpower agencies, and business and industry; and,

Whereas, by Executive Order a board and executive committee were created and it is necessary to make certain changes and clarify certain responsibilities;

Now, therefore, I order:

1. The re-establishment of the board to be known as the Minnesota Occupational Information System Board.

2. The purpose of the Minnesota Occupational Information System Board shall be to accept and utilize federal funds AND other funds as available to fulfill its responsibilities and to fulfill policy responsibilities designated under Title III of the Comprehensive Employment and Training Act of 1973, as amended, and such attendant regulations and guidelines as may be promulgated by the U.S. Secretary of Labor.

3. The Minnesota Occupational Information System Board shall be comprised of fifteen members as follows: the State Affirmative Action Officer or designee, the Commissioner of Economic Security or designee, the Commissioner of Education or designee, the Commissioner of Administration or designee, the Commissioner of Personnel or designee, the Executive Director of the Minnesota Higher Education Coordinating Board or designee, the Chancellor of the State Community College System or designee representing the Higher Education Advisory Council. The Governor shall appoint one representative from the Minnesota business and industrial community and one from the labor community to serve at his pleasure. The Minnesota Occupational Information System Board shall also include one office representative of the Job Service and one client of a Comprehensive Employment and Training Act program, both nominated by the Commissioner of Economic Security, one secondary student and one guidance counselor, both nominated by the Commissioner of Education, and one post-secondary student nomi-

EXECUTIVE ORDERS

nated by the Higher Education Advisory Council to serve terms coterminous with that of the Governor. The Executive Director of the Minnesota Higher Education Coordinating Board or designee shall serve as chairperson of the Board. The Minnesota Occupational Information System Board shall select its vice-chairman from among the other members.

4. There is created an Executive Committee of the Minnesota Occupational Information System Board consisting of the following:

- a. Executive Director, Higher Education Coordinating Board or designee serving on the Board, chairperson;
- b. Commissioner of Administration or designee serving on the Board;
- c. Commissioner of Personnel or designee serving on the Board;
- d. Two other members of the Board selected by the Board.

The Executive Committee shall act as a screening committee concerning Minnesota Occupational Information System personnel and shall make its recommendation to the Board on all personnel questions; it shall further act on behalf of the Board when the Board is not convened.

5. The Minnesota Occupational Information System Board shall be authorized to:

- a. prescribe its time and place of meeting;
- b. determine its policies and procedures in accordance with state law except that personnel policies and procedures shall be subject to the approval of the Executive Director of the Higher Education Coordinating Board;
- c. select and hire an Executive Director and other necessary staff who shall be appointed by the Executive Director of the Higher Education Coordinating Board;
- d. adopt an annual operational budget;
- e. transmit appropriate reports to the Governor and Legislature;
- f. submit requests for funds to appropriate budget officers.

6. The Board shall contract with the Minnesota Higher Education Coordinating Board as personnel and fiscal agent, and shall submit an annual report to the Minnesota Higher Education Coordinating Board for administrative review and evaluation and to the boards and agencies represented on or before June 30 of each year.

7. The Higher Education Coordinating Board shall be responsible for maintenance of the consortium between boards and agencies, perform all necessary coordinating functions, provide administrative review and evaluation annually, contract with the Board to supply fiscal and personnel services, and appoint staff on recommendation of the Board.

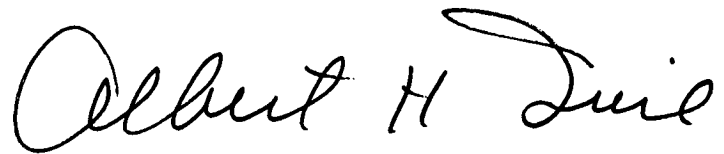
EXECUTIVE ORDERS

8. Members of the Minnesota Occupational Information System Board may be reimbursed for expenses in the manner described in Minn. Stat. § 43.329, if sufficient funds are available for such expenses.

This order repeals Executive Order No. 147.

Pursuant to Minn. Stat. § 4.035 (1978), this Order is effective 15 days after publication in the *State Register*, and shall remain in effect until rescinded by proper authority or it expires in accordance with § 4.035.

In testimony whereof, I hereunto set my hand on this 26th day of February, 1979.



Executive Order No. 79-11

Providing for the Administration of Certain State and Federally-funded Programs by the Department of Economic Security; Repealing Executive Order No. 160

I, Albert H. Quie, Governor of the State of Minnesota, by virtue of the authority vested in me by the Constitution and applicable statutes, hereby issue this Executive Order:

Whereas, the United States of America, pursuant to the Federal Comprehensive Employment and Training Act, has made available to the State of Minnesota funds to provide a system of state and local manpower programs that provide job training, employment opportunities, education and other services for economically disadvantaged, unemployed and underemployed persons; and,

Whereas, the United States of America, pursuant to the Federal Social Security Act and the Federal Comprehensive Employment and Training Act, has made available to the State of Minnesota funds for the implementation of a demonstrational training and employment project entitled the Work Equity Program as envisaged by Laws of 1977, ch. 301; and,

Whereas, the United States of America pursuant to the Federal Economic Opportunity Act and the Federal Community Services Act has made available to the State of Minnesota funds for the purpose of

EXECUTIVE ORDERS

providing for state level and statewide advocacy, policy development, coordination, and implementation of state and federally funded anti-poverty demonstration programs, including certain programs funded under the Federal Energy Conservation and Production Act and the Federal Housing Community Development Act of 1974; and,

Whereas, the United States of America, pursuant to the Federal Older American Community Services Employment Act, has made available funds to the State of Minnesota for the purpose of promoting useful part-time opportunities in community service activities for certain unemployed persons; and,

Whereas, the Department of Economic Security, as established by Minn. Stat. § 268.011, has been charged with broad responsibility in the operation of job training and placement programs and the development of manpower policy for the State of Minnesota;

Now, therefore, I order:

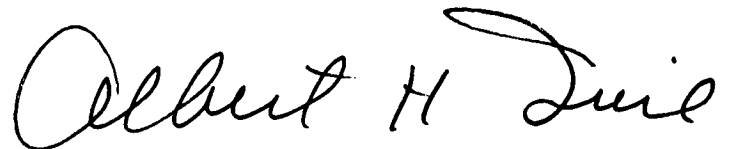
1. The Department of Economic Security shall be the state agency to act for the Governor in applying for, receiving and accepting funds granted to the State of Minnesota for the operation of the programs under the Federal Comprehensive Employment and Training Act, the Federal Economic Opportunity Act, the Federal Community Services Act, the Federal Older American Community Services Employment Act, the Federal Social Security Act, the Federal Energy Conservation and Production Act, and the Federal Housing and Community Development Act of 1974; and to be the sole state agency for the purposes of administering all programs formerly administered by the former Governor's Manpower Office under Federal and State law, and to disperse such funds to carry out the purposes for which the funds are received.

2. The Department of Economic Security shall provide staff support to the Governor's Council on Employment and Training.

This order repeals Executive Order No. 160.

Pursuant to Minn. Stat. § 4.035 (1978), this order is effective 15 days after publication in the *State Register*, and shall remain in effect until rescinded by the proper authority or it expires in accordance with § 4.035.

In testimony whereof, I hereunto set my hand on this 26th day of February, 1979.



EXECUTIVE ORDERS

Executive Order No. 79-12

Creating Crime Control Planning Regions; Repealing Executive Order No. 152

I, Albert H. Quie, Governor of the State of Minnesota, by virtue of the authority vested in me by the Constitution and applicable statutes, do hereby issue this Executive Order:

Whereas, Minn. Stat. § 299A.03, creates a Crime Control Planning Board to supersede the Governor's Commission on Crime Prevention and Control; and

Whereas, stated Legislative Policy in § 299A.03 recognizes the importance of coordinated planning and cooperation in the efforts to control crime in Minnesota; and

Whereas, the Governor is mandated to divide the State of Minnesota into crime control planning regions encompassing one or more of the economic development regions authorized by Minn. Stat. § 462.385 and Laws of 1967, ch. 896;

Now, therefore, I order:

1. Creation of the following crime control planning regions, to include the areas outlined:

Region 1 — Consisting of Kittson, Roseau, Marshall, Pennington, Red Lake, Polk, and Norman Counties.

Region 2 — Consisting of Lake of the Woods, Beltrami, Clearwater, Hubbard, and Mahnomen Counties.

Region 3 — Consisting of Koochiching, Itasca, St. Louis, Lake, Cook, Aitkin, and Carlton Counties.

Region 4 — Consisting of Clay, Becker, Wilkin, Otter Tail, Traverse, Grant, Douglas, Stevens, and Pope Counties.

Region D — Consisting of Cass, Wadena, Crow Wing, Todd, Morrison, Mille Lacs, Kanabec, Pine, Isanti, Chisago, Stearns, Benton, Sherburne, and Wright Counties.

Region E — Consisting of Big Stone, Swift, Lac Qui Parle, Chippewa, Yellow Medicine, Kandiyohi, Meeker, Renville, McLeod, Lincoln, Lyon, Redwood, Pipestone, Murray, Cottonwood, Rock, Nobles, and Jackson Counties.

Region 9 — Consisting of Sibley, Nicollet, LeSueur, Brown, Watonwan, Blue Earth, Waseca, Martin, and Faribault Counties.

Region 10 — Consisting of Rice, Goodhue, Wabasha, Steele, Dodge, Olmsted, Winona, Freeborn, Mower, Fillmore, and Houston Counties.

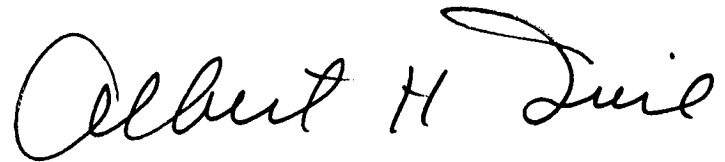
Region 11 — Consisting of Anoka, Hennepin, Ramsey, Washington, Carver, Scott, and Dakota Counties.

EXECUTIVE ORDERS

This order repeals Executive Order No. 152.

Pursuant to Minn. Stat. § 4.035 (1978), this order shall be effective 15 days after its publication in the *State Register* and shall remain in effect until it is rescinded by proper authority or it expires in accordance with § 4.035.

In testimony whereof, I hereunto set my hand on this 26th day of February, 1979.



Executive Order No. 79-13

Adopting the United Nations Standard Minimum Rules for the Treatment of Prisoners; Repealing Executive Order No. 99

I, Albert H. Quie, Governor of the State of Minnesota, by virtue of the authority vested in me by the Constitution and applicable statutes, do hereby issue this Executive Order:

Whereas, the United Nations Standard Minimum Rules for the Treatment of Prisoners were adopted by the First United Nations Congress on the Prevention of Crime and Treatment of Offenders in 1955, have been approved by the Economic and Social Council of the United Nations (resolutions of December, 1971 and December, 1973); and,

Whereas, the State of Minnesota, Department of Corrections, is charged with the supervision and custody of adult felons committed by courts of competent jurisdiction, and operates and maintains various programs and facilities for such individuals throughout the State; and,

Whereas, the United Nations Minimum Rules provide clear and meaningful standards for a correctional system, providing for inspectorial management and adherence; and,

Whereas, the standards of the State of Minnesota, Department of Corrections conform in philosophy, intent, principle, and purpose with little or no deviation:

Now, therefore, I order:

1. The State of Minnesota, does hereby adopt the philosophy, intent, principle, and purpose of these standards.

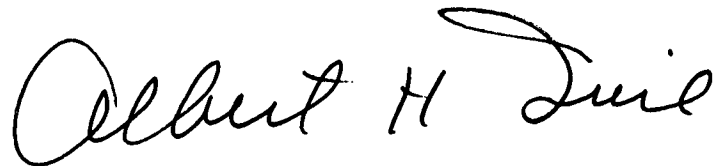
EXECUTIVE ORDERS

2. The Minnesota Department of Corrections in the execution of its lawful duties adhere to and pursue their spirit and intent.

This order repeals Executive Order No. 99.

Pursuant to Minn. Stat. § 4.035 (1978), this order shall be effective 15 days after its publication in the *State Register* and shall remain in effect until it is rescinded by proper authority and it expires in accordance with § 4.035.

In testimony whereof, I hereunto set my hand on the 26th day of February, 1979.



Executive Order No. 79-14

Providing for the Assignment of Duties to State Agencies under the Land and Water Conservation Fund Act of 1965 (P.L. 94-422); Repealing Executive Order No. 24A

I, Albert H. Quie, Governor of the State of Minnesota, by virtue of the authority vested in me by the Constitution and Minn. Stat. § 86.71 (1978), hereby issue this Executive Order:

Whereas, the proper administration of the federal Land and Water Conservation Fund Act of 1965 (P.L. 88-578) required the assignment of specific duties to various state agencies;

Now, therefore, I order that:

1. The Department of Natural Resources be designated to be the state agency to act for me, in applying for, receiving and accepting federal funds granted to the State of Minnesota from the federal "Land and Water Conservation Fund Act of 1965", Public Law 94-422, and to disburse such funds to carry out the purposes for which the funds are received in accordance with Minn. Stat. § 86.71 (1978), with the exception of the authority and responsibility for the administration of the portion of the monies made available to be distributed to local units of government as stated in § 86.71, Subd. 4.

2. The powers in Minn. Stat. § 86.71 (1978), Subd. 4, for the administration of the portion of the

EXECUTIVE ORDERS

monies made available to be distributed to local units of government are hereby designated to the State Planning Agency in accordance with Laws of 1969, Ch. 1139, § 48, Subd. 7, g, and include the following responsibilities:

a. The signing of all project proposals, project agreements, billings, final progress reports and correspondence pertinent to local units of government provided the Department of Natural Resources is furnished a copy of all approved project agreements and amendments.

b. The maintenance of project records including fiscal records for local units of government projects.

c. The responsibility of performing final and compliance inspections and auditing local units of government records on all projects.

d. The establishment of rules, regulations and procedures pertinent to administering the Fund to local units of government subject to the approval of the State Liaison Officer.

3. Notwithstanding the powers granted to the State Planning Agency in paragraph 2, the Assistant Commissioner for Planning of Natural Resources shall be a State Liaison Officer for all Federal LAWCON Funds received and shall have the following authority:

a. Responsibility for the overall fund and assign the local unit of government portion to the State Planning Agency.

b. Assignment to the State Planning Agency of blocks of project numbers to utilize on their projects.

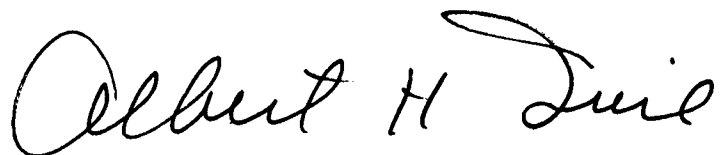
c. Total responsibility for the State's comprehensive outdoor recreation plan. Establishment of guidelines outlining the general policy and priorities on which the fund will operate and review assignment of project priorities for compliance.

d. Responsibility for all requests for federal contingency funds.

This Order repeals Executive Order 24A.

Pursuant to Minn. Stat. § 4.035 (1978), this Order shall be effective 15 days after its publication in the *State Register* and shall remain in effect until it is rescinded by proper authority or it expires in accordance with § 4.035.

In testimony whereof, I hereunto set my hand this 26th day of February, 1979.



EXECUTIVE ORDERS

Executive Order No. 79-15

Requiring the Conduct of State Business In Barrier Free Buildings; Repealing Executive Order No. 148

I, Albert H. Quie, Governor of the State of Minnesota, by virtue of the authority vested in me by the Constitution and applicable statutes, do hereby issue this Executive Order:

In order to increase the opportunities for all citizens to participate more fully in governmental activities, and,

In order to provide barrier free access to all public buildings and facilities; and,

In order to support a goal of maximum independence for its elderly and disabled citizens;

Now, therefore, I order:

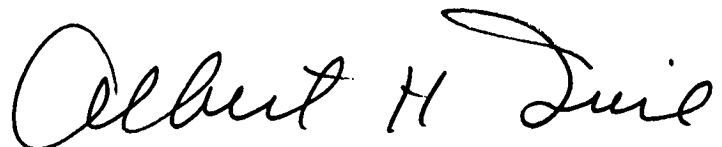
1. That all new state-owned buildings shall meet the state building code requirements on accessibility when constructed and that increased efforts be made to bring existing buildings to handicapped code standards.

2. That the state and its agencies make every feasible effort to comply with Minn. Stat. § 16.85, Subd. 1(b), so that space in buildings leased for state operations shall be free of mobility barriers as soon as possible.

3. That the state and its agencies make every feasible effort to comply with Minn. Stat. § 16.85, Subd. 1(c), so that all meetings and conferences when sponsored by state agencies in non-state facilities shall be held in hotels, motels, restaurants, and other locations that are free of mobility barriers.

Pursuant to Minn. Stat. § 4.035 (1978), this order shall be effective 15 days after its publication in the *State Register* and filing with the Secretary of State and shall remain in effect until it is rescinded by proper authority or it expires in accordance with Minnesota Statutes § 4.035 (1978).

In testimony whereof, I hereunto set my hand on this 26th day of February, 1979.



Executive Order No. 79-16

Providing for the continuation of the Governor's Council on Employment and Training; Repealing Executive Order No. 159

I, Albert H. Quie, Governor of the State of Minnesota, by virtue of the authority vested in me by the Constitution and applicable statutes, hereby issue this Executive Order:

Whereas, the Comprehensive Employment and Training Act of 1973 as amended (CETA), Public Law 95-524, established a decentralized Federal, State and local system of employment and training programs that provide job training, employment opportunities, education, and other services for economically disadvantaged, unemployed and underemployed persons; and,

Whereas, CETA requires the coordination of prime sponsor and State agency manpower policy, plans and services throughout the State and for the State to act as prime sponsor for the planning and delivery of manpower and related services in the "Balance of State" area not under the jurisdiction of other Federally-designated prime sponsors in the State; and

Whereas, it is vital that State and local agencies closely coordinate their efforts to develop plans which meet the locally determined needs, recommend meaningful programs to alleviate employment problems, reduce duplication and gaps in employment and training services, and effectively and economically utilize State and Federal manpower funds; and

Whereas, employment and training programs need to be integrated with all human services to assist the economically disadvantaged, unemployed, and underemployed; and

Whereas, it is required by CETA to establish a State Council on Employment and Training made up of representatives of program and agency sponsors, business, labor, community-based organizations, clients and the general public to advise on comprehensive employment and training plans and services and the administration of CETA funds;

Now, therefore, I order:

1. The formation of the Governor's Council on Employment and Training.

a. This Council will be composed of representatives of local units of government including prime sponsors, the State Department of Economic Security, the State Advisory Council on Vocational Education, the State Board of Vocational Education, the State Department of Public Welfare, and representatives of other state agencies, business, labor, agriculture, community-based organizations, the client community, related boards and councils and the general public.

b. Prime sponsor representatives shall make up at least one-fourth of the Council and shall be designated by the chief elected or executive official in the prime sponsor jurisdiction and appointed by the Governor. All other members, including the Chairperson, serve at the pleasure of the Governor.

c. The duties of the Council include: advising the Governor, prime sponsors, employment and training agencies, and the public on Statewide employment and training policy; developing State and

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local programs and policies which maximize employment; reviewing employment and training plans of each prime sponsor and appropriate state agencies and making comments and recommendations thereon for the purpose of coordinating State agency and prime sponsor employment and training programs; monitoring State and prime sponsor programs and services; preparing an annual report to the Governor) and consulting with the State Advisory Council on Vocational Education to identify the employment and training and vocational education needs in Minnesota and to assess the extent to which employment training, vocational education, vocational rehabilitation, public assistance, and other programs represent a consistent, integrated and coordinated approach to meeting such needs.

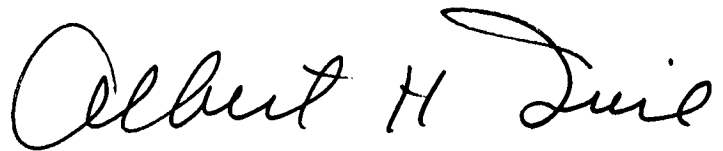
d. The Council shall meet at least five times annually and shall be authorized to determine its operating procedures in accordance with State and Federal statutes and regulations.

2. All state departments and agencies shall cooperate with the council established in this Executive Order.

This order repeals Executive Order No. 159.

Pursuant to Minn. Stat. § 4.035 (1978), this order shall be effective 15 days after its publication in the *State Register* and filing with the Secretary of State and shall remain in effect until it is rescinded by proper authority or it expires in accordance with Minn. Stat. § 4.035 (1978).

In testimony whereof, I hereunto set my hand on this 26th day of February, 1979.



Executive Order No. 79-17

Providing for the Establishment of a Governor's Task Force on Families; Repealing Executive Order No. 174

I, Albert H. Quie, Governor of the State of Minnesota, by virtue of the authority vested in me by the Constitution and applicable statutes, do hereby issue this Executive Order:

Whereas, families are truly our most precious social resource because they are responsible for perpetuating the basic goals and values which bind a society together; and,

EXECUTIVE ORDERS

Whereas, rapid and radical changes in society have brought new pressures and challenges to today's families; and,

Whereas, Minnesota families reflect a richness of ethnic diversity and family styles; and,

Whereas, public policy toward the family is of the utmost importance because of the demonstrable effects on the family of the actions of business, other social institutions, and all levels of government; and,

Whereas, public policy should be designed to combat harmful effects upon the family by all such activities, just as programs which actively serve family needs should be devised and implemented;

Now, therefore, I order:

1. Creation of a Governor's Task Force on Families.

Said Task Force to consist of 15 members representative of a broad spectrum of Minnesota citizens, with emphasis on people with a strong commitment to families as well as experience in working for the community good.

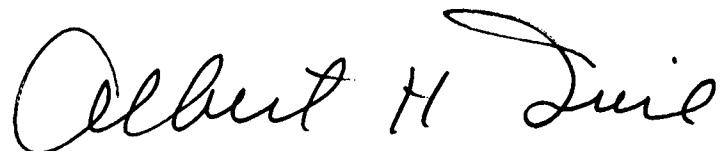
2. The purpose of the Task Force is to review ways in which existing policies and programs are affecting families and to recommend legislative and executive actions which can be supportive of families.

3. The Council for the Economic Status of Women shall act as the personnel and fiscal agent for the Task Force and the Task Force may accept and utilize any public or private funds to fulfill its responsibilities. The Task Force is designated as the agency to apply for, receive, and accept federal funds available to fulfill its responsibilities.

This order repeals Executive Order 174.

Pursuant to Minn. Stat. § 4.035 (1978) this order shall be effective 15 days after its publication in the *State Register* and filing with the Secretary of State and shall remain in effect until it is rescinded by proper authority or it expires in accordance with §§ 4.035 or 15.0593.

In testimony whereof, I hereunto set my hand on this 26th day of February, 1979.



EXECUTIVE ORDERS

Executive Order No. 79-18

Providing for the Establishment of an Employee Assistance Program for State Employees, Creating a "Governor's Committee on State Employee Assistance"; Repealing Executive Order No. 133

I, Albert H. Quie, Governor of the State of Minnesota, by virtue of the authority vested in me by the Constitution and applicable statutes, do hereby issue this Executive Order:

Whereas, the State recognizes that chemical dependency and other problems not directly associated with one's job function can have an effect on an employee's job performance; and,

Whereas, the State believes it is in the interest of the employee, the employee's family, and the State of Minnesota to provide an employee service which deals with such problems;

Now, therefore, I order that:

1. An employee Assistance Program be established which shall serve State employees and their spouses, particularly if they are chemically dependent, by:

a. training and re-training supervisors and union officials to identify job performance problems of employees and refer those employees to Diagnostic and Referral Counselors; and,

b. designating Diagnostic and Referral services to accept supervisors' and union officials' referrals, and self-referrals made by employees and their families, make initial diagnosis, and refer employees and spouses to the appropriate modicum of care.

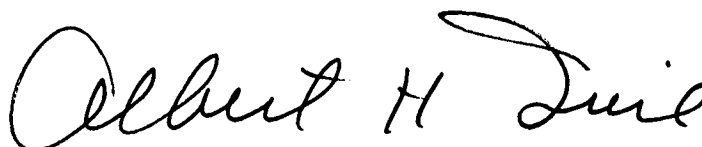
2. The Department of Administration shall serve as coordinator and be responsible for the overall design and implementation of the Employee Assistance Program.

3. An advisory committee to be known as the "Governor's Committee on State Employee Assistance" shall be appointed and convened by the Governor and will formulate recommendations concerning the operational policies of the Employee Assistance Program, with special emphasis on chemical dependency. This committee of no more than 15 members, shall include representatives of the Executive and Legislative branches, and of the labor unions which represent the employees of the State of Minnesota. Permissible expenses for the members shall be paid from the funds appropriated for this program.

This Order repeals Executive Order No. 133.

Pursuant to Minn. Stat. § 4.035, this Order shall be effective 15 days after publication in the *State Register*, and shall remain in force until rescinded by the proper authority or it expires in accordance with §§ 4.035 or 15.0593.

In testimony whereof, I hereunto set my hand this 26th day of February, 1979.



EXECUTIVE ORDERS

Executive Order No. 79-19

Continuing the Designation of the Mississippi River Corridor as a Critical Area; Repealing Executive Orders No. 130, 130A, and 130B

I, Albert H. Quie, Governor of the State of Minnesota, by virtue of the authority vested in me by the Critical Area Act of 1973, Minn. Stat. ch. 116G, hereby issue this Executive Order:

Whereas, by Executive Order No. 130, dated October 18, 1976, Wendell R. Anderson, Governor of the State of Minnesota, pursuant to law designated the Mississippi River Corridor within the Twin Cities Metropolitan Area a critical area for a period no longer than three years; and,

Whereas, in Executive Order No. 130 it was established that the Mississippi River Corridor within the Twin Cities Metropolitan Area:

1. Met all the criteria outlined in MEQC 52(b) to be designated a critical area.
2. Satisfied certain characteristics outlined in MEQC 52(a) and Minnesota Statutes, Chapter 116G.
3. With unregulated development and uncoordinated planning would threaten the public interest.
4. With coordinated planning would achieve development as a multipurpose resource, resolve the conflicts of use of land and water, preserve and enhance its natural, aesthetic, cultural, and historical value for the public use, and protect its environmentally sensitive areas; and,

Whereas, by the enactment of Minn. Stat. § 4.035, Executive Order No. 130 expires on March 31, 1979; and,

Whereas, there is a need to continue the designation of the Mississippi River Corridor within the Twin Cities Metropolitan Area, a critical area under the terms and conditions of Executive Order No. 130;

Now, therefore, I order that:

1. The Mississippi River Corridor located within the Twin Cities Metropolitan Area continue to be designated a critical area.
2. The boundaries of the Mississippi River Corridor Critical Area are delineated in the legal description in the attached Appendices A and B that are incorporated into this Order.
3. The Standards and Guidelines to be followed by local units of government, regional agencies and state agencies in the preparation and adoption of plans and regulations for the Critical Area are attached and incorporated hereby into this Order.
4. The Interim Development Regulations to be followed in granting development permits during the Interim Period are attached and incorporated hereby into this Order.
5. The Department of Natural Resources shall prepare the Scenic and Recreational Plan for the

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eight mile stretch of the river corridor in the Cities of Dayton and Ramsey. The Cities of Dayton and Ramsey shall prepare regulations for the implementation of the plan and both the regulations and the plan shall conform to the critical area standards and guidelines.

The DNR plan and the local regulations shall be submitted to the EQB for approval, and once approval is granted, the critical area designation order for the eight mile stretch of the river corridor shall lapse. At that time, the Department of Natural Resources shall assume management responsibilities under the authority of the State Wild and Scenic River Act.

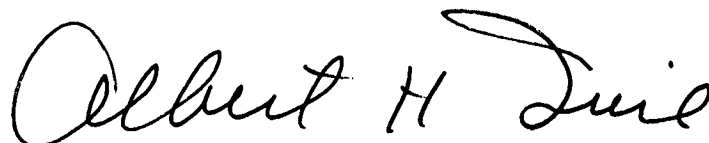
6. The State Planning Agency shall continue to determine and administer the amount of funds needed for the preparation and adoption of plans and regulations.

7. The designation order for the remainder of the critical area corridor shall be effective for no longer than three years from the date of the original order, pending final approval by the Legislature or the Metropolitan Council.

This Order repeals Executive Orders No. 130, 130A, and 130B.

Pursuant to Minn. Stat. § 4.035 (1978), this order shall be effective 15 days after its publication in the *State Register* and filing with the Secretary of State and shall remain in effect until it is rescinded by proper authority or it expires in accordance with Minn. Stat. § 4.035 (1978), or until October 18, 1979, whichever is earliest.

In testimony whereof, I hereunder set my hand this 26th day of February, 1979.



Appendix A

Legal Description of the River Corridor

Ramsey

Commencing at the point where the west boundary line of Anoka County intersects with the north boundary line of Hennepin County;

Thence north along said Anoka County west boundary line to the NW corner of the NW quarter of the SW quarter of Section 19 (T32N, R25W);

Thence east along the north side of the NW quarter of the SW quarter of Section 19 (T32N, R25W), to its intersection with the center line of U.S. Highway 10;

Thence along said center line in a southeasterly direction to the intersection with the north side of Section 30 (T32N, R25W);

Thence eastward along the north side of Section 30 to the NW corner of Section 29, (T32N, R25W);

Thence south along the west side of Section 29 to the SW corner of the NW quarter of said Section 29;

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Thence east along the south side of the NW quarter of said Section 29 to the NW corner of the NE quarter of the SW quarter of said Section 29;

Thence south along the west side of the NE quarter of the SW quarter of said Section 29 to SW corner of the NE quarter of the SW quarter of said Section 29;

Thence east along the north line of the southeast quarter of the southwest quarter said Section 29; to the west boundary line of Section 28; (T32N, R25W);

Thence east along the northern boundary of Government Lot 1, Section 28, (T32N, R25W) to the NE corner of said lot;

Thence south to the SE corner of said Government Lot 1, Section 28, (T32N, R25W);

Thence east along the north side of Section 33 (T32N, R25W) to the NE corner of Government Lot 2 in said Section;

Thence south along the east side of Government Lot 2, Section 33 (T32N, R25W) to the SW corner of the northern half of the NE quarter of the NE quarter of Section 33;

Thence east to the west side of Section 34 (T32N, R25W);

Thence south to the SW corner of the NW quarter of the SW quarter of the NW quarter of Section 34 (T32N, R25W);

Thence east to the west side of Section 35 (T32N, R25W);

Thence south along the west side of Section 35 (T32N, R25W) to the NW corner of Government Lot 1, Section 35 (T32N, R25W);

Thence east to the NW corner of the SW quarter of the NE quarter of the SW quarter of Section 35 (T32N, R25W);

Thence south to the SW corner of the SW quarter of the NE quarter of the SW quarter of Section 35 (T32N, R25W);

Thence east along the south side of the NE quarter of the SW quarter of Section 35 (T32N, R25W) to its intersection with the west boundary of Anoka;

Thence northeasterly along the west boundary of Anoka to the intersection with the center line of U.S. Highway 10.

Anoka

Thence southeasterly along said center line to the intersection with the center line of Park Street in the City of

Anoka; south along the center line of Park Street to the intersection with the west side of Section 1 (T31N, R25W);

Thence south along said west side to the intersection with the center line of Benton Street;

Thence southeasterly along said center line to the intersection with the center line of State Avenue;

Thence south along the center line of State Avenue to the intersection with the center line of Rice Street;

Thence east along the center line of said street to the intersection with the center line of Ferry Street;

Thence easterly along a line from said intersection to the intersection of the center lines of Madison Street and River Avenue;

Thence east from said point along the center line of Madison Street to the intersection with the center line of 1st Avenue;

Thence south along 1st Avenue to the intersection with the center line of Jefferson Street;

Thence east along the center line of said street to the intersection with the center line of 2nd Avenue;

Thence south along said center line to the intersection with the center line of Adams Street;

Thence east along said center line to the intersection with the center line of 3rd Avenue;

Thence south along said center line to the intersection with the center line of Oakwood Drive;

Thence easterly along said center line to the intersection with the center line of Kings Lane;

Thence southwesterly along said center line to the intersection with the center line of Birch Street;

Thence southeasterly along said center line to the intersection with the center line of Queens Avenue;

Thence south along said center line to the intersection with the center line of Pine Street;

Thence southeasterly along said center line to the intersection with the center line of 9th Avenue;

Coon Rapids

Thence from this point, a straight line to the intersection of the center line of 115th Avenue with the west side of Section 17 (T31N, R24W);

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From this point, east along a line to the intersection of the east side of the NW quarter of said Section 17 with the center line of Coon Rapids Boulevard;

From said point southeasterly along the center line of Coon Rapids Boulevard to the intersection with the center line of Mississippi Boulevard;

Thence southerly along said center line to the intersection with the center line of Hansen Boulevard;

Thence south along said center line to the intersection with the center line of 99th Avenue NW;

Thence east along said center line to the SW corner of the NW quarter of the NW quarter of Section 26 (T31N, R24W);

Thence east along the south side of the north half of the NW quarter of said Section 26;

Thence continuing east along the south side of the NW quarter of the NE quarter of said Section 26 to the intersection with the center line of East River Boulevard. (Anoka County Highway 1);

Thence south along said center line to the intersection with the west side of the east half of the SE quarter of said Section 26;

Thence south along said line to the SW corner of the SE quarter of the SE quarter of said Section 26;

Thence continuing south along the west side of the east half of the NE quarter of Section 35 (T31N, R24W);

Thence continuing south along the west side of the NE quarter of the SE quarter of said Section 35 to the SW corner of the NE quarter of the SE quarter of said Section 35;

From this point, southeasterly along a diagonal to the NW corner of Section 3 (T30N, R24W);

From said corner, east along the north side of said Section 3 to the intersection with the center line of Anoka County Trunk Highway 1;

Fridley Minneapolis

Thence south along the center line of said highway to the Anoka-Hennepin County common boundary line;

Thence continuing south along the center line of now Hennepin County Trunk Highway 23 to the center line of 30th Avenue NE;

Thence east along said center line to the intersection with the center line of Randolph Street;

Thence south along said center line to the intersection with the center line of 26th Avenue NE;

Thence east along said center line to the intersection with the center line of Grand Street;

Thence south along said center line to the intersection with the center line of 13th Avenue NE;

Thence southwesterly along said center line to the intersection with the center line of Ramsey Street;

Thence southeasterly along said center line to the intersection with the center line of 7th Avenue NE;

Thence northeasterly along said center line to the intersection with the center line of Main Street;

Thence southeasterly along said center line to the intersection with the center line of 5th Avenue NE;

Thence northeasterly along said center line to the intersection with the center line of University Avenue;

Thence southeasterly along said center line to the intersection with the center line of Oak Street;

Thence south along said center line to the intersection with the center line of Fulton Street;

Thence east along said center line to the intersection with the center line of Huron Street;

Thence southerly along said center line to the intersection with the center line of Interstate 94;

Thence southeasterly along said center line to the intersection with the Minneapolis-St. Paul common boundary line;

St. Paul

Thence south along said line to the intersection with the center line of Otis Avenue;

Thence southeasterly along Otis Avenue to the intersection with the center line of Exeter Place;

Thence south along said center line to the intersection with the center line of Mississippi River Boulevard;

Thence east along said center line to the intersection with the center line of Cretin Avenue;

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Thence south along said center line to the intersection with the center line of Goodrich Avenue;

Thence west along said center line to the intersection with the center line of Woodlawn Avenue;

Thence south along said center line to the intersection with the center lines of Randolph Avenue, Woodlawn Avenue and Mount Curve Boulevard;

Thence south along the center line of Mount Curve Boulevard to the intersection with the center line of Ford Parkway;

From this point southeasterly along a diagonal to the intersection of the center lines of Hampshire Avenue and Finn Street;

Thence south along the center line of Finn Street to the intersection with the center line of Magoffin Avenue;

Thence east along said center line to the intersection with the center line of Cleveland Avenue;

Thence south along said center line to the intersection with the center line of Norfolk Avenue;

Thence southeasterly and easterly along said center line to the intersection of the center line of Stewart Avenue;

Thence northeasterly along said center line to the intersection with the center line of Alton Street;

Thence southeasterly along said center line to the intersection with the center line of Youngman Avenue;

Thence northeasterly along said center line to the intersection with the center line of Rankin Street;

Thence northwesterly along said center line to the intersection with the center line of Stewart Avenue;

Thence northeasterly along said center line to the intersection with the center line of Homer Avenue;

Thence northwesterly along said center line to the intersection with the south boundary line of the right-of-way of the Chicago, Milwaukee, St. Paul and Pacific Railroad;

Thence northeasterly along said boundary to the intersection with the center line of Watson Avenue;

Thence east along said center line to the intersection with the center line of Drake Street;

From this point, northeasterly along a diagonal to the intersection of the center lines of Randolph Avenue and Erie Street;

Thence north along the center line of Erie Street to the intersection with the center line of Jefferson Avenue;

Thence east along said center line to the intersection with the center line of Colburne Avenue;

From this point, northeasterly along a diagonal to the intersection of the center lines of St. Clair Avenue and Western Avenue;

Thence east along the center line of St. Clair Avenue to the intersection with the center line of Ann Street;

Thence north along said center line to the intersection with the center line of Superior Street;

Thence east along said center line to the intersection with center line of Dousman Street;

Thence north along said center line to the intersection with the center line of Banfil Avenue;

Thence east along said center line to the intersection with the center line of Smith Street;

Thence north along said center line to the intersection with the center line of Goodrich Avenue;

Thence east along said center line to the intersection with the center line of Leech Street;

Thence north along said center line to the intersection with the center line of McBoal Street;

Thence east along said center line to the intersection with the center line of Wilkin Street;

Thence north along said center line to the intersection with the center line of Exchange Street;

Thence northeasterly along said center line to the intersection with the center line of Kellogg Boulevard;

Thence easterly and northeasterly along said center line to the intersection with the center line of Interstate 94;

Thence southeasterly along said center line to the intersection with the center line of Maria Avenue;

Thence southeasterly along said center line to the intersection with the south side of Section 33 (T20N, R22W);

Thence east along said line to the intersection with the center line of Burns Avenue;

Thence east along said center line to the intersection with the center line of Upper Afton Road;

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Thence southeasterly along said center line to the intersection with the center line of Hazel Avenue;

Thence south along said center line to the intersection with the north side of Section 11 (T28N, R22W);

Thence east along said side to the NE corner of the NW quarter of said Section 11;

Thence south along the east side of the NW quarter of said Section 11 to the SE corner of the NW quarter of said Section 11;

Thence east along the north side of the SE quarter of said Section 11 to the NW corner of the east half of the SE quarter of said Section 11;

Thence south along the west side of the east half of the SE quarter of said Section 11 to the south line of said Section 11;

Thence east along the south side of said Section 11 to the intersection with the center line of McKnight Road;

Thence south along said center line to the intersection with the center line of Carver Avenue;

Maplewood

Thence east along said center line to the intersection with the west side of the east half of the NW quarter of Section 24, (T28N, R22W);

Thence south along said side continuing along the west side of the east half of the SW quarter of said Section 24, to the intersection with the center line of Interstate 494;

Thence southwesterly along said center line to the intersection with the center line of 1st Avenue in Newport;

Newport

Thence south along said center line to the intersection with the center line of 17th Street;

Thence east along said center line to the intersection with the center line of 3rd Avenue;

Thence south along said center line to the intersection with the center line of 12th Street West;

Thence east along said center line to the intersection with the center line of 4th Avenue;

Thence south along said center line to the intersection with the south side of the north half of Section 1 (T27N, R22W);

St. Paul Park

Thence east along said side to the center line of Third Street, City of St. Paul Park;

Thence south along said center line to the intersection of 6th Avenue (commonly known as Broadway);

Thence west along said center line to the intersection of the center line of Main Street;

Thence south along said center line to the intersection of the center line of Pullman Avenue;

Thence east along said center line to the intersection with the center line of 3rd Street;

Thence south along said center line to the South city limits of St. Paul Park;

Grey Cloud

Thence south along said center line to the intersection with the center line of Grey Cloud Trail;

Thence southeasterly along said center line to the intersection with the south side of Section 19 (T27N, R21W);

Cottage Grove

Thence east along said side to the SE corner of said Section 19;

Thence south along the west side of Section 29 (T27N, R21W) to the intersection with the NW corner of the SW quarter of the NW quarter of said Section 29;

Thence east along the north side of the SW quarter of the NW quarter of said Section 29 to the NE corner of the SW quarter of the NW quarter of said Section 29;

Thence south along the east side of the SW quarter of the NW quarter and along the east side of the NW quarter of the SW quarter of said Section 29 to the NW corner of the SE quarter of the SW quarter of said Section 29;

Thence east along the north side of the SE quarter of the SW quarter of said Section 29 to the NE corner of the SE quarter of the SW quarter of said Section 29;

Thence south along the east side of the SW quarter of said Section 29 to the south side of said Section 29;

Thence east along the south side of Sections 29 and 28 to the southwestern corner of Section 27;

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Thence north along the west side of said Section 27 to the NW corner of the SW quarter of said Section 27;

Thence east along the north side of the south half of said Section 27 to the east side of said Section 27;

Thence south along the east side of said Section 27 to the SE corner of said Section;

Thence east along the south side of Section 26 (T27N, R21W), to the intersection with the center line of U.S. Highway 61;

Denmark

Thence southeasterly along said center line to the intersection with the center line of U.S. Highway 10;

Thence easterly along said center line to the intersection with the south side of Section 6 (T26N, R20W);

Thence east to the SE corner of said Section 6;

Thence southeasterly along a diagonal to the SE corner of the north half of the NW quarter of Section 8 (T26N, R20W);

Thence east along the south side of the north half of the NE quarter of said Section 8 to the east side of said Section 8;

Thence south along the east side of Section 8 to the intersection with the northeasterly boundary of Dakota county;

Ravenna

Thence southeasterly along the Dakota County boundary to the intersection with the Dakota County-Goodhue County common boundary;

Thence south along said boundary to the intersection with the south side of Section 21 (T114N, R16W);

Thence west along the south side of said Section to the SW corner of said Section;

Thence north along the west side of said Section to the NW corner of said Section;

Thence north along the west side of Section 16 (T114N, R16W) to the intersection with the center line of Dakota CSAH 54;

Thence northwesterly along said center line to the intersection with the south side of Section 31 (T115N, R16W);

Thence west along said line to the SW corner of said Section 31;

Thence north along the east side of Section 36 (T115N, R17W) to the NE corner of the SE quarter of the SE quarter of said Section 36;

Thence west along the south side of the NE quarter of the SE quarter of said Section 36 to the SW corner of the NE quarter of the SE quarter of said Section 36;

Thence north along the west side of the east half of the SE quarter of said Section 36 to the NW corner of the NE quarter of the SE quarter of said Section 36;

Thence west along the north side of the south half of said Section 36 and Section 35 (T115N, R16W) to the west side of said Section 35;

Hastings

Thence north along the west side of said Section 35 and Section 26 (T115N, R16W) to the intersection with the center line of 3rd Street;

Thence west along said center line to the intersection with the center line of Washington Street;

Thence west along said center line to the intersection with the center line of Dakota County Road 42;

Nininger

Thence northwesterly along said center line to the intersection with the center line of Dakota County Highway 87;

Thence northwesterly along said center line to the intersection with the center line of 125th Street east;

Thence west along said center line to the intersection with the center line of Isadore Avenue;

Thence south along said center line to the intersection with the center line of 127th Street east;

Thence west along said center line to the intersection with the center line of Idell Avenue;

Thence south along said center line to the intersection with the center line of Dakota County Road 42;

Thence southwesterly along said center line to the intersection with the center line of Minnesota Highway 55;

Rosemount Inver Grove Heights

Thence west and then north along said center line to the intersection with the center line of Dakota County Road 77;

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Thence north along said center line to the intersection with the center line of Minnesota State Highway 56;

Thence north along said center line to the intersection with the center line of 70th Street east;

Thence west along said center line to the intersection with the center line of Delany Avenue east;

Thence north along said center line to the intersection with the center line of 69th Street east;

Thence west along said center line to the east side of Section 3 (T27N, R18W);

Thence north along said side to the NE corner of said Section 3;

Thence west along the north side of said Section 3 to the intersection with the center line of Henry Avenue;

South St. Paul

Thence north along said center line to the intersection with the center line of Chestnut Street;

Thence east along said center line to a point directly in line with the southerly extension of Eldridge Avenue;

From this point, northwesterly along a diagonal to the intersection of the center lines of Spruce Street and Eldridge Avenue;

Thence north along the center line of Eldridge Avenue to the intersection with the center line of Dale Street;

Thence west along said center line to the intersection with the center line of Syndicate Avenue;

Thence north along said center line to the intersection with the center line of Warburton Street;

From this point, northwesterly, along a diagonal to the intersection of the center lines of 8th Street South and 1st Avenue South;

Thence north along the center line of 1st Avenue South to the intersection with the center line of Southview Boulevard;

Thence west along said center line to the intersection with the center line of 2nd Avenue South;

Thence north along said center line to the intersection with the center line of Marie Avenue;

Thence west along said center line to the intersection with the center line of 3rd Avenue North;

Thence north along said center line to the intersection with the center line of 2nd Street North;

Thence west along said center line to the intersection with the center line of 4th Avenue North;

Thence north along said center line to the intersection with the center line of 3rd Street North and Grand Avenue;

Thence north along the center line of Grand Avenue to the intersection with the center line of 5th Avenue North;

From this point northwesterly along a diagonal to the intersection of the center lines of Turin and Stewart Avenues;

Thence north along the center line of Stewart Avenue to the intersection of the center lines of 8th Avenue North and Thompson Avenue;

From this point northwesterly along a diagonal to the intersection of the center lines of Highland Avenue and 10th Avenue North;

From this point, northwesterly along a diagonal to the intersection of the center lines of Bryant and Summit Avenues;

Thence north along the center line of Summit Avenue to the intersection with the center line of Orme Avenue;

From this point northwesterly along a diagonal to the intersection of the center lines of Butler and Stickney Avenues;

From this point northwesterly along a diagonal to the intersection of the center lines of Stanley and Evans Avenues;

Thence north along the center line of Evans Avenue to the intersection of the center lines of Stickney Avenue and Lewis Street;

Thence north along the center line of Stickney Avenue to the intersection with the St. Paul-South St. Paul common boundary;

St. Paul

Thence west along said boundary to the intersection with the center line of new State Highway 56;

Thence north along said center line to the intersection with the center line of East Page Street;

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Thence west along said center line to the intersection with the center line of Woodbury Street;

Thence north along said center line to the intersection with the center line of Prescott Street;

Thence west along said center line to the intersection with the center line of Oakdale Avenue;

Thence north along said center line to the intersection with the center line of East King Street;

Thence west along said center line to the intersection with the center line of Robert Street;

Thence north along said center line to the intersection with the center line of George Street;

Thence west along said center line to the intersection with the center line of Humboldt Avenue;

Thence north along said center line to the intersection with the center line of Winifred Street;

Thence west along said center line to the intersection with the center line of Hall Street;

Thence north along said center line to the intersection with the center line of Delos Street;

Thence west along said center line to the intersection with the center line of Bidwell Street;

Thence south along said center line to the intersection with the center line of W. Congress Street;

Thence west along said center line to the intersection with the center line of Ohio Street;

Thence south along said center line to the intersection with the center line of Robie Street;

Thence west along said center line to the intersection with the center line of Manomin Avenue;

Thence south along said center line to the intersection with the center line of West George Street;

Thence west along said center line to the intersection with the center line of Smith Avenue;

Thence south along said center line to the intersection with the center line of West Stevens Street;

Thence west along said center line to the intersection with the center line of Ottawa Avenue;

Thence south along said center line to the intersection with the center line of Morton Street;

Thence west along said center line to the intersection with the center line of Delaware Avenue;

Thence south along said center line to the intersection with the center line of State Highway 13;

Mendota Heights

Thence west and southwesterly along said center line to the intersection with the center line of Sylvandale Road;

Thence south along said center line to the intersection with the center line of Woodridge Drive;

Thence southwesterly along said center line to the intersection with the center line of Cascade Lane;

Thence south along said center line to the intersection with the center line of Arcadia Drive;

From this point southwesterly along a diagonal to the northwest corner of Section 24 (T28N, R22W);

Thence west along the north side of Section 23 (T28N, R22W), to the intersection with the center line of the Northern States Power Company utility easement;

Thence south along said center line to the intersection with the south side of the north half of the NE quarter of said Section 23;

From this point, southwesterly along a diagonal to the intersection of the center lines of Victoria Road and Caren Road;

Thence westerly along the center line of Caren Road to the intersection with the center line of James Road;

Thence southwesterly along said center line to the intersection with the center line of Douglas Road;

Thence westerly along said center line to the intersection with the center line of James Road;

Thence westerly along said center line to the intersection with the center line of Lexington Avenue;

Thence south along said center line to the intersection with the center line of Orchard Place;

Thence westerly along said center line to the intersection with the center line of Hunter Lane;

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Thence south along said center line to the intersection with the center line of State Highway 110;

Thence west along said center line to the intersection with the center line of Minnesota Highway 13;

Thence southerly along said center line to the intersection with the center line of Interstate 494;

Thence westerly along said center line to the intersection with the center line of State Highway 5;

Thence northeasterly along said center line to the intersection with the boundary line of the Fort Snelling State Park;

Thence northerly along said boundary line to the intersection with the center line of State Highway 55;

Minneapolis

Thence northwesterly along said center line to the intersection with the center line of 47th Avenue South;

Thence north along said center line to the intersection with the center line of Minnehaha Avenue;

Thence northwesterly along said center line to the intersection with the center line of Nawadaha Boulevard;

Thence easterly along said center line to the intersection with the center line of 46th Avenue South;

Thence north along said center line to the intersection with the center line of E. 46th Street;

Thence east along said center line to the intersection with the center line of 47th Avenue South;

Thence north along the center line of 47th Avenue South to the intersection with the center line of East 44th Street;

From this point north along a straight line to the intersection of the center lines of Dowling Street and 47th Avenue South;

Thence north along the center line of 47th Avenue South to the intersection with the center line of East 32½ Street;

Thence west along said center line to the intersection with the center line of 46th Avenue South;

Thence north along said center line to the intersection with the center line of East 35th Street;

Thence east along said center line to the intersection with the center line of 47th Avenue South;

Thence north along said center line to the intersection with the center line of East Lake Street;

Thence west along said center line to the intersection with the center line of 46th Avenue South;

Thence north along said center line to the intersection with the center line of Dorman Avenue;

Thence northwesterly along said center line to the intersection with the center line of 40th Avenue South;

Thence in a straight line northwest to the intersection of the center lines of Minneapolis Avenue and 34th Avenue South;

Thence northwest along the center line of Minneapolis Avenue to the intersection with the center line of 31st Avenue South;

Thence north along said center line to the intersection with the center line of Franklin Avenue;

Thence west along said center line to the intersection with the center line of Riverside Avenue;

Thence northwest along said center line to the intersection with the center line of 19th Avenue South;

Thence north along said center line to the intersection with the center line of 2nd Street South;

Thence northwest along the center line of 2nd Street South to the intersection of the center lines of 2nd Street South and Hennepin Avenue;

Thence north-northwest along the center line of 2nd Street North to the intersection with the center line of Mississippi Drive;

Thence north-northeast along said center line to the intersection with the center line of Lyndale Avenue North;

Thence north along said center line to the intersection with the center line of Interstate 94;

Thence north along said center line to the intersection with the center line of 52nd Avenue North;

Thence west along said center line to the intersection with the center line of 4th Street North;

Thence northwesterly along said center line to the intersection with the center line of 55th Avenue North;

Brooklyn Center

Thence westerly along said center line to the intersection with the center line of Camden Avenue North;

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Thence north along said center line to the intersection with the center line of 62nd Avenue North;

Thence in a straight line northeasterly to the intersection of the center lines of State Highway 169 and Interstate 94;

Brooklyn Park

Thence north along the center line of State Highway 169 to the intersection with the center line of 89th Avenue North;

Thence west along said center line to the west side of Section 13 (T₁N, R₂₄W);

Thence north along said side of said Section 13 to the NW corner of said Section 13;

From this point west along the south side of Section 11 (T₃₁N, R₂₄W) to the SW corner of the SE quarter of the SE quarter of said Section 11;

Thence north to the NW corner of the SE quarter of the SE quarter of said Section 11;

Thence in a straight line northwest to the intersection of the center lines of Logan Avenue North and 95th Avenue North;

Thence northeast along the center line of Logan Avenue North to the intersection with the center line of 96th Avenue North;

Thence northwest along said center line to the intersection with the center line of Newton Avenue North;

Thence north along said center line to the intersection with the center line of 97th Avenue North;

Thence west along said center line to the SE corner of the NW quarter of said Section 11;

Thence north along the east side of the NW quarter of said Section 11 to the intersection with the center line of State Highway 169;

Thence northwest along said center line to the north side of the south half of the SW quarter of Section 2 (T₃₁N, R₂₄W);

Thence west along the said side to the west side of said Section 2;

Thence north-northwest in a straight line to the intersection of the center lines of Riverside Place and Sunset Road;

Thence northwest along the center line of Riverside Place

to the intersection with the center line of France Avenue North;

Thence north-northeast along said center line to the intersection with the center line of U.S. Highway 169;

Champlin

Thence northwest along said center line to the intersection with the center line of Hayden Lake Road;

Thence west along said center line to the intersection with the center line of U.S. Highway 52;

Thence north along said center line to the intersection with the center line of U.S. Highway 169;

Thence northwest along said center line to the intersection with the center line of Hennepin County Road 12;

Thence northwest along said center line to the intersection with the east side of Section 14 (T₁₂₀N, R₂₂W);

Dayton

Thence north along said side of Section 14 to the SE corner of the NE quarter of the NE quarter of Section 14 (T₁₂₀N, R₂₂W);

Thence west along the south side of the NE quarter of the NE quarter of Section 14 to the SW corner of the NE quarter of the NE quarter of Section 14 (T₁₂₀N, R₂₂W);

Thence north along the west side of the NE quarter of the NE quarter of Section 14 to the south side of Section 11 (T₁₂₀N, R₂₂W);

Thence west along the south side of Section 11 (T₁₂₀N, R₂₂W) to the SW corner of the SE quarter of said Section;

Thence north along the west side of the SE quarter of Section 11 to the NW corner of the SW quarter of the SE quarter of Section 11 (T₁₂₀N, R₂₂W);

Thence west along the north side of the south quarter of Section 11 to the intersection with the east side of Section 10 (T₁₂₀, R₂₂W);

Thence south along the west side of Section 11 to the SW corner of the N one-half of the NW quarter of the SW quarter of the SW quarter of Section 11 (T₁₂₀N, R₂₂W);

Thence west across Government Lot 6 to the east boundary of Government Lot 5, Section 10 (T₁₂₀N, R₂₂W);

Thence south along the east boundary of Government Lot

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5 to the NE corner of the south 20 acres of Government Lot 5, (T120N, R22W);

Thence west to the SW corner of the NE quarter of the SE quarter of the SW quarter of Section 10 (T120N, R22W);

Thence north to the south side of Government Lot 4, Section 10 (T120N, R22W);

Thence west to the SW corner of Government Lot 4, Section 10 (T120N, R22W);

Thence north along the west side of Government Lot 4 to the NW corner of Government Lot 4, Section 10 (T120N, R22W);

Thence west to the east side of Section 9 (T120N, R22W);

Thence north along the east side of Section 9 to the SE corner of Government Lot 1, Section 9 (T120N, R22W);

Thence west along the south side of Government Lot 1 to the SW corner of Government Lot 1 within Section 9 (T120N, R22W);

Thence north along the west side of Government Lot 1 in Section 9 to the north side of Section 9 (T120N, R22W);

Thence west along the north side of Section 9 to the NE corner of the NE quarter of the NW quarter of Section 9 (T120N, R22W);

Thence south along the east side of the NE quarter of the NW quarter to the SE corner of the NE quarter of the NW quarter of Section 9 (T120N, R22W);

Thence west along the south side of the north quarter of Section 9 to the SW corner of the NW quarter of the NW quarter of Section 9 (T120N, R22W);

Thence north along the east side of Section 8 (T120N, R22W) to the SE corner of the northern half of the NE quarter of the NE quarter of Section 8 (T120N, R22W);

Thence west along the south side of the northern half of the NE quarter of the NE quarter in Section 8 to the SW corner of the northern half of the NE quarter of the NE quarter of Section 8 (T120N, R22W);

Thence north along the west side of the northern half of the NE quarter of the NE quarter of Section 8 (T120N, R22W) to the south side of Section 5 (T120N, R22W);

Thence west to the SW corner of Government Lot 4 in Section 5;

Thence north along the west side of Government Lot 4 to the SE corner of Government Lot 3, Section 5 (T120N, R22W);

Thence west along the north side of the south quarter of Section 5 to the SW corner of the NW quarter of the SW quarter of Section 5;

Thence north to the SW corner of Government Lot 2, Section 5;

Thence west to the SW corner of Government Lot 3, Section 6 (T120N, R22W);

Thence north along the western boundary of Government Lot 3 in Section 6 (T120N, R22W) to its intersection with the center line of Hennepin County Road 12;

Thence in a northwesterly direction along said center line traversing Government Lot 2 in Section 6 and continuing through Section 31 (T120N, R22W) to the intersection with the Hennepin-Wright County common boundary line at the mouth of the Crow River.

Thence northerly along said line to the Hennepin County-Sherburne County common boundary line;

Thence easterly along said line to the point where the west boundary line of Anoka County intersects with the north boundary line of Hennepin County.

Appendix B

Mississippi River Corridor Districts

1. Rural open space districts

a. On the east side of the river:

(1) From the Anoka County-Sherburne County common boundary to the west side of Section 35 (T32N, R25W) in Ramsey.

(2) From the St. Paul Park-Grey Cloud Township common boundary to the east side of Section 8 (T26N, R20W) in Denmark Township.

b. On the west side of the river:

(1) From the Dakota County-Goodhue County common boundary to the west sides of Sections 23, 26, and 35 (T115N, R17W) in Hastings.

(2) From the Hastings-Nininger common boundary to the west side of Section 21 (T115N, R18W) in Rosemount.

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(3) From the south side of the north half of Section 34 (T27N, R22W) to the north side of Section 14 (T27N, R22N) in Inver Grove Heights.

2. Urban developed districts

a. On the east side of the river:

(1) From the west side of Section 35 (T32N, R25W) in Ramsey to the center line of Interstate 694 in Fridley.

(2) From the south side of Section 26 (T28N, R22W) in Newport to the south side of the north half of Section 1 (T27N, R22W) which is the Newport and St. Paul Park common boundary.

(3) From the center line of Eight Avenue in St. Paul Park to the St. Paul Park-Grey Cloud Township common boundary.

b. On the west side of the river:

(1) From the north side of Section 14 (T27N, R22W) in Inver Grove Heights to the South St. Paul-Inver Grove Heights common boundary.

(2) From the eastern extension of the center line of 48th Avenue North in Minneapolis to the eastern extension of the center line of Hennepin County Highway 49.

3. Urban open space districts

a. On the east side of the river:

(1) From the center line of Franklin Avenue in Minneapolis to the north side of Section 14 (T28N, R23W) (Otto Avenue) in St. Paul.

*(2) From the west sides of Sections 3 and 10 (T28N, R22W) and the east boundary of the Chicago and Northwestern Railroad right-of-way in St. Paul to the western and northern boundaries of the Red Rock Industrial District, the western boundary of the Chicago, Milwaukee, St. Paul and Pacific Railroad right-of-way, and the south side of Section 14 (T28N, R22W) in St. Paul.

b. On the west side of the river:

(1) From the north side of Section 7 (T28N, R22W) and the center line of Ohio Street in St. Paul to the center line of Interstate 494 in Mendota Heights on the Minnesota River.

(2) From the center line of Interstate 494 in Bloomington on the Minnesota River to the center line of Franklin Avenue in Minneapolis.

4. Urban Diversified districts

a. On the east side of the river:

(1) From the center line of Interstate 694 in Fridley to the center line of Franklin Avenue in Minneapolis.

(2) From the north side of Section 14 (T28N, R23W) (Otto Avenue) in St. Paul to the west sides of Sections 3 and 10 (T28N, R22W) and the east boundary of the Chicago and Northwestern Railroad right-of-way in St. Paul and including Twin City Barge and Towing Co's. turning basin, about 11.5 acres at the Northwest corner of Red Rock Industrial Park.

(3) From the western and northern boundaries of the Red Rock Industrial District, the western boundary of the Chicago, Milwaukee, St. Paul and Pacific Railroad right-of-way, and the south side of Section 14 (T28N, R22W) in St. Paul, to the south side of Section 26 (T28N, R22W) in Newport.

(4) From the south side of the north half of Section 1 (T27N, R22W) which is the Newport and St. Paul Park common boundary, to the center line of Eight Avenue in St. Paul Park.

b. On the west side of the river:

(1) From the west sides of Sections 23, 26, and 35 (T115N, R17W) in Hastings to the Hastings-Nininger common boundary.

(2) From the west side of Section 21 (T115N, R18W) in Rosemount to the south side of the north half of Section 34 (T27N, R22W) in Inver Grove Heights.

(3) From the South St. Paul-Inver Grove Heights common boundary to the north side of Section 7 (T28N, R22W) and the center line of Ohio Street in St. Paul.

(4) From the center line of Franklin Avenue in Minneapolis to a line collinear with the center line of 48th Avenue North in Minneapolis.

Standards and Guidelines for Preparing Plans and Regulations

A. Purpose and responsibility

1. Purposes. The purposes of the critical area designation and the following standards and guidelines are:

*With the exception of that area needed for the future approved expansion of the Metropolitan Waste Water Treatment Plant at Pig's Eye.

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a. To protect and preserve a unique and valuable state and regional resource for the benefit of the health, safety and welfare of the citizens for the state, region, and nation;

b. To prevent and mitigate irreversible damage to this state, regional, and national resource;

c. To preserve and enhance its natural, aesthetic, cultural, and historical value for the public use;

d. To protect and preserve the river as an essential element in the national, state and regional transportation, sewer and water and recreational systems; and

e. To protect and preserve the biological and ecological functions of the corridor.

2. Responsibility. The standards and guidelines provided herein shall be:

a. Followed by the local units of government when preparing or updating plans, and/or modifying regulations;

b. Followed by state agencies, and regional agencies for permit regulation and in developing plans within their jurisdiction;

c. Followed by the Metropolitan Council for reviewing plans, regulations, and development permit applications;

d. Followed by the Council for approving plans, regulations, and development permit applications.

B. General guidelines for preparing plans and regulations

1. The Mississippi River Corridor shall be managed as a multiple-purpose resource by:

a. Maintaining the river channel for transportation and providing and maintaining barging and fleeting areas in appropriate locations consistent with the character of the river and the riverfront.

b. Conserving the scenic, environmental, recreational, mineral, economic, cultural, and historic resources and functions of the river corridor.

c. Providing for the continuation and the development of a variety of urban uses, including industrial and commercial uses, and residential, where appropriate, within the river corridor.

d. Utilizing certain reaches of the river as a source of water supply and as a receiving stream for properly treated sewage and industrial waste effluents.

2. In order to manage the river corridor consistent with its natural characteristics and its existing development, the following guidelines are established for each corridor district:

a. Rural open space district. The lands and waters within this district shall be used and developed to preserve their open, scenic and natural characteristics and ecological and economic functions. Presently undeveloped islands shall be maintained in their existing natural state. The transportation function of the river shall be maintained and preserved.

b. Urban diversified district. The lands and waters within this district shall be used and developed to maintain the present diversity of commercial, industrial, residential, and public uses of the lands, including the existing transportation use of the river; to protect historical sites and areas, natural scenic and environmental resources; and to expand public access to and enjoyment of the river. New commercial, industrial, residential, and other uses may be permitted if they are compatible with these goals.

c. Urban developed district. The lands and waters within this district shall be maintained largely as residential areas. The expansion of existing and development of new industrial, commercial, and other non-residential or non-recreational uses shall be limited to preserve and enhance the residential character of this district.

d. Urban open space district. The lands and waters within this district shall be managed to conserve and protect the existing and potential recreational, scenic, natural, and historic resources and uses within this district for the use and enjoyment of the surrounding region. Open space shall be provided in the open river valley lands for public use and the protection of unique natural and scenic resources. The existing transportation role of the river in this district shall be protected.

3. The Mississippi River Corridor shall be managed in accordance with the Metropolitan Council's development guide chapter, Critical Areas Act of 1973, and the Minnesota Environmental Policy Act of 1973, and other applicable state laws, and federal laws.

C. Specific standards and guidelines for preparing plans and regulations

1. Each local unit of government within the river corridor shall prepare plans and regulations to protect environmentally sensitive areas in accordance with the following guidelines.

a. Each local unit of government shall, with the assistance of the Metropolitan Council and state agencies:

(1) Identify and prepare an inventory of:

(a) floodplains,

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- (b) wetlands,
 - (c) slopes from 12% to 18% and over 18%,
 - (d) soils not suitable for urban development on-site waste disposal,
 - (e) significant vegetative stands, and
 - (f) natural drainage routes.
- (2) Prepare a floodplain ordinance if it does not have a floodplain ordinance in effect;
- (3) Prepare plans and regulations to protect wetlands;
- (4) Prepare plans and regulations to protect bluffs greater than 18% and to provide conditions for the development of bluffs between 18% and 12% slopes;
- (5) Prepare plans and regulations to minimize direct overland runoff and improve the quality of runoff onto adjoining streets and watercourses;
- (6) Prepare plans and regulations to minimize site alteration and for beach and riverbank erosion control;
- (7) Prepare regulations for management of vegetative cutting; and
- (8) Prepare criteria for control of noise in open space and recreational areas with assistance of the PCA.

2. Each local unit of government and state agency shall prepare plans and regulations to protect and preserve the aesthetic qualities of the river corridor, which provide for the following considerations:

a. Site Plans. Site plans shall be required to meet the following guidelines:

(1) New development and expansion shall be permitted only after the approval of site plans which adequately assess and minimize adverse effects and maximize beneficial effects.

(2) Site plans shall be required for all developments for which a development permit is required, except for the modification of an existing single-family residential structure or the construction of one single-family residence.

(3) Site plans shall include, but not be limited to, the submission of an adequate and detailed description of the project, including activities undertaken to ensure consistency with the objectives of the Designation Order; maps which specify soil types, topography, and the expected physical

changes in the site as the result of the development; the measures which address adverse environmental effects.

(4) Site plans shall include standards to ensure that structure, road, screening, landscaping, construction placement, maintenance, and storm water runoff are compatible with the character and use of the river corridor in that district.

(5) Site plans shall provide opportunities for open space establishment and for public viewing of the river corridor whenever applicable, and shall contain specific conditions with regard to buffering, landscaping, and re-vegetation.

b. Structures. Structure site and location shall be regulated to ensure that riverbanks, bluffs and scenic overlooks remain in their natural state, and to minimize interference with views of and from the river, except for specific uses requiring river access.

c. Clustering. The clustering of structures and the use of designs which will reduce public facility costs and improve scenic quality shall be encouraged. The location of clustered high-rise structures may be proposed where public services are available and adequate and compatible with adjacent land uses.

d. Access Routes. Commercial and industrial developments adjacent to roadways shall be required to provide off-street parking, service roads and limited controlled access points to highways. (Except in cases of extreme hardship, highway access for any development within 250 feet of a bridge or bridge ramp shall be prohibited.)

e. Existing Development. Local plans and regulations shall include provisions to:

(1) Retain existing vegetation and landscaping;

(2) Amortize non-conforming uses;

(3) Prohibit the reconstruction of non-conforming uses which are 50% market value destroyed;

(4) Provide for the screening of existing development which constitutes visual intrusion, wherever appropriate.

f. Signs. Local units of government shall adopt ordinances for the amortization and removal of non-conforming general advertising signs, and to prohibit the visibility of advertising signs from the river, except in Urban Diversified Districts.

3. Local units of government shall develop plans and regulations to ensure that developments shall not be undertaken prior to the provision of Metropolitan public facilities

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in adopted Metropolitan plans, in accordance with the following guidelines:

a. Developments in areas not scheduled for the provision of municipal or metropolitan sanitary sewers shall comply with adequate on-site sewage disposal system regulations.

b. The density of development outside the Metropolitan Urban Service Area shall be limited to ensure that there is no need for the premature provision of local and metropolitan urban services and facilities.

4. Local units of government shall develop plans and provide guidance to ensure that the surface uses of the river is compatible with the characteristics and use of the districts in accordance with the following guidelines:

a. The present 9-foot navigation channel shall be maintained.

b. Provision shall be made for the use of the river for water transportation which is consistent with adopted state and regional policies and regulations and applicable federal laws and to minimize any adverse effects associated with such facilities.

c. Local plans shall identify areas physically suitable for barge slips and barge fleeting, based on such considerations as safety, maneuverability, operational convenience, amount of construction and/or excavation required, and environmental impacts; and

d. Local plans shall specify which of those areas found physically suitable may be used for barge slips and barge fleeting areas in the future. Preference should be given to those areas where new barge slips and associated facilities can be clustered, where required metropolitan services are already available, and where use of the riverfront for barge slips and fleeting areas, and access to them, is compatible with adjacent land use and public facilities.

e. Local plans shall identify, whenever practicable, locations where river dredge spoil can be utilized consistent with natural geological appearances or processes and adjacent land uses.

f. Where there is potential conflict of surface use, state and local governments shall enact appropriate water surface use regulation.

g. The Minnesota Energy Agency shall be responsible for recommending to the EQC a strategy for the development of a coal transportation plan for the metropolitan area.

5. Local units of government shall develop plans and regulations for industrial and commercial developments in the River Corridor in accordance with the following guidelines:

a. Areas for new or expanded industrial and commercial developments, where urban services are available, and the premature expansion or upgrading of the Metropolitan systems will not be required, shall be identified.

b. The existing industrial waste discharge points, sanitary, and storm water discharge points shall be identified.

c. Local plans should give consideration to providing for future industrial and commercial uses that require water access including, but not limited to such uses as, transportation, water supply & waste discharge. This does not preclude the locating of non-water related uses within the Corridor.

d. The impact of potential mining and extraction sites or other incompatible uses shall be minimized.

e. Land reclamation and reforestation of the mining site shall be regulated.

6. Local units of government and regional and state agencies shall develop plans and regulations to maximize the creation and maintenance of open space and recreational potential of the Corridor in accordance with the following guidelines:

a. Existing and potential sites for the following uses shall be identified and inventoried.

(1) Neighborhood, municipal, county and regional parks;

(2) Scenic overlooks, scenic views, and public observation platforms;

(3) Protected open space areas, including islands, gorges, wildlife preservation areas, and natural areas;

(4) Beaches and undeveloped river frontage on backwaters, which are suitable for recreation purposes;

(5) Commercial marinas and boat launching facilities;

(6) Public access points to the river;

(7) Historic sites and districts.

b. The Metropolitan Council shall prepare a general trailway plan for the entire length of the River Corridor which links regional parks.

c. Local units of government shall identify the potential location of trails within their jurisdictions, including related problems and proposed solutions.

d. Plans and programs to acquire sites for public

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access to the river and to protect open space areas shall be developed.

e. Programs to acquire and manage undeveloped islands in their natural state and to encourage the restoration of other islands for recreation open space uses shall be adopted.

f. In the development of residential, commercial and industrial subdivisions, and planned development, a developer shall be required to dedicate to the public reasonable portions of appropriate riverfront access land or other lands in interest therein.

In the event of practical difficulties or physical impossibility, the developer shall be required to contribute an equivalent amount of cash to be used only for the acquisition of land for parks, open space, storm water drainage areas or other public services within the River Corridor.

7. Local units of government and state agencies shall develop plans and regulations for transportation and public utilities developments in accordance with the following guidelines:

a. Existing and potential utility and transportation facility crossings shall be identified and river crossings shall be minimized and concentrated at existing crossings where possible.

b. The Corridor shall not be used merely as a convenient right-of-way and new or modified transportation and utility facilities shall complement the planned land and water uses and shall not stimulate incompatible development.

c. In planning and designing the construction or reconstruction of all public transportation facilities which occur within the river corridor, consideration shall be given to the provision of scenic overlooks for motorists, safe pedestrian crossings and facilities along the River Corridor, access to the riverfront in public ownership and reasonable use of the land between the river and the transportation facility.

8. Local units of government and regional and state agencies shall develop capital improvement programs which are consistent with the following guidelines:

a. A five year capital improvement program or public facilities program shall be developed which covers all public projects to be sited in the corridor.

b. The capital improvement program or public facilities program shall specify the sequence of actions to be undertaken by each public agency and shall be consistent with the standards and guidelines in Section B and C.

9. Local units of government shall reassess all lands in the River Corridor in accordance with the following guidelines:

a. Local units of government shall send copies of adopted plans and regulations and amendments of plans and regulations to appropriate municipal and county assessors within 30 days after adoption.

b. Municipal and county tax assessors shall reassess all lands in the Mississippi River Corridor for consistency with adopted plans and regulations within one year of receipt of adopted plans from local units of government.

10. Local units of government and regional and state agencies shall prepare plans and regulations in accordance with the natural characteristics and the character of existing development in the River Corridor in accordance with the following guidelines:

a. Local units of government and regional and state agencies shall prepare plans and regulations using the district boundaries as described in the Interim Development Regulations as guidelines, in accordance with the purpose of each district as described in the general guidelines Section B.

b. The City of St. Paul shall prepare plans and regulations to balance open space use and industrial and commercial developments for the Pig's Eye Lake area.

c. Local units of government may prepare modifications of the use districts boundaries as described in the interim development regulations if local units of government demonstrate to the EQC in plans and supporting documents the consistency of the proposed modification with the general guidelines.

11. Local units of government, regional agencies and state agencies shall provide adequate opportunities for public participation in the preparation of plans and regulations.

D. Reviewing plans and regulations

1. The Metropolitan Council shall be the lead agency to coordinate the preparation, submission, review and modification of land use plans, zoning ordinances, zoning amendments, capital improvement programs and other regulations, specified in section C, which are prepared by local units of government, regional and state agencies.

2. Local units of government and regional agencies shall submit existing, modified or prepared plans and regulations that comply with the designation order to the Metropolitan Council within six months of notice of the order of designation. The EQC shall review the state plans and regu-

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lations and forward the appropriate sections to the Metropolitan Council.

3. The Metropolitan Council shall review the plans, regulations, and capital improvement programs prepared by local units of governments, regional and state agencies for consistency with regional objectives and with the order of designation. Within 45 days of receiving the plans and regulations, the Metropolitan Council shall submit its written evaluation to the EQC. Upon a request from the Metropolitan Council, the EQC may grant 30 days time extensions when the EQC determines that the Metropolitan Council has satisfactorily demonstrated that it requires more time for review.

4. The EQC shall review all plans and regulations prepared for the Mississippi River Corridor, within 45 days of receiving the plans and regulations from the Metropolitan Council. The EQC shall determine whether they are consistent with the provisions of the order of designation. When the EQC has completed the review, it shall either:

a. Approve the plans and regulations by a written decision and notify the local units of government and regional and state agencies, and the Metropolitan Council; or

b. Return them to the local units of governments, regional and state agencies, and the Metropolitan Council for modification with a written explanation of the need for modification.

5. Within 45 days of EQC's approval of the plans and regulations, local units of government, regional and state agencies shall adopt the approved plans and regulations, and shall notify the EQC.

E. Updating and re-evaluation of plans and regulations

1. Local units of government or regional and state agencies may amend their plans and regulations that have been approved by the EQC by resubmitting the plans and regulations with any recommended changes thereto, to the EQC for consideration.

2. Two years after EQC's initial approval of the plans and regulations, local units of government and regional and state agencies shall resubmit their plans and regulations with any recommended changes thereto, for review and approval by the EQC.

3. Amendments to plans and regulations shall become effective only upon the approval thereof by the EQC in the same manner as for approval of the original plans and regulations as stated in section D.

F. Development permits

1. If no plans and regulations have been adopted under the provisions of Section D, local units of government and regional and state agencies shall grant a development permit only if:

a. The development is specifically permitted by the Interim Development Regulations;

b. The development is essential to protect the public health, safety, or welfare because of an existing emergency; or

c. The registration, recordation, permit, or authorization of the development was issued prior to the date of legal notice of the EQC public hearing provided in Minn. Reg. MEQC 53(3).

2. When plans and regulations have been adopted under the provisions of section D, local units of government, regional and state agencies shall permit development only in accordance with those plans and regulations.

G. Notification of the development permits to the EQC

1. Local units of government, and regional and state agencies shall prepare administrative procedures for permit notification as a part of their plans and regulations. The local units of government, regional and state agencies shall notify the EQC of all the developments requiring discretionary actions under their rules and regulations at least 30 days before taking action on the application, unless the EQC informs the local unit of government and regional and state agencies in writing that the EQC need not be notified of certain types of applications.

2. Local units of government and regional and state agencies shall prepare procedures to notify the EQC of their final action on the development permits which require discretionary action.

H. Judicial Proceedings

If the EQC determines that the administration of the local plans and regulations is inadequate to protect the state or regional interest, the EQC may institute appropriate judicial proceedings to compel proper enforcement of the plans and regulations.

Interim Development Regulations for the Mississippi River Corridor Critical Area

A. General Provisions

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1. Authority. These procedures are prescribed by the Minnesota Environmental Quality Council (Council) pursuant to authority granted to the Council in Minn. Stat. §§ 116G.01 to 116G.14, (1974).

2. Purpose

The purposes of these regulations are:

a. To protect the public health, safety, comfort, convenience and general welfare;

b. To promote orderly development of the residential, commercial, industrial, recreational and public areas within the corridor;

c. To conserve the natural and scenic beauty of the river corridor;

d. To conserve and develop the natural resources of the river corridor; and

e. To provide for the compatibility of different land uses and the most appropriate use of land throughout the river corridor.

3. Scope.

a. These Interim Development Regulations shall apply to public and private lands and waters within the Mississippi River Corridor, as set forth and legally described in Appendix A & B of the recommendation for designation of the Mississippi River Corridor as a critical area.

b. The Interim Development Regulations shall govern; but wherever there is a conflict between the Interim Development Regulations and existing laws, regulations, ordinances, or other provisions of the Interim Development Regulations, the more restrictive provision shall apply.

c. The Interim Development Regulations should not be used as a complete model ordinance for adoption by local units of government. At the options of local units of government, they may be used as guidance for the preparation of plans and regulations.

d. The Interim Development Regulations shall remain in effect from the date of issuance of the Governor's designation order for each local unit of government in the critical area until it adopts plans and regulations approved by the Council.

e. State and regional agencies and local units of government shall approve development only in conformance with these Interim Development Regulations until

the adoption of plans and regulations approved by the Council.

f. Development which was approved by a state or regional agency or a local unit of government after April 25, 1975 shall be subject to these Interim Development Regulations and subsequently adopted plans and regulations only to the extent provided in Minn. Reg. MEQC 57.

g. State and regional agencies and local units of government shall be responsible for the administration and enforcement of the Interim Development Regulations as of the effective date of the Governor's Designation Order.

h. Any regulations or procedure not specified in these Interim Development Regulations shall follow the applicable local unit of government regulations or the appropriate state and regional agency's rules and regulations.

B. Use district designations

1. Because the river should be managed as a multiple-purpose resource, and it possesses a variation in both natural characteristics and types of urban development, the Corridor has been segmented into the following four districts which shall be applied throughout the Interim Period as described in Appendix A & B of the recommendation for designation of the Mississippi River Corridor as a critical area.

a. Rural Open Space Districts

b. Urban Diversified Districts

c. Urban Developed Districts

d. Urban Open Space Districts

2. During the interim period, no changes shall be made of the district boundaries set forth by these Interim Development Regulations.

C. Permitted uses

1. Any land or water use development which is in conformance with the standards and guidelines of the Interim Development Regulations shall be permitted.

2. During the interim period, no changes shall be made of the permitted uses allowed by these Interim Development Regulations.

3. Residential Development

Residential development shall be permitted in all the districts. All structures and accessory uses or appurtenances of residential development shall be subject to the dimen-

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sional standards and criteria in section F of these Interim Development Regulations.

4. Commercial and Industrial Uses

a. In rural open space districts and urban developed districts, the development of new and expansion of existing industrial and commercial uses and development shall be permitted if:

(1) it does not require expansion or upgrading of Metropolitan Systems prior to the schedule set forth in adopted Metropolitan Plans;

(2) it meets the dimensional standards and criteria in section F;

(3) it will not encroach upon future local or regional parks and recreation open space identified in the Metropolitan Council's development guide/policy plan for recreation open space or in local plans and programs.

b. In urban open space districts, the development of new and expansion of existing commercial and industrial uses and development shall be permitted on lands which are on the landward side of all blufflines, if it meets the dimensional standards and criteria in section F.

c. In urban diversified districts, new and expansion of existing industrial and commercial developments shall be allowed, if it meets the dimensional standards and criteria in section F.

d. In Rosemount and Inver Grove Heights urban diversified district, new and expansion of existing industrial and commercial development shall be permitted, if it does not require premature expansion of Metropolitan public services.

5. Agricultural uses

All agricultural uses except new feedlots may be permitted in all the districts.

6. Mining and extraction

a. In rural open space, urban developed, and urban diversified districts,

(1) new mining and extraction may be permitted and shall be subject to the dimensional standards and criteria in section F;

(2) new and, where practicable, existing extraction uses shall be appropriately screened from view of the river by establishing and maintaining natural screen devices;

(3) The unscreened boundaries of mining and extraction areas shall be limited to only the loading area;

(4) existing and future extractive uses shall be required to submit land reclamation and reforestation plans compatible with these Interim Development Regulations; and

(5) only one barge loading area which shall be limited to the minimum size practicable shall be permitted for each mining or extraction operation.

b. In urban open space districts, new mining and extraction operations shall not be permitted.

7. Recreational uses

a. In all districts, recreational uses and structures and accessory uses or appurtenances shall be permitted and shall be subject to the Dimensional standards and criteria in section F. Water-related commercial recreation uses shall not be subject to the dimensional standards and criteria in section F.

b. Within Urban Open Space Districts, recreation uses on islands and lands between the river and blufflines shall be only for public recreation uses, historic preservation, and wildlife preserves.

8. Signs

a. In rural open space, urban developed, and urban open space districts:

(1) general advertising signs not visible from the river are permitted;

(2) all other general advertising signs shall be prohibited.

b. In urban diversified districts, general advertising signs are permitted.

D. Permitted public facilities

1. Transmission Services

In all the districts, the construction of new and reconstruction of existing transmission services shall meet the following standards.

a. The Department of Natural Resources (DNR) in reviewing permit applications for all transmission service crossings on the Mississippi River, Minnesota River, or of State lands requiring a permit from the DNR pursuant to Minn. Stat. §§ 84.415 or 105.42 shall give primary consideration to crossings that are proposed to be located within or

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adjacent to existing right-of-ways for public facilities, such as railroads, roadways, bridges, and existing transmission services.

b. Transmission services of under 200 kilovolts, which cross lands within the River corridor shall require a special use permit from the local unit of government. Local units of government shall apply the standards set forth in sections D.1.c. through h when processing applications for a special use permit.

c. When routing transmission services of under 200 kilovolts, the following shall be avoided where practicable:

- (1) steep slopes;
- (2) scenic intrusions into streams, valleys, and open exposures of water;
- (3) scenic intrusions into areas such as ridge crests and high points;
- (4) creating tunnel vistas by, for example, building deflections into the route;
- (5) wetlands;
- (6) forests by running along fringe rather than through them. If necessary to route through forests, utilize open areas in order to minimize cutting;
- (7) soils susceptible to erosion, which would create sedimentation and pollution problems;
- (8) areas of unstable soils which would be subject to extensive slippages;
- (9) areas with highwater tables, especially if construction requires excavation;
- (10) open space recreation areas.

d. Transmission services shall be subject to the dimensional standards and criteria in section F, except at crossing points.

e. Structure design of transmission services.

With regard to locating the utility, overhead or underground:

(1) primary considerations shall be given to underground placement in order to minimize visual impact. When considering overhead placement, the proposers shall explain the economic, technological or land characteristic factors which make underground placement infeasible. Economic considerations alone shall not justify overhead placement.

(2) if overhead placement is necessary, the crossing should be hidden from view as much as practicable;

(3) with regard to the appearance of the structures, they shall be made as compatible as practicable with the natural area with regard to: height and width, materials used, and color;

(4) with regard to the width of the right-of-way, the cleared portion of the right-of-way should be kept to a minimum.

f. In the construction of transmission services, the following guidelines shall be applied whenever practicable:

- (1) construction in wetlands shall minimize damage to vegetation, prevent erosion and sedimentation;
- (2) construction shall be undertaken at times when local fish and wildlife are not spawning or nesting;
- (3) effective erosion and sedimentation control programs shall be conducted during all clearing, construction, or reconstruction operations in order to prevent the degradation of the river and adjacent lands.

g. Safety considerations

Developers must adhere to applicable Federal and State safety regulations, both with regard to prevention (such as safety valves and circuit breakers) and with regard to emergency procedures in the event of failure (fire suppression, oil spill clean-up).

h. Right-of-way maintenance

(1) If possible, natural vegetation of value to fish or wildlife, which does not pose a hazard to or restrict reasonable use of the utility, shall be allowed to grow in the right-of-way;

(2) Where vegetation has been removed, new vegetation consisting of native grasses, herbs, shrubs, and low growing trees, shall be planted and maintained on the right-of-way;

(3) Chemical control of vegetation should be avoided when practicable, but where such methods are necessary, chemicals used and the manner of their use must be in accordance with rules, regulations, and other requirements of all state and federal agencies with authority over the use.

2. Sewage treatment plants — sewage outfalls, water intake facilities

a. In rural open space, urban developed and urban

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diversified districts the provision of sewage treatment plants, sewage outfalls and water intake facilities:

(1) wherever practicable, shall conform with the dimensional standards and criteria in section F;

(2) shall dedicate the unused river frontage after construction, for public access or recreation open space use;

(3) shall not include new combined storm and sanitary sewer outfalls.

b. In urban open space district:

(1) no new sewage treatment plants shall be permitted in this district. However, the Metropolitan Waste Control Commission may expand the Metropolitan Wastewater Treatment Plant at the Pig's Eye Lake area, if the expansion plans are approved by the Metropolitan Council and they are consistent with the City of St. Paul's riverfront plan approved by the Council under section D of the standards and guidelines for preparing plans and regulations;

(2) no new water intake facilities shall be permitted;

(3) no new combined storm water and sanitary sewer outfalls shall be permitted.

3. Essential services and public safety facilities

Essential services and public safety facilities are permitted in all the districts. They are subject to D(1) Regulation.

4. Transportation facilities

The construction or reconstruction of all transportation facilities shall be permitted in all the districts, subject to the following standards and criteria:

a. The following guidelines shall be applied whenever practicable in selecting routes for transportation facilities:

(1) careful consideration should be given to the provision of scenic overlooks for motorists, safe pedestrian crossing and safe pedestrian pathways along the river;

(2) if possible, provide access to the riverfront in public ownership, and allow reasonable public use of the land between the river and the transportation facility;

(3) steep slopes shall be avoided;

(4) scenic intrusion into stream, valley and open exposures of water shall be avoided;

(5) scenic intrusion into areas such as ridge crests and high points shall be avoided

(6) wetlands shall be avoided;

(7) run along fringes of forests rather than through them. But if it is necessary to route through forests, then utilize open areas in order to minimize destruction of commercial forest;

(8) soils whose high susceptibility to erosion would create sedimentation and pollution problems during and after construction shall be avoided;

(9) areas of unstable soils which would be subject to extensive slippage shall be avoided;

(10) areas with highwater tables, especially if construction requires excavation, shall be avoided;

(11) locate new roads to avoid cuts and fills so as to blend into the natural terrain so that it appears to be a part of the natural landscape;

(12) open space recreation areas shall be avoided.

b. Transportation facilities shall be subject to the dimensional standards and criteria in section F, except at crossing points.

c. The following guidelines shall be applied when practicable in constructing transportation facilities:

(1) reconstruction of an existing public road or railroad should be performed in a manner that would minimize any adverse effect on the natural beauty and environment of the river;

(2) effective erosion and sedimentation control programs shall be conducted during all clearing, construction or reconstruction operations in order to prevent the degradation of the river and its adjacent lands;

(3) construction across wetlands shall take place in a manner which minimizes damage to vegetation, and in a manner preventing erosion and sedimentation;

(4) construct at times when local fish and wildlife are not spawning or nesting.

d. Safety considerations

Developers must adhere to applicable Federal and

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State safety regulations with regard to new road construction or reconstruction of an existing road.

3. The following guidelines shall be applied when practicable for right-of-way maintenance:

(1) if possible, natural vegetation of value to fish or wildlife, and which does not pose a safety hazard, shall be allowed to grow in the roadside right-of-way;

(2) where vegetation has been removed, new vegetation consisting of native grasses, herbs, shrubs, and trees shall be planted and maintained on the roadside right-of-way;

(3) chemical control of vegetation is discouraged. But where such methods are justified, chemicals used and the manner of their use must be in accordance with rules, regulations and other requirements of all State and Federal agencies with authority over their use.

5. Barge facilities

a. In rural open space and urban developed districts, the following standards shall apply:

(1) the expansion of existing barge slips within these districts shall be permitted;

(2) no new barge slips shall be permitted until local riverfront plans and regulations have been reviewed by the Metropolitan Council and approved by the Council according to the procedures in Minn. Regs. MEQC 55(c).

b. In urban open space districts, the following standards shall apply:

(1) no new barge slips shall be permitted;

(2) no barge fleeting areas shall be permitted until local riverfront plans and regulations have been reviewed by the Metropolitan Council and approved by the Council according to the procedures in Minn. Regs. MEQC 55(c).

c. In urban diversified districts all barge facilities are permitted.

E. Earthwork and vegetation

1. Grading and Filling

In all districts, the following provisions shall apply to grading and filling:

a. Grading, filling, excavating, or otherwise changing the topography landward of the ordinary high water

mark shall not be conducted without a permit from the local authority. A permit may be issued only if:

(1) earthmoving, erosion, vegetative cutting, and the destruction of natural amenities is minimized;

(2) the smallest amount of ground is exposed for as short a time as feasible;

(3) temporary ground cover, such as mulch, is used and permanent ground cover, such as sod is planted;

(4) methods to prevent erosion and trap sediment are employed; and

(5) fill is established to accepted engineering standards.

b. A separate grading and filling permit is not required for grading, filling, or excavating the minimum area necessary for a building site, essential services, sewage disposal systems, and private road and parking areas undertaken pursuant to a validly issued building permit.

2. Vegetation management

a. In rural open space, urban developed and urban open space districts, the following standards shall apply:

(1) on developed islands, public recreation lands, the slope or face of bluffs within 200 feet of the normal high water mark of the river, and within the area 40 feet landward from blufflines, clear cutting shall not be permitted;

(2) on all other lands within these districts, clear cutting shall be guided by the following provisions:

(a) clear cutting shall not be used where soil, slope, or other watershed conditions are fragile and subject to injury;

(b) clear cutting shall be conducted only where clear cut blocks, patches or strips are, in all cases, shaped and blended with the natural terrain;

(c) the size of clear cut blocks, patches, or strips shall be kept at the minimum necessary;

(d) where feasible all clear cuts shall be conducted between September 15 and May 15. If natural regeneration will not result in adequate vegetative cover, areas in which clear cutting is conducted shall be replanted to prevent erosion and to maintain the aesthetic quality of the area where feasible, replanting shall be performed in the same spring, or the following spring.

(3) the selective cutting of trees greater than 4" in

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diameter may be permitted by local units of government when the cutting is appropriately spaced and staged so that a continuous natural cover is maintained.

b. In Urban diversified district:

(1) on the slope or face of bluffs and within areas 40 feet landward from established blufflines, clear cutting shall not be permitted;

(2) the selective cutting of trees greater than 4" in diameter may be permitted by local units of government when the cutting is appropriately spaced and staged so that a continuous natural cover is maintained.

c. These vegetative management standards shall not prevent the pruning and cutting of vegetation to the minimum amount necessary for the construction of bridges and roadways and for the safe installation, maintenance and operation of essential services and utility transmission services which are permitted uses.

F. Dimensional standards and criteria

1. Objectives

The objectives of dimensional standards and criteria are: to maintain the aesthetic integrity and natural environment of certain districts, to reduce the effects of poorly planned shoreline and bluffline development, to provide sufficient setback for sanitary facilities, to prevent pollution of surface and groundwater, to minimize flood damage, to prevent soil erosion, and to implement metropolitan plans, guides and standards.

2. Substandard lot.

The local unit of government may approve any proposed new structure or changes to existing structure when the following findings are made:

a. The lot was recorded in the Office of the County Register of Deeds (or Registrar of Titles) prior to the date of legal notice of the EQC public hearing, April 25, 1975.

b. The lot was in separate ownership from all abutting land on April 25, 1975.

c. The proposed use is consistent with the provisions of the interim Development Regulations and local ordinance.

d. It can be demonstrated that a proper and adequate sewage disposal system can be installed according to interim regulations, Health Department's and PCA's regulations.

e. The lot size is within sixty (60) percent of the size required in the interim development regulations.

3. Lot size.

a. In the rural open space and urban developed districts, the following minimum lot sizes shall be required:

(1) in unsewered areas, the minimum lot size shall be five acres per single family unit;

(2) in sewered areas, the minimum lot size shall be consistent with the local zoning ordinance.

b. In the urban open space and urban diversified districts, the minimum lot size shall be consistent with the local zoning ordinance.

4. Structure setback.

a. All required setbacks shall be applicable to each bluffline proceeding landward from the river.

b. All new structures and roads shall meet the following minimum setbacks:

(1) in the rural open space district, no structure or road shall be placed less than 200 feet from the normal highwater mark, and no less than 100 feet from blufflines;

(2) in the urban developed district, and urban open space district, the structure or road shall be placed no less than 100 feet from the normal highwater mark of the river, and no less than 40 feet from blufflines;

(3) in the urban diversified district, the structure or road shall be placed no less than 40 feet from the bluffline.

c. Exceptions to setback provisions shall be:

(1) public safety facilities, public bridges and their roadway approaches, railroad sidings, minor public and private roadways serving water-related uses on the riverfront;

(2) public recreation facilities, scenic overlooks, public observation platforms, and the regional trail system, docks, boat launching facilities;

(3) approved river crossings of essential service, and essential services distribution systems which are primarily underground except for terminal and metering devices not exceeding six feet in height, and supporting structures for transmission crossing spans;

(4) the construction of above-ground pumping

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stations for sewer lines which shall be screened from view of the river;

(5) the reconstruction or restoration of historical structures or sites on the inventory of the State Historical Society or the National Register of Historic Places.

5. Height of structures.

a. In the rural open space, urban developed and urban open space districts:

(1) new structures and additions to existing structures shall be limited to a maximum of 35 feet;

(2) the following exceptions to height limits shall be permitted:

(a) expansion of existing industrial complexes, such as refineries and storage areas;

(b) barns, silos and similar farm structures;

(c) essential service distribution systems;

(d) bridges, bridge approach roadways, and transmission services;

(e) restoration or reconstruction of historical structures and sites on the inventory of the State Historical Society or the National Register of Historic Places.

b. In the urban diversified district, there are no restrictions on the height of structures.

6. Placement of structures.

a. The following standards shall apply in any district:

(1) no new structures shall be placed on slopes which are 18 percent or greater;

(2) structures may be permitted on slopes which are greater than 12 percent, but less than 18 percent, when the following conditions are met:

(a) the developer can prove that the development on the slope can be accomplished without increasing erosion;

(b) the soil types and the geology are suitable for slope development;

(c) there is proper management of vegetation to control runoff.

(3) when an approved floodplain ordinance exists, structure placement shall be governed by that ordinance. Where an approved floodplain ordinance does not exist, the elevation at which the lowest floor of a structure, including basement, may be placed shall be consistent with the Minnesota statewide standards and criteria for management of floodplain areas;

(4) in rural open space, urban developed and urban open space districts, no development shall be permitted on presently undeveloped islands, except those developments specifically related to wildlife preservation and recreation open space uses, and bridge piers when other considerations dictate that bridge crossing alignment;

(5) in urban diversified districts, the development on islands related to recreation open space uses and historical preservation of sites and areas on the Inventory of the Minnesota State Historical Society and the National Register of Historic Places shall be permitted. New industry, commercial, residential and other uses shall be permitted on islands if they are consistent with local zoning ordinances and with the historical character.

7. Line of sight

In rural open space districts, urban developed districts, and urban open space districts, the development of new and expansion of existing industrial and commercial uses and development shall be permitted, if it cannot be seen from the normal highwater mark on the opposite side of the river. Water-related commercial and industrial uses shall not be subject to this requirement.

G. Sanitary standards and criteria

1. The following standards shall apply to all districts:

a. All parts of on-site sewage disposal systems shall be located at least 75 feet from the normal highwater mark.

b. No on-site sewage disposal system shall be placed within designated floodplains.

H. Non-conforming uses and structures

1. Any structure or use existing upon the effective date of these interim development regulations which does not conform to the use restrictions of a particular use district of the interim development regulations shall automatically continue as a non-conforming use or structure.

2. Whenever a non-conforming building or structure has been damaged by fire, flood, explosion, earthquake, war, riot, or other disaster, it may be reconstructed to its prior use when the damage to the building or structure is fifty percent (50%) or less of its fair market value. Where

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the damage is fifty percent (50%) or more, reconstruction shall not be permitted for any structure that does not meet the minimum required standards.

3. When any non-conforming use of a building or structure has been changed to a conforming use, it shall not be changed to a non-conforming use.

4. If a non-conforming use is discontinued for 6 consecutive months, any future use of the building or premises shall conform to the interim development regulations.

I. Administration

1. Local units of government and regional and state agencies shall notify the Council of the following types of proposed development within the Mississippi River Corridor:

a. Development permit applications for the development of a new or major expansion of an industrial, commercial facility in the rural open space, urban developed and urban open space districts.

b. All government developments.

c. Inside the 1975 Metropolitan urban service area (MUSA), development permit applications for the development of:

- (1) 50 or more dwelling units in a multi-family project;
- (2) 25 or more lots in a mobile home court;
- (3) 25 or more lots in a residential project.

d. Outside the MUSA, development permit applications for the development of:

- (1) 25 or more dwelling units in a multi-family project;
- (2) 10 or more lots in a mobile home court;
- (3) 10 or more lots in a residential project;
- (4) any residential developments in rural open space districts.

e. Any development on or involving the alteration of:

- (1) a wetland;
- (2) a floodplain;

(3) an island;

(4) a slope of greater than 12 percent;

(5) the removal of 5 contiguous acres or more of vegetative cover;

(6) the grading or filling of 20 contiguous acres of land;

(7) the deposit of dredge spoil;

(8) more than 50 linear feet of a riverbank.

f. Any development involving the establishment of a public or private structure, facility or other which crosses the river.

g. The development or expansion of any commercial harbor or barge loading or fleeting area.

h. Any development which would result in the discharge of water into or withdrawal of water from the Mississippi River which would require a state permit.

i. Any developments within the historical districts established by the State Legislature.

j. Development for which Metropolitan Council review is requested by:

(1) the local unit of government with jurisdiction;

(2) resolution from two or more local units of government adjacent to the local units of government within which the proposed development is sited.

k. Any development which requires a rezoning or compatible use permit.

2. Procedures for Reviewing proposed development

a. Local units of government and regional and state agencies shall notify the Council in writing of any proposed development listed in Section I.1, at least 30 days before the local units of government and regional and state agencies take final action to approve or deny the development. In the event the Metropolitan Council elects to hold a hearing under Section I.2.e., no final action to approve or deny the proposed development may be taken until 15 days after the Council receives the Metropolitan Council recommendation.

b. The Council shall send a copy of the proposed development to the Metropolitan Council for review no later than 2 days after the date of the Council's receipt of the application.

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c. The Metropolitan Council shall review the proposed development and transmit a written recommendation with reasons for approving, modifying, or denying the proposed development to the Council no later than 18 days after the Metropolitan Council's receipt of the application, except when a public hearing is required by the Metropolitan Council, in which case, Section 1.2.e(1) and (2) shall be followed.

d. Other local units of government and regional and state agencies may transmit to the Council their written comments on the proposed development published in the EQC Monitor within 15 days of date of the publication.

e. (1) When the Metropolitan Council decides to hold a public hearing on a proposed development application, the public hearing shall be conducted in accordance with the Metropolitan Council's statutory requirements, and notice of the hearing shall be filed with the Council and affected municipalities, counties, and applicants.

(2) The Metropolitan Council shall submit its final recommendation on the proposed development to the Council within 30 days of closing date of the hearing record.

f. The Council shall accept or modify the Metropolitan Council's recommendations and shall consider the comments of the local units of government and regional and state agencies and transmit the recommendation to the local unit of government and regional and state agencies no later than 10 days after the date of receipt of the Metropolitan Council's recommendation.

g. The Council may extend the 30 days time for a particular proposed development if the Metropolitan Council, the developer, any local unit of government and regional and state agencies with jurisdiction agree to the extension.

h. Failure of the Council to act on the notice of a proposed development within the prescribed period of time shall constitute acceptance by the Council of the final action on the proposed development by the local unit of government, regional or state agency.

i. Within 30 days after the final action, local units of government and regional and state agencies shall notify the Council of the final action on all proposed development listed in section 11, or of emergency actions approved under the provisions of Section 15.

j. When the Council has recommended to a local government unit, regional or state agency to modify or to deny a proposed development, and that recommendation is not followed, the proposed development shall not be approved for 30 days after the Council receives notice of final

action. If the Council appeals the decision to district court, the appeal shall be made within 30 days of receipt notice of final action. When an appeal is made, the development shall not be approved until the appeal process is scheduled.

3. Dimension variance

a. Local units of government may grant a dimension variance from strict compliance with the setback, or height restrictions, or lot size or line of sight requirement contained in the Interim Development Regulations after an administrative hearing that shall be conducted according to the regulations of the local unit of government.

b. A dimension variance may be granted only when the following findings are made:

(1) the strict enforcement of the setback or height restrictions, or lot size or line of sight will result in unnecessary hardship. "Hardship" as used in the consideration of a dimension variance means that the property in question cannot be put to a reasonable use under the dimension provisions of these interim development regulations;

(2) there are exceptional circumstances unique to the property that were not created by a landowner after April 25, 1975;

(3) the dimension variance does not allow any use that is not a compatible use in the land use district in which the property is located;

(4) the dimension variance will not alter the essential character of the locality as established by these interim development regulations;

(5) the dimension variance would not be contrary to the intent of the order.

4. Compatible use permit

a. Local units of government may grant a compatible use permit after an administrative hearing that shall be conducted according to the regulations of the local unit of government for conditional or special use permits.

b. A compatible use permit may be granted for a proposed development only when the following findings are made:

(1) it is consistent with the intent of the order, and the adopted policies of the Metropolitan Council and the Environmental Policy Act; and

(2) it is compatible with uses in the immediate vicinity; and

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(3) it is permitted by the ordinances of the local unit of government.

5. Emergency actions.

In accordance with the Act, local units of government, regional and state agencies may grant a development permit when certified in writing by the local unit of government, regional and state agencies, or the county zoning administration with the existing authority that the development is essential to protect the public health, safety or welfare in an existing emergency and that a local ordinance or state regulation was in effect immediately prior to April 25, 1975 and a development permit would have been granted thereunder.

Appendix C

Definitions

The following terms as used in these Regulations shall have the following meanings, unless otherwise defined:

1. "Act" means the Critical Areas Act of 1973, Minn. Stat. §§ 116G.01 to 116G.14 (Supp. 1974).

2. "Accessory Use" means a use or portion of a use or structure subordinate to and serving the principal use or structure on the same lot and customarily incidental thereto.

3. "Adjacent" means having a boundary which physically touches or adjoins.

4. "Agriculture" means the utilization of land and structures thereon for production of farm crops, including but not limited to vegetables, fruit trees, grain, poultry and domestic farm animals and uses necessary or customarily incidental thereto.

5. "Backwater" means a body of water connected with, but little affected by the main stream.

6. "Barge Fleeting Area" means an area on the river, on or off channel, where barges are temporarily parked and secured while tows are assembled or broken up.

7. "Barge Slip" means a basin, usually adjacent to a wharf, jetty, dock or other cargo handling facility, where barges are brought for the purpose of loading or unloading cargo.

8. "Bluffline" means a line delineating the top of a slope connecting the points at which the slope becomes less than 18 percent. More than one bluffline may be encountered proceeding landward from the water.

9. "Building Height" means the vertical distance to be measured from the grade of a building line to the top of the cornice of a flat roof, to the deck line of a mansard roof, to a point on the roof directly above the highest wall of a shed roof, to the uppermost point on a round or other arch type roof, to the mean distance of the highest gable on a pitched or hip roof.

10. "Clear Cutting" means the removal of an entire stand of trees and shrubs.

11. "Cluster Development" means a pattern of subdivision which places housing units into compact groupings while providing a network of commonly owned or dedicated open space.

12. "Council" means the Minnesota Environmental Quality Council established pursuant to Minn. Stat. § 116C.01 to 116C.08 (Supp. 1974).

13. "Development" means the making of any material change in the use or appearance of any structure or land including, but not limited to: a reconstruction, alteration of the size, or material change in the external appearance of a structure on the land; a change in the intensity of use of the land; alteration of a shore or bank of a river, stream, lake or pond; a commencement of drilling (except to obtain soil samples), mining or excavation; demolition of a structure; clearing of land as an adjunct to construction; deposit of refuse, solid or liquid waste, or fill on a parcel of land; the dividing of land into two or more parcels.

14. "Development Permit" means a building permit, zoning permit, water use permit, discharge permit, permit for dredging, filling, or altering any portion of a watercourse; plat approval, re-zoning, certification, variance or other action having the effect of permitting any development as defined in the Act or these Interim Development Regulations.

15. "Dimension Variance" means a modification or variation of the height or setback provisions of the Interim Development Regulations where it is determined that by reason of special and unusual circumstances relating to a specific lot, that strict application of the provisions would cause an undue or unnecessary hardship, or that strict conformity with the provisions would be unreasonable, impractical or unfeasible under the circumstances.

16. "Dwelling Unit" means a residential building or portion thereof intended for occupancy by a single family, but not including hotels, motels, boarding or rooming houses or tourist homes.

17. "Essential Services" means underground or overhead gas, electrical, steam or water distribution systems including poles, wires, mains, drains, sewers, pipes, con-

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duits, cables, and other similar equipment and accessories in conjunction therewith, but not including buildings or transmission services.

18. "Feedlots" means a confined unenclosed area for the feeding, breeding, raising or holding of livestock, where livestock manure can accumulate, and where there is no vegetation.

19. "Floodway" means the river channel and the portions of the adjoining floodplain which are reasonably required to carry and discharge the regional flood.

20. "Floodplain" means the areas adjoining a watercourse which has been or hereafter may be covered by a regional flood.

21. "Regional Flood" means a flood which is representative of large floods known to have occurred generally in Minnesota and reasonably characteristic of what can be expected to occur on an average frequency in the magnitude of the 100-year recurrence interval.

22. "General Advertising Signs" means those signs which direct attention to a product, service, business or entertainment not exclusively related to the premises where such sign is located.

23. "Government Development" means any development financed in whole, or in more than 50 percent of its total financing, directly or indirectly, by the United States, the State of Minnesota, or any agency or political subdivision thereof.

24. "Historic Preservation" means the protection by various means of buildings or other structures, land areas, or districts which are identified by the Minnesota Historical Society or the National Register of Historic Places.

25. "Industrial Use" includes without limitation, factory, office building, warehouse, elevators, material transfer site, pipeline, refuse and material storage areas.

26. "Interim Development Regulations" means the regulations in the Order which indicate the development that shall be permitted pending the adoption of plans and regulations consistent with the policies of the Act and Minnesota Regulations MEQC 51 through MEQC 57.

27. "Landscaping" means plants such as trees, grass, and shrubs.

28. "Livestock" includes, but is not limited to horses, cattle, pigs and turkeys.

29. "Local Unit of Government" means any political subdivision of the State, including but not limited to coun-

ties, municipalities, townships, and all agencies and boards thereof.

30. "Lot" means a parcel, piece, or portion of land designated by metes and bounds, registered land survey, plat, or other means and separated from other parcels or portions by said description that is recorded or to be recorded in the Office of the Register of Deeds (or Registrar of Titles).

31. "Major Expansion" means an expansion involving a 20% or greater addition to the total land area presently covered or used by an industrial, commercial, recreational or public facility.

32. "Metropolitan Development Framework" means that chapter of the Metropolitan Development Guide which deals primarily with the physical development of the metropolitan area.

33. "Metropolitan Plans, Guides, and Standards" means and refers to all documents, reports, and materials which have been adopted by the Metropolitan Council and includes, but is not limited to Metropolitan Development Guide Sections, including the Development Framework Chapter and policy plans for Development Programs of all Metropolitan Commissions.

34. "Metropolitan Systems" means those facilities for which the Metropolitan Council has planning responsibility including, but not limited to interceptor sanitary sewers, sewage treatment plants, transit facilities, regional parks, and major highways.

35. "Metropolitan Urban Service Area (MUSA)" means the portion of the Metropolitan Area having metropolitan sewer service available, good highway access, transit service, and most municipal services as designated in the Development Framework chapter of the Metropolitan Development Guide.

36. "Mining" means the extraction of sand, gravel, rock, soil or other material from the land in the amount of one thousand cubic yards or more and the removing thereof from the site without processing with the exception of the removal of materials associated with construction of a building, which is approved in a building permit.

37. "Mississippi River Corridor" means that area within the boundaries of the Mississippi River Corridor Critical Area.

38. "Mobile Home Court" means any area on which spaces are rented for the placement of occupied mobile homes.

39. "Mobile Home" means a housing unit designed

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for transportation after fabrication on streets and highways on its own wheels or on flatbed or other trailers, and arriving at the site where it is to be occupied as a dwelling unit complete and ready for occupancy, except for minor and incidental unpacking and assembly operations, location on jacks or permanent foundations, connection to utilities and the like.

40. "Multi-family Development" means three or more dwelling units in one structure, including but not limited to an apartment building.

41. "Normal Highwater Mark" means a mark delineating the highest water level that has been maintained for a sufficient period of time to leave evidence of the level upon the landscape. It is commonly that point where the natural vegetation changes from predominantly aquatic to predominantly terrestrial. When the normal highwater mark is not evident, setbacks shall be measured from the stream bank of the following water bodies that have permanent flow or open water: the main channel, adjoining side channels, backwaters, and sloughs. At the option of the local unit of government, the normal highwater mark may be delineated as the 100-year floodway line as defined by the Minnesota Department of Natural Resources.

42. "Non-conforming Use" means any use of land established before the effective date of the Interim Development Regulations, which does not conform to the use restrictions of a particular use district of the Interim Development Regulations. This should not be confused with substandard dimensions of a conforming use.

43. "Order" means the Governor's Executive Order that formally designates the Mississippi River Corridor as a Critical Area.

44. "Plan" means a compilation of policy statements, goals, standards, and maps for guiding the physical, social, and economic development, both private and public of the county, municipality, and township. It may include, but not be limited to the following: statement of policies, goals, standards, a land use plan, a community facilities plan, a transportation plan and recommendations for plan implementation.

45. "Public Facility" means all public buildings, including schools, libraries, fire stations, administrative offices, roads, bridges.

46. "Public Safety Facilities" means hydrants, fire alarm boxes, street lights, railway crossing signals, and similar facilities and accessories, but not including buildings.

47. "Public Transportation" means all modes of transportation provided by or dedicated to public use includ-

ing, but not limited to roadways, transit facilities, railroads, and bikeways.

48. "Regional Agencies" means the Metropolitan Council, Metropolitan Waste Control Commission, Metropolitan Airport Commission, Metropolitan Transit Commission, and Metropolitan Park Board.

49. "Recreation Open Space" means recreation uses particularly oriented to and utilizing the outdoor character of an area; including, but not limited to hiking, riding trails, primitive campsites, campgrounds, parks, and recreation areas.

50. "Rules and Regulations" means the instruments by which state and local units of government control the physical development of the Mississippi River Corridor or any part or detail thereof. Regulations include, but are not limited to, ordinances establishing zoning, subdivision control, platting, and the adoption of official maps.

51. "Re-zone" means a change of permitted uses within a local zoning district or of the boundaries of a local zoning district, adopted by ordinance by the local government unit.

52. "Selective Cutting" means the removal of single scattered trees or shrubs. Selective cutting shall not be construed to mean the removal of all trees or shrubs in a given area resulting in the clearing of the land.

53. "Compatible Use" means a use which may be compatible or desirable in a specified district, but requires special conditions for approval because if not carefully located or designed, it may create special problems such as excessive height or bulk or abnormal traffic congestion.

54. "Setback" means the minimum horizontal landward distance between any part of a structure and the normal highwater mark or the established bluffline.

55. "Sewage Disposal System" means any system for the collection, treatment, and dispersion of sewage including, but not limited to, septic tank soil absorption systems.

56. "Single Family Unit" means a detached building containing one (1) dwelling unit.

57. "Structure" means anything constructed or installed or portable, the use of which requires a location on a parcel of land. It includes a movable structure which can, while it is located on land, be used for housing, business, commercial, agricultural, or office purposes either temporarily or permanently. Structure also includes roads, billboards, swimming pools, poles, pipelines, transmission lines, tracks and advertising signs.

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58. "Subdivision" means the division of any parcel of land into two or more lots, including re-subdivision.

59. "Transmissions Services" means electric power, telephone, and telegraph lines, cables, pipelines or conduits that are used to transport large blocks of power between two points. In the case of electrical power, this will generally mean 69 kilovolts or more. For mains or pipelines for gas, liquids, or solids in suspension, this means those that are used to transport large amounts of gas, liquids, or solids in suspension between two points.

60. "Treeline" means the more or less continuous

line formed by the tops of trees in a wooded area when viewed from a particular point. Such line shall be determined during all seasons as if under full foliage.

61. "Wetlands" are low-lying areas which may be covered with shallow water. They are frequently associated with a highwater table. Swamps, bogs, marshes, potholes, wet meadows, and sloughs are wetlands. They may occur adjacent to or within natural drainageways or as free-standing low areas. Wetlands shall consist of Types 1 to 8 as defined in U.S.D.I. Fish and Wildlife Service Circular 39.

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The adoption of a rule becomes effective after the requirements of Minn. Stat. § 15.0412, subd. 4, 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 as proposed 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 strike outs and new language will be underlined, and the rule's previous *State Register* publication will be cited.

A temporary rule becomes effective upon the approval of the Attorney General as specified in Minn. Stat. § 15.0412, subd. 5. Notice of his decision will be published as soon as practicable, and the adopted temporary rule will be published in the manner provided for adopted rules under subd. 4.

Department of Administration Building Code Division

Adopted Rules for Energy Conservation Standards for Existing Residences

The rules proposed and published at *State Register*, Volume 3, Number 13, pp. 674-679, October 2, 1978 (3 S.R. 674) are adopted as proposed with certain amendments. The adopted rules with amendments are published in their entirety.

Rules as Adopted

2 MCAR § 1.16201 Authorization Authority. These rules are promulgated pursuant to Minn. Stat. § 116H.129 (1978). ~~Subdivision 1 (1977 Supplement), as amended by Minn. Laws 1978, c. 786, Section 2 and provide for rules relating to economically feasible energy conservation standards for existing residences.~~

2 MCAR § 1.16202 Enforcement. The Minnesota Energy Agency shall conduct random inspections of certain renter occupied residences as provided in Minn. Stat. § 116H.129, Subd. 1 (1977 Supplement), as amended by Minn. Laws 1978, c. 786, Section 2 Subds. 3 and 4 (1978).

~~2 MCAR § 1.16203. Purpose. The purpose of these rules is to establish minimum energy efficiency standards that are economically feasible for existing residences.~~

2 MCAR § 1.16203 Purpose and scope. The purpose of these rules is to establish minimum energy efficiency standards for existing residences. Such standards shall be utilized in the energy disclosure program required by Minn. Stat. § 116H.129, subds. 5, 6, and 7 (1978), and shall be

applicable to certain rental residences as provided in Minn. Stat. § 116H.129, subds. 3 and 4 (1978.)

The scope of these standards addresses two areas of energy savings:

A. The reduction of air infiltration as it relates to air leakage through the exterior envelope.

CAUTION: When infiltration is reduced it may be necessary to provide combustion air by other means as provided for in the Minnesota State Building Code.

B. The improvement of the thermal efficiency of the structure as it relates to the transfer of heat through the exterior envelope.

~~These The rules incorporate also contain the methods for calculating energy savings and determining the economic feasibility of each minimum energy efficiency standard: for each residence.~~

~~2 MCAR 1.16204. Scope. The scope of these rules addresses two areas:~~

2 MCAR § 1.16204 Definitions.

A. Accessible. Shall mean exposed, without the removal of permanent parts of the structure.

B. Attic. The space between the ceiling joists and the rafters immediately above. The space between rafters formed where interior finish material is affixed directly to the rafters shall not be construed to be an attic space.

C. Conditioned space. Space enclosed within a building that is heated or cooled by an energy-using system.

~~E D. Degree day; Heating. Shall mean degree day, heating. A unit, based upon temperature difference and time, used in estimating fuel consumption and specifying nominal~~

KEY: RULES SECTION — Underlining indicates additions to proposed rule language. **Strike outs** indicate deletions from proposed rule language. **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."

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heating load of a building in winter. For any one day, when the mean temperature is less than 65°F (18°C) there exist as many Degree Days as there are Fahrenheit (Celsius) degrees difference in temperature between the mean temperature for the day and 65°F (18°C).

D E. Economic feasibility. For the purpose of these rules, the test of economic feasibility is met when the savings in energy procurement cost, based on residential energy costs as certified by the Minnesota Energy Agency director in the State Register, exceed the cost of acquiring and installing each energy conserving item required to meet the minimum energy conserving item required to meet conservation standards as set forth at 2 MCAR § 1.16205, amortized over the subsequent 5-year period.

E F. Exterior envelope. The elements of a building which enclose conditioned spaces and through which thermal energy may be transferred to or from the exterior.

F G. Fireplace stove. A chimney-connected, solid fuel-burning stove having part of its fire chamber open to the room.

G H. Insulation. Any material or assembly of materials used primarily to provide resistance to heat flow in building structures, including but not limited to mineral fibrous, mineral cellular, organic fibrous, organic cellular, or reflective materials, whether in loose fill, flexible, or semi-rigid form.

H I. Positive shut-off. A manual shut-off device which will can be utilized to produce a seal to inhibit the flow of air when a fireplace or fireplace stove is not operating. i.e. damper in fireplace, damper at top of flue, damper in connector pipe, or doors (glass or other) on fireplace or fireplace stove.

I J. "R" value. The measure of resistance to heat flow through a material or the reciprocal of the heat flow through a material expressed in British thermal units per hour per square foot per degree Fahrenheit at 75 degrees Fahrenheit mean temperature.

J K. Residence. Means any dwelling for habitation either seasonally, meaning all or a portion of the months of December through March, or permanently by one or more persons. A residence may be owned or rented and may be part of a multi-family dwelling or multi-purpose building, but shall not include buildings such as hotels, hospitals, motels, dormitories, sanitariums, nursing homes, schools and other buildings used for educational purposes, or correctional institutions. A mobile home as defined in Minn. Stat. § 168.011, subd. 8, shall be a residence for purposes of these Rules.

K L. Rim joist. That portion of the exterior envelope

between the top of the foundation wall and the sub-floor immediately above. The perimeter of the floor joists.

L M. Single glazed. Windows with one sheet of glazing separating the conditioned space from the exterior. For the purposes of these rules non-conditioned enclosed porches, vestibules, or other appurtenances are considered the equivalent of one layer of glazing.

M N. U-value (U-factor or U= thermal transmittance). The thermal transmission of heat in unit time through unit area of a particular body or assembly, including its boundary films divided by the difference between the environmental temperatures on either side of the body or assembly; Btu/ (hr·ft²·F°). Also the reciprocal of total R-value.

N O. Weatherstripping. Material permanently affixed to limit infiltration of air, usually made of metal, wood, felt, neoprene, expanded foam, or a combination thereof.

2 MCAR § 1.162056 Minimum energy efficiency standards.

A. When demonstrated to be economically feasible pursuant to 2 MCAR § 1.162067, 2 MCAR § 1.162078, and 2 MCAR § 1.162089 the following shall be standards for existing residences. Pursuant to Minn. Stat. § 116H.129, subds. 3 and 5 (1978) ~~Subdivision 3 and Subdivision 5 (1977 Supplement) as amended Minnesota Laws 1978 Chapter 786, Section 2;~~ residential rental buildings built before January 1, 1976, which are not in compliance with these standards shall be modified to be in compliance within the 'economic feasibility defined in 2 MCAR § 1.162045 by January 1, 1980 with respect to caulking and weatherstripping and by July 1, 1983 with respect to all provisions herein. These standards shall also provide a basis for evaluation of residences at time of sale.

1. Install weatherstripping between exterior operable window sash and frames and between exterior doors and frames.

EXCEPTION: Weatherstripping not required on storm doors or storm windows.

2. Caulk, gasket or otherwise seal accessible exterior joints between foundation and rim joist, around window and door frames, between wall and roof, between wall panels, at penetrations for utility services through walls, floors, and roofs and all other openings in the exterior envelope.

3. Install positive shut-offs for all fireplaces or fireplace stoves.

4. Install insulation in accessible attics to achieve a minimum total "R" value of 19.

5. Install insulation in all accessible rim joist areas to achieve a minimum total "R" value of 11.

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6. Install insulation in accessible walls and/or floors enclosing conditioned spaces to achieve a minimum total "R" value of 11. Accessible walls shall include above-grade foundation walls of basements, cellars or crawl spaces.

7. Install storm windows on all single glazed exterior window units enclosing conditioned space.

8. Install storm doors on all exterior door openings into conditioned spaces unless a single door, enclosed porch, vestibule, or other appurtenance provides a double door effect or provides an "R" value of 2 or more.

2 MCAR § 1.162067. Procedures for calculating energy savings and determining economic feasibility. The calculation of the energy savings and the determination of the economic feasibility for each of the minimum energy efficiency standards shall be computed in a manner specific to each residence, i.e., on a case by case basis. This determination shall be performed according to the following procedures.

A. Determine the values of the general energy savings equation (2 MCAR § 1.162078) which are specific to each residence. These values include degree days, heating system efficiency and the heating value of the fuel but do not include the design heat loss per degree Fahrenheit (ΔH).

B. Calculate design heat per degree Fahrenheit (ΔH) for the standard under consideration using the equations outlined in 2 MCAR § 1.16207A.8-A. through 2 MCAR § 1.16207H.8-H.

C. Calculate the quantity of annual energy savings for the standard under consideration by substituting the calculated value of ΔH into the general energy savings equation and solving for energy savings (ΔE).

D. Determine the price per unit of energy (P) for the annual energy savings quantity.

E. Determine the cost of the energy saving improvement (C) proposed to meet the standard under consideration.

F. Calculate the payback period (T) for the standard under consideration by substituting the values of P, C and ΔE into the general payback equation (2 MCAR § MCAR § 1.162089) and solving for the payback period in years.

G. If the payback period is less than five years the energy saving improvement meets the economic feasibility requirement.

H. Repeat the above procedure for each of the energy efficiency standards.

2MCAR § 1.16207 ~~7-1~~. General energy savings equations. The following equations shall be used to calculate energy savings for each of the eight energy efficiency standards.

Equation A*:

$$\Delta E = \frac{\Delta H \times D \times 21.7}{N \times V}$$

Where

ΔE = The quantity of annual energy savings in the appropriate energy units, e.g. hundreds of cubic feet of natural gas, gallons of fuel oil, or kilowatt hours of electricity.

ΔH = The difference in design heat loss per degree Fahrenheit between the improved condition and the existing condition for infiltration and/or thermal transmission. Equations for calculating ΔH are listed in subsequent subsections.

D = The normalized annual degree days as published by the National Oceanic and Atmospheric Administration (NOAA).

N = The rated full-load efficiency of the heating system.

V = The heating value of the fuel type, consistent with ΔE and ΔH .

*Equation (A) is derived from the ASHRAE handbook, 1976 systems, pp. 43.1-43.18.

A. Install window and door weatherstripping. The following equation shall be used to calculate ΔH for energy efficiency standard 1 (2 MCAR § 1.16205A.6-A.).

Equation #1:

$$\Delta H = 1.08 \times (q_0 - q_1) \times L$$

Where

q_0 = The infiltration value in cubic feet per minute per lineal foot of crack, CFM, for the existing window
ft.
or door weatherstripping condition before improvement;

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q_1 = The infiltration value in cubic feet per minute per lineal foot of crack, CFM, for the proposed window or door weatherstripping condition after improvement;

L = The length of the crack in feet which is under consideration for weatherstripping.

B. Caulk, gasket or seal joints. The following equation shall be used to calculate ΔH for energy efficiency standard 2 (2 MCAR § 1.16205.A.6.C.).

Equation #2:

$$\Delta H = 1.08 \times (q_0 - q_1) \times L$$

Where

q_0 = The infiltration value in cubic feet per minute per lineal foot of crack, CFM, for the existing crack before improvement;

q_1 = The infiltration value in cubic feet per minute per lineal foot of crack, CFM, for the proposed crack seal after improvement;

L = The crack length in feet for the crack under consideration.

C. Install positive shut-offs. The following equation shall be used to calculate ΔH for energy efficiency standard 3 (2MCAR§1.16205.A.6.G.).

Equation #3:

$$\Delta H = 1.08 \times (q_0 - q_1) \times A$$

Where

q_0 = The infiltration value in cubic feet per minute per square foot, CFM, for the existing condition before improvement;

q_1 = The infiltration value in cubic feet per minute per square foot, CFM, for the proposed condition after improvement with a positive shut-off;

A = The cross sectional area of the flue or connector in square feet.

D. Install attic insulation. The following equation shall be used to calculate ΔH for energy efficiency standard 4 (2 MCAR § 16205.A.6.D.).

Equation #4:

$$\Delta H = \left(\frac{1}{R_0} - \frac{1}{R_1} \right) \times A$$

Where

R_0 = The total R-value of the attic/ceiling/roof assembly including existing insulation before improvement;

R_1 = The total R-value of the proposed attic/ceiling/roof assembly including existing insulation and additional insulation after improvement;

A = The area of the attic/ceiling/roof assembly in square feet separating conditioned space from unconditioned space.

E. Install rim joist insulation. The following equation shall be used to calculate ΔH for energy efficiency standard 5 (2 MCAR § 1.16205.A.6.E.).

Equation #5:

$$\Delta H = \left(\frac{1}{R_0} - \frac{1}{R_1} \right) \times A$$

Where

R_0 = The total R-value of the rim joist assembly including existing insulation before improvement;

R_1 = The total R-value of the rim joist assembly including existing and additional insulation after improvement;

A = The area of the rim joist assembly in square feet separating conditioned space from unconditioned space.

F. Install wall and/or floor insulation. The following equation shall be used to calculate ΔH for energy efficiency standard 6 (2 MCAR § 1.16205.A.6.F.).

Equation #6:

$$\Delta H = \left(\frac{1}{R_0} - \frac{1}{R_1} \right) \times A$$

Where

R_0 = The total R-value of the existing wall or floor assembly including existing insulation before improvement;

R_1 = The total R-value of the proposed wall or floor assembly including existing and additional insulation after improvement;

A = The area of the wall or floor assembly in square feet separating conditioned space from unconditioned space.

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G. Install storm windows. The following equation shall be used to calculate ΔH for energy efficiency standard 7 (2 MCAR § 1.16205.A.6.G-).

Equation #7:

$$\Delta H = (U_0 - U_1) \times A$$

Where

U_0 = The U-value for the existing window assembly before improvement;

U_1 = The U-value for the proposed window assembly after improvement;

A = The area of the window assembly in square feet separating conditioned space from exterior un-
conditioned space.

H. Install storm doors. The following equation shall be used to calculate ΔH for energy efficiency standard 8 (2 MCAR § 1.16205.A.6.H-).

Equation #8:

$$\Delta H = (U_0 - U_1) \times A$$

Where

U_0 = The U-value for the existing door assembly before improvement;

U_1 = The U-value for the proposed door assembly after improvement;

A = The area of the door assembly in square feet separating conditioned space from exterior un-
conditioned space.

2 MCAR § 1.162089. General payback equation. The payback period in years shall be calculated by dividing the cost of the energy-saving improvement by the product of the price per unit of energy and the quantity of annual energy savings. The payback equation shall be:

Equation B:

$$T = \frac{C}{(P) \times (\Delta E)}$$

Where

T = payback period in years;

$C \times$ the total cost of purchasing and installing energy saving improvements minus applicable federal and/or state tax credits, grants or subsidies;

P = price per unit of energy, this unit being the same as the unit of annual energy savings, ΔE . The appropriate values of P shall be those certified by the director of the Minnesota Energy Agency in the *State Register*, pursuant to Minn. Stat. § 116H.129, sub. 1 (1978) (1977 Supplement), as amended by Minn Laws 1978, c. 786, Section 2;

E = the quantity of annual energy savings in the appropriate energy units, e.g., hundreds of cubic feet of natural gas, gallons of fuel oil, or kilowatt-hours of electricity, as calculated for each of the energy efficiency standards.

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PROPOSED RULES

Pursuant to Minn. Stat. § 15.0412, subd. 4, agencies must hold public hearings on proposed new rules and/or proposed amendment of existing rules. Notice of intent to hold a hearing must be published in the *State Register* at least 30 days prior to the date set for the hearing, along with the full text of the proposed new or amended rule. The agency shall make at least one free copy of a proposed rule available to any person requesting it.

Pursuant to Minn. Stat. § 15.0412, subd. 5, when a statute, federal law or court order to adopt, suspend or repeal a rule does not allow time for the usual rulemaking process, temporary rules may be proposed. Proposed temporary rules are published in the *State Register*, and for at least 20 days thereafter, interested persons may submit data and views in writing to the proposing agency.

Pollution Control Agency Proposed Rules for the Control of Pollution from Animal Feedlots

Notice of Hearing

Notice is hereby given that rule hearings in the above-entitled matter will be held at the following locations:

April 12, 1979, Thursday, Board Room of the Minnesota Pollution Control Agency, 1935 West County Road B-2, Roseville, Minnesota, convening at 10:00 a.m.

April 16, 1979, Monday, Basement Conference Room of the Minnesota Department of Transportation, 1010-21st Avenue Northwest, Industrial Park, Owatonna, Minnesota, convening at 1:00 p.m. and reconvening at 7:00 p.m.

April 17, 1979, Tuesday, Room 234 C.A.B., Southwest State University, Marshall, Minnesota, convening at 1:00 p.m. and reconvening at 7:00 p.m.

April 18, 1979, Wednesday, Commissioners Room at Becker County Courthouse, Lake Street, Detroit Lakes, Minnesota, convening at 1:00 p.m. and reconvening at 7:00 p.m.

April 19, 1979, Thursday, Meeting Room at Crow Wing County Courthouse Annex, East Laurel Street, Brainerd, Minnesota, convening at 1:00 p.m. and reconvening at 7:00 p.m.

The hearings will continue until all persons have had an opportunity to be heard. The Agency will present its witnesses and evidence in support of the adoption of the above-captioned rule primarily at the hearing in Roseville, Minnesota.

All interested or affected persons will have an opportunity to participate at the rule hearings. Statements may be made orally and written materials may be submitted at the hearing. In addition, written materials may be submitted by mail to Mr. Howard Kaibel, Office of Hearing Examiners, 1745 University Avenue, St. Paul, Minnesota 55104, (612) 296-8107, either before or after the hearings until the record is closed. The record will remain open for five working days

after the rule hearings end, or for a longer period not to exceed twenty calendar days if ordered by the Hearing Examiner. In the interest of efficiency, it is suggested that those persons, organizations, or associations having a common viewpoint or interest in these proceedings join together where possible and present a single statement in behalf of such interests.

Notice: The proposed rule is subject to change as a result of the rule hearing process. The Agency therefore strongly urges those who are potentially affected in any manner by the substance of the proposed rule to participate in the rule hearing process.

The proposed rules, 6 MCAR §§ 4.8051-4.8052, would provide for the control of pollution caused by animal feedlots by establishing standards and a permitting program for animal feedlot operations. The proposed rules would also establish a cooperative program between counties and the Agency if the counties elect to establish a program. These rules are intended to supersede Minn. Rules SW 51-61, therefore, Minn. Rules SW 51-61 are being repealed. The Agency's authority for the promulgation of these rules is contained in Minn. Stat. ch. 115 and 116 (1978) generally and specifically in Minn. Stat. § 116.07, subd. 7 (1978).

Copies of the proposed rule are now available and one free copy may be obtained by writing to Mr. Wayne Anderson, Division of Water Quality, Minnesota Pollution Control Agency, 1935 West County Road B2, Roseville, Minnesota 55113. Additional copies will be available at the hearing at each location.

Notice: Any person may request notification of the date on which the Hearing Examiner's Report will be available, after which date the Agency may not take any final action on the rule for a period of five working days. Any person may request notification of the date on which the hearing record has been submitted (or resubmitted) to the Attorney General by the Agency. If you desire to be so notified, you may so indicate at the hearings. After the hearings, you may request notification by sending a written request to the Hearing Examiner (in the case of the Hearing Examiner's Report), or to the Agency (in the case of the Agency's submission or resubmission to the Attorney General).

Notice is hereby given that 25 days prior to the hearings, a Statement of Need and Reasonableness will be available for review at the Agency and at the Office of Hearing

PROPOSED RULES

Examiners. This Statement of Need and Reasonableness will include a summary of all of the evidence which will be presented by the Agency at the Hearing justifying both the need for and the reasonableness of the proposed rules. Copies of the Statement of Need and Reasonableness may be obtained from the Office of Hearing Examiners at a minimal charge.

Please be advised that Minn. Stat. ch. 10A (1978) requires each lobbyist to register with the Ethical Practices Board within five days after he commences lobbying. Lobbying includes attempting to influence rulemaking by communicating or urging others to communicate with public officials. A lobbyist is generally any individual who spends more than \$250.00 per year for lobbying or any individual who is engaged for pay or authorized to spend money by another individual or association and who spends more than \$250.00 per year or five hours per month lobbying. The statute in question provides certain exceptions. Questions should be directed to the Minnesota Ethical Practices Board, 41 State Office Building, St. Paul, Minnesota 55155, telephone (612) 296-5615.

February 27, 1979

Terry Hoffman
Executive Director

Rules as Proposed

MINNESOTA POLLUTION CONTROL AGENCY'S Rules for the Control of Pollution from Animal Feedlots

Preamble

An adequate supply of healthy livestock, poultry, and other animals is essential to the well-being of Minnesota citizens and the nation. These domesticated animals provide our daily source of meat, milk, eggs, and fiber. Their efficient, economic production must be the concern of all consumers if we are to have a continued abundance of high-quality, wholesome food and fiber at reasonable prices.

However, livestock, poultry, and other animals produce manure which may, when improperly stored, transported, or disposed, negatively affect Minnesota's environment. When animal manure adds to air, water, or land pollution in the State of Minnesota, it must be controlled.

The following rules for the control of livestock, poultry, and other animal wastes have been promulgated to provide

protection against pollution caused by manure from domesticated animals. However, these rules recognize that animal manure often provides beneficial qualities to the soil and to the production of agricultural crops.

These rules provide for a cooperative program between counties and the Minnesota Pollution Control Agency (hereinafter Agency). County programs, in many instances, represent considerable experience and sensitivity to local agricultural practices and to successful soil and water conservation. Pollution control measures, where deemed necessary by the Agency, should be individually designed and developed to provide the site specific controls needed for the operation in question. Therefore, a joint county-state program is desirable because it will insure local involvement, minimal disruption to agricultural operations and protect the environment from further degradation.

These rules comply with the policy and purpose of the State of Minnesota in regard to the control of pollution as set forth in Minn. Stat. chs. 115 and 116 (1978). Specifically, these rules are promulgated in accordance with Minn. Stat. § 116.07 (1978) and Minn. Stat. § 115.03 (1978). Finally, these rules shall have the force and effect of law and shall supersede and replace Minn. Rules SW 51-55 (1971) and Minn. Rules SW 56-61 (1974) upon filing with the Secretary of State.

6 MCAR § 4.8051 Rules for the control of pollution from animal feedlots.

A. General applicability. The provisions of these rules govern the storage, transportation, disposal, and utilization of animal manure and the application for and issuance of permits and certificates of compliance for construction and operation of animal manure management and disposal or utilization systems for the protection of the environment.

B. Definitions. All terms employed in these animal feedlot rules for which definitions are given in Minn. Stat. §§ 115.07 and 116.06 (1978), shall have the meaning ascribed to them therein. The terms specified below shall have the meanings ascribed to them:

1. "Agency." The Minnesota Pollution Control Agency as established in Minn. Stat. ch. 116 (1978).

2. "Animal feedlot." A lot or building or combination of lots and buildings intended for the confined feeding, breeding, raising or holding of animals and specifically designed as a confinement area in which manure may accumulate, or where the concentration of animals is such that a

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vegetative cover cannot be maintained within the enclosure. For purposes of these rules, open lots used for the feeding and rearing of poultry (poultry ranges) shall be considered to be animal feedlots. Pastures shall not be considered animal feedlots under these rules.

3. "Animal manure." Poultry, livestock or other animal excreta or a mixture of excreta with feed, bedding or other materials.

4. "Animal unit." A unit of measure used to compare differences in the production of animal manures that employs as a standard the amount of manure produced on a regular basis by a slaughter steer or heifer. For purposes of this rule, the following equivalents shall apply:

<u>Animal</u>	<u>Unit</u>
one mature dairy cow	1.4 animal unit
one slaughter steer or heifer	1.0 animal unit
one horse	1.0 animal unit
one swine over 55 pounds	.4 animal unit
one duck	.2 animal unit
one sheep	.1 animal unit
one swine under 55 pounds	.05 animal unit
one turkey	.018 animal unit
one chicken	.01 animal unit

For animals not listed above, the equivalent animal unit shall be defined as the average weight of the animal divided by 1,000 lbs.

5. "Certification of compliance." A letter from the Agency or the county feedlot pollution control officer to the owner of an animal feedlot stating that the feedlot meets Agency requirements.

6. "Change in operation." An increase in the maximum number of animal units which can be confined at the site or a change in the construction or operation of an animal feedlot that would affect the storage, handling, utilization, or disposal of animal manure.

7. "Corrective or protective measures." A practice, structure, condition, or combination thereof which prevents or reduces the discharge of pollutants from an animal facility to a level in conformity with Agency rules.

8. "County Feedlot Pollution Control Officer." A county employee who is knowledgeable in agriculture and who is designated by the county board to receive and process animal feedlot permit applications.

9. "Director." The Executive Director of the Minnesota Pollution Control Agency whose duties are defined in Minn. Stat. § 116.03 (1978).

10. "Domestic fertilizer."

a. Animal manure that is put on or injected into the soil to improve the quality or quantity of plant growth, or

b. Animal manure that is used as compost, soil conditioners, or specialized plant beds.

11. "Flood plain." The areas adjoining a watercourse which have been or hereafter may be covered by a large flood known to have occurred generally in Minnesota and reasonably characteristic of what can be expected to occur on an average frequency in the magnitude of the 100 year recurrence interval.

12. "Interim Permit." A permit issued by the Executive Director of the Agency or the county feedlot pollution control officer which expires no longer than six months from the date of issue.

13. "Manure storage area." An area associated with an animal feedlot where animal manure or runoff containing animal manure is stored until it can be utilized as domestic fertilizer or removed to a permitted animal manure disposal site. Animal manure packs or mounding within the animal feedlot shall not be considered to be manure storage for these regulations.

14. "New animal feedlot." An animal feedlot constructed and operated at a site where no animal feedlot existed previously or where an existing animal feedlot has been abandoned or unused for a period of five years or more.

15. "National Pollutant Discharge Elimination System (NPDES) Permit." A permit issued by the Agency for the purpose of regulating the discharge of pollutants from point sources including concentrated animal feeding operations.

16. "Owner." A person having possession, control, or title to one or more animal feedlots.

17. "Pasture." Areas where grass or other growing plants are used for grazing and where the concentration of animals is such that a vegetation cover is maintained during the growing season except in the immediate vicinity of temporary supplemental feeding or watering devices.

18. "Permit." A document issued by the Agency, at no charge to the applicant, which contains requirements, conditions and compliance schedules relating to the discharge of animal manure pollutants.

19. "Potential pollution hazard." A condition which indicates a potential for pollution of the land or waters of the state including:

a. An animal feedlot or manure storage area whose

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boundaries are located within designated shoreland or flood plain, or are located in an area draining directly to either a sinkhole or draining to an area with shallow soils overlying a fractured or cavernous rock, or are located within 100 feet of a water well, or

b. An animal feedlot or manure storage area whose construction or operation will allow a discharge of pollutants to surface waters of the state in excess of applicable standards during a rainstorm event of less magnitude than the 25 year-24 hour event, or will allow uncontrolled seepage of pollutants into the ground water, or will violate any applicable state rules and regulations.

20. "Shoreland." Land located within the following distances from the ordinary high water elevation of public waters:

a. Land within 1,000 feet from the normal high watermark of a lake, pond or flowage, and

b. Land within 300 feet of a river or stream or the landward side of flood plain delineated by ordinance on such a river or stream, whichever is greater.

21. "Sinkhole." A surface depression which is connected to a cavernous bedrock (generally limestone) by a channel or collapse of the overlying formation.

C. Animal feedlot pollution control requirements.

1. No animal feedlot or manure storage area shall be constructed, located and operated so as to create or maintain a potential pollution hazard unless a certificate of compliance or an Agency permit has been issued.

2. All vehicles used to transport animal manure on county, state and interstate highways or through municipalities shall be leakproof. This shall not apply to animal manure being hauled to fields adjacent to feedlot operations for use as domestic fertilizer.

3. Animal manures, when utilized as domestic fertilizer, shall not be stored for longer than one year and shall be applied at rates not exceeding local agricultural crop nutrient requirements.

4. Any animal manure not utilized as domestic fertilizer shall be treated or disposed of in accordance with applicable state rules and regulations.

5. The owner of any animal feedlot shall be responsible

for the storage, transportation and disposal of all animal manure generated in a manner consistent with the provisions herein.

D. Animal feedlot permitting procedure.

1. Animal feedlot permit application requirements.

a. The owner of a proposed or existing animal facility for greater than 10 animal units shall be required to make application to the Director for a permit when any of the following conditions exist:

(1) A new animal feedlot is proposed; or

(2) A change in operation of an existing animal feedlot; or

(3) Ownership of an existing animal feedlot is changed; or

(4) An inspection by the Agency staff or a county feedlot pollution control officer determines that an existing animal feedlot creates or maintains a potential pollution hazard; or

(5) A National Pollutant Discharge Elimination System (NPDES) permit application is required under state or federal rules and regulations.

b. The permit application shall include the following items:

(1) A completed permit application form, signed by the owner, which includes animal types, number of animals, location of facilities, soil conditions, and hydrogeological conditions.

(2) A map or aerial photograph showing the location of all wells, buildings, lakes, and watercourses within 1,000 feet of the proposed feedlot.

(3) A manure management plan including manure handling and application techniques, acreage available for manure application and plans for any proposed manure storage structure. Any plans for manure storage structures of 500,000 gallons capacity or larger shall have been prepared or approved by a registered professional engineer or qualified governmental employee.

(4) Such additional information relating to the specific site or the specific feedlot operation as may be

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requested by the Director to evaluate compliance with federal and state rules and regulations.

2. The animal feedlot permit application shall be reviewed by the county feedlot pollution control officer or by the Director if a county permit processing program has not been implemented in the county where the animal feedlot will be located.

a. No permit shall be required when the review of the application indicates that all animal manures are being used as domestic fertilizer and that a potential pollution hazard does not exist or that potential pollution hazards have been satisfactorily addressed by corrective or protective measures. However, a certificate of compliance shall be obtained by the owner of such a facility prior to commencing operation of the new feedlot or changing the operation of an existing feedlot.

b. The Agency shall consider the issuance of a permit when the review indicates that a potential pollution hazard exists and has not been addressed by corrective or protective measures or when manure is not being used as a domestic fertilizer.

(1) An interim permit shall be issued by the Director when the potential pollution hazard will be corrected within six months of the date of application. When all necessary corrective and protective measures have been installed on a permitted animal feedlot, the Director shall terminate the permit and shall issue a certification of compliance.

(2) An animal feedlot permit may be issued by the Agency when the potential pollution hazard will not be corrected within six months of the date of application or when manure is not used as a domestic fertilizer. This permit shall contain such conditions and requirements as the Agency deems necessary in order to insure compliance with applicable state rules and regulations.

(3) If it is determined during the review process that an animal feedlot must obtain a National Pollutant Discharge Elimination System (NPDES) permit, the applicant shall be notified and a permit shall be processed and issued as prescribed in Minn. Rule WPC 36 (1974).

E. Existing permits for the construction and operation of livestock feedlots, poultry feedlots and other animal lots. The conditions and provisions of all Agency animal feedlot permits issued under Minn. Rules SW 51-61 before the effective date of these rules shall continue to be in effect. Upon application for a change in operation or change of ownership of an existing, permitted animal feedlot, the permit shall be reconsidered pursuant to these rules.

F. Procedural rules and appeals. All requests for hear-

ings, appeals and other procedural matters not specifically provided for herein shall be governed by the Agency Rules of Procedure, the Rules of the Office of Hearing Examiners and other applicable laws and rules.

G. Severability. If any provision of this rule or the application thereof to any person or circumstances is held to be invalid, such invalidity shall not affect other provisions of this rule or application of any other part of this rule which can be given effect without application of the invalid provision. To this end the provisions of all sections, subsections and subdivisions herein and the various applications thereof are declared to be severable.

H. Variance from rules. Any person may apply for a variance from any requirements of this rule. Such variances shall be applied for and acted upon by the Agency in accordance with Minn. Stat. § 116.07, subd. 5 (1978) and other applicable statutes and rules.

6 MCAR § 4.8052 Rules for the processing of animal feedlot permit applications by counties.

A. General applicability. Any Minnesota county board may, by resolution, assume responsibility for processing applications for animal feedlot permits as authorized by Minn. Stat. § 116.07, subd. 7 (1978). The provisions of these rules shall govern the exercise of approval and supervising authority by the Agency with respect to the processing of animal feedlot permit applications by a county.

B. County processing procedure for animal feedlot permit applications.

1. Any Minnesota county board desiring to assume responsibility for processing animal feedlot permit applications shall:

a. Submit to the Director a resolution duly adopted by the county board requesting permission to process animal feedlot permit applications in the county. Such resolution shall be accompanied by a statement describing the permit application processing procedure to be used by the county.

b. Receive written approval from the Agency authorizing the processing of animal feedlot permit applications within the county.

c. Designate a county feedlot pollution control officer as having the primary responsibility for the animal feedlot permit program and charge him with the following duties:

(1) Distribution of permit application forms made available by the Director to those required to make application for the permit.

(2) Provide, where requested, assistance to appli-

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cants to insure that application forms are properly completed.

(3) Receive and review completed application forms and conduct such inspections as necessary to determine if the proposed animal facility will comply with applicable state rules and regulations and applicable local ordinances.

(4) Maintain a record of all correspondence and material relating to animal feedlot applications, certifications, and permits issued by the county board.

2. The processing of applications for animal feedlot permits by a county board, as defined in Minn. Stat. § 116.07, Subd. 7(a), (b), and (c) (1978), shall be accomplished according to the following procedure:

a. For animal feedlots with less than 1,000 animal units where manure is used as a domestic fertilizer and with no potential pollution hazard, the county feedlot pollution control officer shall certify to the Agency and the applicant that the animal feedlots comply with all aspects of 6 MCAR § 4.8051 and that no animal feedlot permit is required.

b. For animal feedlots of less than 300 animal units where manure is used as a domestic fertilizer and where all potential pollution hazards have been mitigated by protective or corrective measures the county feedlot pollution control officer shall certify to the Agency and to the applicant that the animal feedlots comply with 6 MCAR § 4.8051 and that no animal feedlot permit is required.

c. The county feedlot pollution control officer shall forward to the Director, with recommendations and comments, all animal feedlot permit applications which fall within the following categories:

(1) Animal feedlots of 1,000 animal units or more; or

(2) Animal feedlots of more than 300 animal units where a potential pollution hazard has been mitigated through corrective or protective measures; or

(3) Animal feedlots with a potential pollution hazard which has not been mitigated by corrective or protective measures; or

(4) Animal feedlots where manure is not used as domestic fertilizer;

(5) Animal feedlots for which further technical review is desired by the county feedlot pollution control officer.

3. Any county board which has assumed responsibility for processing feedlot permit applications in accordance with 6 MCAR § 4.8052 B.1. may issue, deny, modify, impose conditions upon or revoke interim permits for animal feedlots smaller than 300 animal units where animal manure is used as a domestic fertilizer and with a potential pollution hazard which will be mitigated by corrective or protective measures within six months of the date of the animal feedlot permit application. These permits shall be issued, denied, modified, have conditions imposed upon them or revoked in conformance with the following requirements:

a. In order for the county to issue an interim permit:

(1) The Director must receive written notification of the intention of the county to issue an interim permit. Such notification must include the completed permit application, a copy of the draft permit proposed for issuance by the county and documentation concerning the potential pollution hazard and the corrective or protective measures to be taken by the owner;

(2) The Director shall, after receipt of written notification of intent to issue an interim permit, review the draft interim permit within 15 days to determine compliance with applicable Agency rules and shall approve, suspend, modify, or reverse the issuance of the interim permit. If the Director approves issuance of the interim permit, the interim permit and a certificate for display shall be returned to the county for issuance to the operator. If the Director suspends, modifies or reverses the issuance of the interim permit, the applicant retains all rights of appeal set out in 6 MCAR § 4.8052 C.

b. In order for a county to modify or impose conditions upon a interim permit the county shall notify the Director in writing of its intention to modify or impose conditions upon an interim animal feedlot permit. Such notification must include a copy of the interim permit together with the intended modifications and conditions. The Director shall determine compliance with the provisions of applicable Agency rules and shall either approve, suspend, further modify or reverse the recommended modification or conditions within 15 days of receipt of the aforementioned notice of intent. The county shall be notified of said Agency action. The applicant retains all rights of appeal set out in 6 MCAR § 4.8052 C. If the Director fails to act within 15

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days after the receipt of the draft interim permit from the county, the county may proceed to issue the interim permit.

(3) If the county has issued an interim permit, the county feedlot pollution control officer shall terminate the permit and issue a certificate of compliance when all necessary corrective and protective measures have been installed.

c. In order for a county to revoke an interim permit a copy of the interim permit together with a written justification for revocation must be submitted to the Director for review. The Director shall, after receipt of the justification for revocation by the county, review the matter within 15 days to determine compliance with the provisions of applicable Agency rules. The county must receive written approval of the interim permit revocation from the Agency prior to taking action. Where a revocation has been approved by the Agency, the applicant must be informed in writing by the county of the reasons for revocation and the applicant shall retain all rights of appeal set out in 6 MCAR § 4.8052 C.

d. In the case of a denial of an interim permit application by the county board, the applicant shall be informed by the county in writing of the reasons for denial and shall be informed of applicable appeal procedures. The applicant shall retain all rights of fundamental fairness afforded by law and the applicant may make an appeal to the Agency to review the county's action. Such a denial by a county shall be without prejudice to the applicant's right to an appearance before the Agency to request a public hearing or to file a further application after revisions are made to meet objections specified as reasons for denial. The Agency shall approve, suspend, modify or reverse the denial of an interim permit if the matter has been appealed to the Agency.

4. The Director shall review within 15 days all animal feedlot permit applications forwarded by the county and shall notify the county of the status of the review and of any intended action with respect to all properly completed animal feedlot permit applications.

5. A county no longer wishing to continue in the application review process shall submit a resolution stating its reasons for withdrawal and the effective date of withdrawal to the Director.

6. If the Agency finds that a county program is not meeting the requirements of these rules, the Agency may, after giving the county written notice and an opportunity to respond, revoke its approval of the county's application review authority.

C. Procedural rules and appeals. All requests for hearings, appeals and other procedural matters not specifically provided for herein shall be governed by the Agency Rules

of Procedure, the Rules of the Office of Hearing Examiners and other applicable laws and rules.

D. Severability. If any provision of this rule or the application thereof to any person or circumstances is held to be invalid, such invalidity shall not affect other provisions of this rule or application of any other part of this rule which can be given effect without application of the invalid provision. To this end the provisions of all sections, subsections and subdivisions herein and the various applications thereof are declared to be severable.

E. Variance from rules. Any person may apply for a variance from any requirements of this rule. Such variances shall be applied for and acted upon by the Agency in accordance with Minn. Stat. § 116.07, subd. 5 (1978) and other applicable statutes and rules.

MINNESOTA POLLUTION CONTROL AGENCY'S Regulations for the Control of Wastes from Livestock Feedlots, Poultry Lots and Other Animal Lots

Preamble

An adequate supply of health livestock, poultry and other animals is essential to the well-being of Minnesota citizens and the nation. They provide our daily source of meat, milk, eggs and fiber. Their efficient, economic production must be the concern of all consumers if we are to have a continued abundance of high quality, wholesome food and fiber at reasonable prices.

However, livestock, poultry and other animals produce wastes which may, when improperly stored, transported or disposed of, affect Minnesota's environment. Where such wastes could add to air, water or land pollution they must be controlled.

The following regulations for the control of livestock, poultry and other animal wastes are drafted to provide protection against pollution by domesticated animals. They are written with full understanding that animal wastes are often by-products beneficial to the economic production of agricultural crops.

These regulations are written to provide the greatest safe latitude in compliance, taking into consideration that agriculture has 20 to 30 years of experience in successful soil and water conservation. Control measures, where deemed necessary, are to be individually designed and developed to provide the specific controls needed for the operation in question.

These regulations comply with the specific policy and purpose of the State of Minnesota in regard to solid waste

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control as set forth in Laws 1969, Chapter 1046 (Codified as Minnesota Statutes, Section 116.07).

Subd. 2: The Pollution Control Agency shall also adopt standards for the control of the collection, transportation and disposal of solid waste for the prevention and abatement of water, air and land pollution, recognizing that due to variable factors, no single standard of solid waste control is applicable to all areas of the State. In adopting standards, the Pollution Control Agency shall give due recognition to the fact that elements of control, which may be reasonable and proper in densely populated areas of the State, may be unreasonable and improper in sparsely populated or remote areas of the State, and it shall take into consideration in this connection such factors, including others which it may deem proper, as existing physical conditions, topography, soils and geology, climate, transportation and land use. Such standards of solid waste control shall be premised on technical criteria and commonly accepted practices.

Subd. 4: Pursuant and subject to the provision of Chapter 15, and the provisions hereof, the Pollution Control Agency may adopt, amend and rescind regulations and standards having the force of law relating to any purpose within the provisions of this act for the collection, transportation and disposal of solid waste and the prevention, abatement or control of water, air and land pollution, which may be related thereto, and the deposit in or on land of any other material that may tend to cause pollution. Any such regulation or standard may be of general application throughout the State or may be limited as to times, places, circumstances, or conditions in order to make due allowance for variations therein. Without limitations, regulations or standards may relate to collection, transportation, disposal equipment, location, procedures, methods, systems or techniques or to any other matter relevant to the prevention, abatement or control of water, air and land pollution which may be advised through the control of collection, transportation and disposal of solid waste, and the deposit in or on land of any material that may tend to cause pollution.

Wastes other than solid wastes are subject to control under the authority of Minnesota Statutes, Section 115.01-115.09, and other applicable standards, regulations, orders or permits of the Agency relating to water pollution and disposal of sewage or other wastes.

SW-51 Applicability, Definitions and General Conditions for Handling, Storage, Transportation and Disposal of Animal Wastes. Severability and Variances.

Applicability

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These are regulations and standards the provisions of which govern the storage, transportation and disposal of animal wastes and the registration and issuing of permits for the construction and operation of animal waste disposal systems for the protection of the environment in keeping with Minnesota Statutes, Chapters 115 and 116 and Laws 1969, Chapter 847, 931 and 1046.

Definitions

For the purpose of these regulations:

- (1) "Agency" Shall mean the Minnesota Pollution Control Agency, its agents or representatives.
- (2) "Animal Manure" shall mean poultry, livestock or other animal excreta or mixture with feed, bedding or other materials.
- (3) "Animal Wastes" shall mean animal manure which is stored, transported or disposed of as an unwanted waste material and which poses a potential pollution hazard to the land, air or waters of the State. This shall not include animal manure used as fertilizer.
- (4) "Feedlot Operator" Shall mean an individual, a corporation, a group of individuals, a partnership, joint venture, owner or any other business entity having charge or control of one or more livestock feedlots, poultry lots or other animal lots.
- (5) "Fertilizer" Shall mean (a) animal manure which is put on or in the soil to improve the quality or quantity of plant growth, or (b) animal manure which is used as a compost, soil conditioners, or specialized plant beds.
- (6) "Floodway" Is as defined in Minnesota Statutes, Section 104.05, Subdivision 4.
- (7) "Land Pollution" Shall mean the presence in or on the land of any solid waste in such quantities of such nature and duration, and under such conditions as would affect injuriously any waters of the State, create air contaminants or cause air pollution.
- (8) "Livestock" Shall mean beef and dairy cattle, horses, swine and sheep.
- (9) "Livestock Feedlot" Shall mean the confined feeding, breeding, raising or holding of livestock in enclosures specifically designed as confinement areas in which

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animal manure may accumulate. This shall not include areas normally used for pasture or crops.

(10) "Odor" As stated in Minnesota Administrative Rules and Regulations APC 9(c). The odor of growing vegetation, domestic fertilizers, insecticides and other natural odors shall not be considered objectionable.

(11) "Other Animal Lot" Shall mean the confined feeding, breeding, boarding or holding of any animal, except livestock, raised for its pelt, consumption as food, pleasure or sport, including, but not limited to, rabbits, mink, dogs, ponies, buffalo and deer.

(12) "Pasture" Shall mean areas where grass or other growing plants are used as food for grazing. A pasture shall be deemed a livestock feedlot or poultry lot when the concentration of livestock or poultry is such that a vegetation cover is not maintained except in the immediate vicinity of temporary supplemental feeding or watering devices.

(13) "Poultry" Shall mean all domestically raised fowl, including but not limited to, chickens, turkeys, ducks, geese and game birds.

(14) "Poultry Lot" Shall mean (a) The place of confined feeding, hatching, raising, or holding of poultry in enclosures, yards or pens where animal manure may be accumulated; or (b) Range areas not normally used for pasture or crops, in which animal manure may accumulate and be carried directly or indirectly to waters of the State or constitute a potential pollution hazard.

(15) "Shoreland" Is as defined in Minnesota Statutes, Section 105.485, Subdivision 2.

(16) "Sinkhole" Shall mean a hole worn through bedrock into which surface water drains to an underground channel.

(17) "Solid Waste" Solid waste is garbage, refuse and other discarded solid materials, except animal waste used as fertilizer, including solid waste materials resulting from industrial, commercial and agricultural operations, and from community activities. Solid waste does not include earthen fill, boulders, rock and other materials normally handled in construction operations; solid or dissolved materials in domestic sewage or other significant pollutants in water resources, such as silt, dissolved materials in irrigation return flows, or other common water pollutants.

(18) "Storage Area" Shall mean an area associated with a livestock feedlot, poultry lot or other animal lot in which animal manure is placed for storage until it can be utilized as fertilizer or removed to a permanent disposal site. This shall not include animal manure packs or mounding within the feedlot area.

(19) "Potential Pollution Hazard" shall mean a condition which may in the reasonably foreseeable future cause pollution of the land, air or waters of the State.

General Conditions

All animal manure shall be stored, transported and disposed of in a manner consistent with the requirements of these regulations. The Agency is responsible for enforcement of these regulations in cooperation with local governing bodies which may adopt these regulations for use in local laws, ordinances or regulations.

Severability

If any provision of any regulation or the application thereof to any person or circumstances is held to be invalid, such invalidity shall not affect other provisions or application of any other part of such regulations or any other regulations which can be given effect without the invalid provision of application, and to this end the provisions of all regulations and the various applications thereof are declared to be severable.

Variances

Where upon written application of the responsible person or persons the Agency finds that by reason of exceptional circumstances strict conformity with any provisions of the regulation contained herein would cause undue hardship, would be unreasonable, impractical or not feasible under the circumstances, the Agency may permit a variance from these regulations upon such conditions and within such time limitations as it may prescribe for prevention, control or abatement of land, air or water pollution in harmony with the intent of the State and any applicable Federal laws.

SW-52 Storage, Transportation and Disposal of Animal Wastes

(1) The owner and operator of any livestock feedlot, poultry lot or other animal lot shall be responsible for the storage, transportation and disposal of all animal manure generated on the property in a manner consistent with the provisions herein.

(2) All animal manure shall be stored in such a manner as to prevent the creation of a potential pollution hazard to the land, air or waters of the State.

(a) All storage areas shall be designed so as to restrict seepage, percolation or other movement of animal manure to ground waters.

(b) All storage areas shall be surrounded by a dike, wall or curb of such dimensions or construction that the storage volume will contain all the animal manure gener-

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ated and divert around and prevent the entrance and admixture of snow melt and surface runoff from outside areas.

(e) All storage areas shall be sloped so that draining liquids can be collected and discharged from the area at one or more controlled discharge points.

(d) If animal manure is stored as a slurry, storage tanks shall be designed to restrict objectionable odors. This shall not apply where animals or poultry are kept on slotted floors over a pit or where outdoor holding ponds or lagoons are utilized.

(e) All storage areas shall be located so as not to pose a potential pollution hazard to local wells or sources of potable water and shall be located at least 100 feet from such wells or water sources.

(f) All stored fertilizer shall be utilized and all stored animal wastes disposed of in a manner consistent with the provisions herein as soon as weather conditions and other factors permit. In no event shall fertilizer or animal wastes be stored for more than one year from the time of their generation unless animal manure packs or mounding is used as an operational technique.

(3) All fertilizer and animal wastes shall be transported in such a manner as to prevent the creation of a potential pollution hazard to the land, air or waters of the State.

(a) All vehicles used to transport animal wastes on county, State and interstate highways or through municipalities shall be covered and durable. This shall not apply to animal manure hauled to fields for use as fertilizer. Animal wastes in slurry form shall be transported in leak proof vehicles or containers.

(b) All fertilizer and animal wastes shall be transported in compliance with the regulations of Federal, State and local governments and their regulatory agencies.

(4) All animal wastes shall be disposed of in such a manner as to prevent the creation of a potential pollution hazard to the land, air or waters of the State.

(a) Opening burning of animal waste is prohibited except as shall be allowed by the regulations of Agency.

(b) All treatment works for the control of animal wastes shall be constructed, designed and operated in accordance with statutes, regulations or criteria as administered by the Agency's Division of Water Quality.

(e) Disposal of effluents from systems for disposal of animal wastes shall be conducted in conformance with applicable criteria, rules, regulations, or standards of the Agency relating to water pollution or disposal of sewage, industrial or other wastes.

(d) Land disposal of animal wastes shall be conducted in conformance with Minnesota Administrative Rules and Regulations SW-1-11.

(e) Animal wastes or fertilizer containing dead animals or animal entrails shall be disposed of in conformance with Minnesota Administrative Rules and Regulations SW-1-11, or regulations of the Minnesota Livestock Sanitary Board whichever may be applicable.

SW 53 Registration, Permit Issuance, Denial and Revocation

It shall be unlawful for any person to establish, maintain or operate a livestock feedlot, poultry lot or other animal lot except as provided in these regulations.

(1) The Agency may, at its discretion, require registration of existing livestock feedlots, poultry lots and other animal lots. Conditions requiring registration and registration procedures for the abatement of pollution of land, air and waters of the State shall be determined by the Agency after public hearings have been held.

(2) A permit shall be required for all new livestock feedlots, poultry lots and other animal lots beginning after the effective date of these regulations.

(3) If the Agency determines that a livestock feedlot, poultry lot or other animal lot is, in fact, polluting or constitutes a potential pollution hazard to the land, air or waters of the State the feedlot operator shall submit an application for permit and upon plan approval obtain a permit from the Agency for the pollution control devices to be installed.

(4) Permits shall be issued at no charge to the feedlot operator. Each permit application shall include the following:

(a) A map or aerial photograph of the area showing all homes, buildings, lakes, ponds, watercourses, wetland, dry runs, rock out croppings, roads and applicable details and shall indicate the general topography with contours and drainage patterns. Wells should be indicated; a north arrow drawn and location insert map included.

KEY: RULES SECTION — Underlining indicates additions to proposed rule language. **Strike outs** indicate deletions from proposed rule language. **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."

PROPOSED RULES

(b) A description of geological conditions; soil types and ground water elevations; including high water table; to a depth of ten feet below the lowest elevation of the site.

(c) A plan indicating operational procedures; the location and specifications of proposed animal waste treatment works; land used for the disposal of animal wastes; and the quantity and type of effluent to be discharged from the site.

(6) Plans and specifications shall be approved and a permit issued when the director of the Agency determines they are in accordance with the requirements as set forth in these regulations and other applicable statutes; regulations; rules or criteria of the Agency relating to disposal of sewage; industrial; or other wastes. Although a permit shall be granted the same shall become effective only if the location of the site or facility shall conform to all applicable Federal; State and local laws; ordinances and regulations.

(7) Permits may be denied; conditioned; modified or revoked for violation of these regulations. When a permit is denied or revoked; the applicant or holder shall be notified in writing of the reasons therefor. A denial or revocation shall not become effective for at least 90 days after written notification to the applicant or holder. A denial or revocation shall be without prejudice to the applicant's or holders right to an appearance before the Agency within 90 days; or for filing a further application after revisions are made to meet objections specified as reasons for denial or revocation. The applicant or holder shall have the right to an appeal pursuant to Minnesota Statutes; Chapter 15.

SW 54 Location Requirements for Livestock Feedlots; Poultry Lots and Other Animal Lots

(1) All livestock feedlots; poultry lots and other animal lots shall be located so as not to constitute a potential pollution hazard to the land; air or waters of the State; except where corrective and protective measures approved by the Agency are taken.

(2) New livestock feedlots; poultry lots and other animal lots are prohibited within the following areas:

- (a) Within shoreland
- (b) Within a floodway
- (c) Within 1,000 feet of the boundary of a public park
- (d) In sinkholes or areas draining to sinkholes
- (e) Within one half mile of the nearest point to a concentration of ten or more private residences at the time of construction.

SW 55 Nonconforming Feedlots

Modification of existing livestock feedlots; poultry lots and other animal lots to conform to the requirements of these regulations shall be accomplished. When the degree of necessary improvement is of such extent that immediate compliance cannot be accomplished; special consideration shall be given by the Agency. In such event; the owner of the nonconforming livestock feedlot; poultry lot or other animal lot shall; not later than six months after notification by certified mail that a permit will be required; submit to the Agency a report setting forth a program; plans and time schedule for compliance with these regulations. In any event; compliance must be achieved within such time as deemed reasonable by the Agency.

SW 56 Applicability; Definitions and General Conditions for Processing of Feedlot Permits; Severability and Variances.

APPLICABILITY

These are regulations and standards the provisions of which govern the processing of permits for Livestock Feedlots; Poultry Lots and Other Animal Lots by the MPCA and designated County officials under the supervision and review of the Minnesota Pollution Control Agency.

DEFINITIONS

(1) "Animal Unit" A unit of measure used to compare differences in the production of animal wastes which has as a standard the amount of waste produced on a regular basis by a slaughter steer or heifer. For purposes of these regulations; the following equivalents apply:

	Animal Units
(1) Slaughter steer or heifer	1
(1) Mature dairy cow	1.4
(1) Swine over 55 pounds4
(1) Sheep1
(1) Turkey018
(1) Chicken01
(1) Duck2

(2) "Designated County Feedlot Pollution Control Officer" is a county employee or other person approved by the County Board; who should be knowledgeable in agriculture and who is designated by resolution of the County Board to receive and process feedlot; poultry lot and other animal lot permit applications.

(3) "Modified" Change in the operation of an animal feedlot which would affect the generation or disposal of animal waste.

(4) "Addendum" Document specifying additions to or change in conditions of a Livestock Feedlot; Poultry

PROPOSED RULES

Lot or Other Animal Lot permit due to the modification of said Livestock Feedlot, Poultry Lot or Other Animal Lot.

GENERAL CONDITIONS

All Livestock Feedlots, Poultry Lots and Other Animal Lots shall be located and operated in a manner that precludes potential pollution hazards to the land, air or waters of the state except where corrective and protective measures approved by the Agency are taken. These regulations outline how Agency approval of animal facilities shall be obtained in the form of a permit for existing and new operations.

SEVERABILITY

If any provision of these regulations or the application thereof to any person or circumstances is held to be invalid, such invalidity shall not affect other provisions or application of any other part of such regulations or any other regulations which can be given effect without the invalid provision of application; and to this end the provisions of all regulations and the various applications thereof are declared to be severable.

VARIANCES

Where upon written application of the responsible person or persons the Agency finds that by reason of exceptional circumstances strict conformity with any provisions of the regulation contained herein would cause undue hardship, would be unreasonable, impractical or not feasible under the circumstances, the Agency may permit a variance from these regulations upon such conditions and within such time limitations as it may prescribe for prevention, control or abatement of land, air or water pollution in harmony with the intent of the State and any applicable Federal laws.

SW 57 Processing of Animal Feedlot Permits by a County

(1) Pursuant to Minnesota Laws 1973, Chapter 573, Minnesota Counties may engage in the processing of animal feedlot permits. "Processing" may, at the option of the county board, include issuing, denying, modifying, imposing conditions upon, or revoking permits in accordance with these regulations.

(2) Any Minnesota county desiring to assume responsibility for processing animal feedlot permits must:

(a) Submit to the Pollution Control Agency a certified copy of a resolution adopted by the county board requesting permission to initiate an animal feedlot permit

processing system in the county. Such resolution must be accompanied by a brief statement describing the manner in which the county will implement the permit processing procedures and indicating whether the county will issue, deny, modify conditions upon, or revoke permits under their processing plan.

(b) Receive written approval from the Minnesota Pollution Control Agency authorizing the processing of animal feedlot permits within the county.

(3) Each Minnesota county processing animal feedlot permits shall designate a county feedlot pollution control officer as having the primary responsibility for the feedlot permit program and charge him with the following duties:

(a) Distribute to applicants permit application forms made available through the Minnesota Pollution Control Agency;

(b) Provide, where requested, necessary assistance to applicants to insure that application forms are properly completed. (This includes, for example, the attachment of certain maps, plans, and specifications required under SW 53.)

(c) Following receipt and examination of completed application forms, indicate in writing, to the Minnesota Pollution Control Agency, whether or not the proposed animal feedlot facility will comply with all applicable state and local laws and regulations.

(d) Indicate where it is determined that a proposed facility will not, as planned, meet the requirements of state and local law, those respects in which a variance would be required for issuance of a permit. A determination of non-compliance may include a variance request with a written recommendation for or against the variance. Where the recommendation supports a variance, the county official must indicate what pollution control devices have been proposed and enclose plans or design specification with the application.

SW 58 Issuance, Modification, or Imposition of Conditions upon Permits by Counties.

(1) Those counties desiring to do so, may pursuant to their approved permit processing plan, issue, modify, or impose conditions upon animal feedlot permits. For purposes of this regulation, "issuance of an animal feedlot permit" means delivery and cosigning of an animal feedlot permit approved by the Pollution Control Agency or the grant

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PROPOSED RULES

ing of a permit by a county board where the Pollution Control Agency has not acted on a permit application within 15 days of notification of intent to issue a permit by a designated county official.

(2) A permit shall be required for all livestock feedlots, poultry lots and other animal lots which, after April 16, 1974:

(a) Began operation;

(b) Expanded existing operation by increasing the number of animal units;

(c) Modified existing operation or constructed new facilities; (but did not increase animal units)

(d) Changed ownership; (but did not increase animal units)

The location requirements of SW 54 (2) do not apply to permits issued under (c) and (d) above.

(3) If the county determines that any livestock feedlot, poultry lot or other animal lots, whether or not it existed prior to April 16, 1974 is in fact polluting or constitutes a potential pollution hazard to the land, air or waters of the state, the Agency shall be notified and the county may require the feedlot operator to submit an application for a permit containing plans for pollution abatement. Where the county has notified the Agency of a potential pollution hazard, it shall also notify the Agency as to whether or not the operator has been informed of the requirement for a feedlot permit and pollution control plans under SW 53.

(4) All permit applications shall include the following:

(a) A completed permit application form; (the permit application should be for the maximum number of animals the operator has facilities provided for)

(b) A map or aerial photograph of the area showing all homes, wells, building, lakes, ponds, watercourses, wetland, dry runs, rock out croppings, roads and applicable details and shall indicate the general topography with contours and drainage patterns. A north arrow shall be drawn on; the scale shown; and a location insert map be included;

(c) A plan indicating operational procedures, the location and specifications of animal waste collections, storage and/or treatment facilities; land used for the disposal of animal wastes; and the quantity and type of waste to be removed from the site.

(5) In order for the county to issue a permit:

(a) The Minnesota Pollution Control Agency must receive written notification of the intention of the county to issue a permit. Such notification must include the completed permit application together with all applicable details as described in section 4 above;

(b) The Agency shall within 15 days after receipt of written notification of intent to issue a permit review the permit and suspend, modify, disapprove or approve the issuance of said permit. If the Agency fails to act within 15 days the county board may take action which shall be final, subject to appeal to the district court.

(c) Upon Agency approval of the permit, the permit and display certificate shall be returned to the county for issuance to the operator.

(6) In order for a county to modify or impose conditions upon a permit:

(a) The county shall notify the Minnesota Pollution Control Agency in writing of its intention to modify or impose conditions upon an animal feedlot permit.

(b) A copy of the permit together with the intended modifications and conditions shall be forwarded to the Agency for review. The Agency shall either approve or reject the recommended modifications or conditions. The Agency may also suggest alternative modifications or conditions.

(c) The county must receive Minnesota Pollution Control Agency approval of the proposed modifications or conditions.

SW 59 Revocation of Permits by Counties

(1) Those counties desiring to do so, may, pursuant to their permit processing authority revoke animal feedlot permits.

(2) In order for a county to revoke a permit:

(a) A copy of the permit application or permit together with a written justification for revocation must be submitted to the Pollution Control Agency for review. The Agency shall approve or reverse the revocation.

(b) The county must receive written approval of the permit revocation from the Pollution Control Agency.

(c) Where a revocation has been approved by the Pollution Control Agency, the applicant must be informed in writing by the county of the reasons for denial or revocation.

(d) A revocation of a permit by a county shall be without prejudice to the applicant's right to an appearance

PROPOSED RULES

before the Pollution Control Agency within 90 days; or for filing a further or new application with the county after revisions are made to meet objections specified as reasons for revocation.

SW 60 Denial of Permits by Counties

(1) In the case of permit denial by a county official the applicant shall be informed in writing

(a) of the reasons for denial;

(b) that if the applicant feels the permit denial is unreasonable, an informal appeal may be made to the Division of Solid Waste;

(c) that denial shall be without prejudice to the applicant's right to an appearance before the Agency within 90 days; or for filing a further application after revisions are made to meet objections specified as reasons for denial. The

applicant shall have the right to an appeal pursuant to Minnesota Statutes, Chapter 15.

SW 61 Required Records

(1) The county shall maintain on file a copy of all correspondence and material relating to feedlot permits processed by the county. A copy of the permit and the permit application shall be included. The original permit application shall be on file with the Agency.

(2) Prior to any major change in a feedlot operation an addendum to the original permit shall be applied for describing the change, and when approval given, the addendum shall then be filed with the original permit.

(3) When the ownership and/or management of a permitted operation is changed, the county and state records will be changed upon notification. The new operator will be subject to the conditions of the existing permit unless an approved addendum is added to the permit.

SUPREME COURT

Decisions Filed Friday, March 2, 1979

Compiled by John McCarthy, Clerk

47428 Elmer Kadolph vs. Koob Implement Company, et al, Relators, Workers' Compensation Court of Appeals.

Before a case is ripe for appeal from the Workers' Compensation Court of Appeals to this court, the Workers' Compensation Court of Appeals should decide all issues presented to it, including the issue whether an employer is justified in terminating permanent and total disability benefits.

For purposes of deciding whether to impose a penalty, greater weight is to be given to the determination whether there is merit to relators' petition to vacate the original award than to the determination whether relators followed the correct procedure to vacate or modify that award.

• Reversed and remanded. Yetka, J.

48648/15 Stanley Kossak, Appellant, vs. Charles M. Stalling and the City of Duluth. St. Louis County.

Where the municipality had actual notice of an accident between a vehicle it owned and one owned by plaintiff, we find that there was substantial compliance with the notice requirement of Minn. St. 1971, § 466.05, and we therefore need not reach the issue of the statute's constitutionality.

Consistent with the enlightened trend of authority we hold that where plaintiff is involved in an accident with a municipal vehicle and the municipality has actual notice, the 1-year commencement of suit requirement contained in Minn. St. 1971, § 466.05, is invalid as a denial of equal protection of the laws.

Reversed and remanded. Scott, J. Took no part, Todd, J.

48945/40 Anne M. Scheeler, Widow of Henry F. Scheeler, Deceased, Relator, vs. North Pipe Electric Cooperative, Inc., et al, and Blue Cross & Blue Shield of Minnesota, intervenor, Workers' Compensation Court of Appeals.

SUPREME COURT

Petitioner, widow of deceased employee, is not entitled to temporary total disability benefits where she asserts a claim personal to the employee and there is no statutory provision allowing heirs to receive compensation not reduced to an award during his lifetime.

Affirmed. Per Curiam.

48811/41 Richard Anderson, Relator, vs. Associated Milk Products, Inc., et al. Workers' Compensation Court of Appeals.

The findings of the Workers' Compensation Court of Appeals that it could not be determined from the record whether the employee's foot injury was a substantial cause of his disability after February 1, 1975, must be sustained because such finding is supported by substantial evidence.

Affirmed. Per Curiam.

48926 State of Minnesota vs. Arthur Kost, Appellant. Ramsey County.
47719/42

The evidence presented against defendant, including the corroborated testimony of three witnesses, was legally sufficient to support the jury's finding that defendant was guilty of two counts of kidnapping and one count of aggravated assault.

The trial court properly permitted the prosecutor to cross-examine the state's own witness upon a showing of

surprise impeachment of the state's witness by a prior inconsistent statement proved to be unnecessary when that witness testified as the prosecutor expected.

The trial court did not abuse its discretion in excluding the testimony of two witnesses who claimed to have seen the victim alive and well after the time of the alleged offenses where, under the circumstances, the proposed evidence had very little probative value and carried strong potential for misleading and confusing the jury.

The prosecutor's closing argument was not so improper as to require a new trial nor was there merit to defendant's petition for post conviction relief on the ground of newly discovered evidence.

Affirmed. Per Curiam.

48869/58 Warren G. Valentine vs. Anderson Trucking Service, et al, Relators. Workers' Compensation Court of Appeals.

Employee's wages were not irregular or difficult to determine so as to come under Minn. St. § 176.011, subd. 3, for purposes of computing compensation benefits, where the hours shown on his weekly timecards varied due to legal holidays, vacation days, or such leave, for all of which employee was paid less than he received for a full day's work, or to time ranging from a quarter to a half day when he took time off without pay for personal reasons.

Affirmed. Per Curiam.

STATE CONTRACTS

Pursuant to the provisions of Laws of 1978, ch. 480, an agency must make reasonable effort to publicize the availability of any consultant services contract or professional and technical services contract which has an estimated cost of over \$2,000.

Department of Administration procedures require that notice of any consultant services contract or professional and technical services con-

tract which has an estimated cost of over \$10,000 be printed in the *State Register*. These procedures also require that the following information be included in the notice: name of contact person, agency name and address, description of project and tasks, cost estimate, and final submission date of completed contract proposal.

Department of Economic Security

Statewide CETA

Notice of Request for Proposals for Training Materials Development

1. Agency Name and Address: Minnesota Department of Economic Security, Statewide CETA Coordination, 690 American Center Building, St. Paul, Minnesota 55101.

2. Contact Person: Persons or organizations wishing to receive this Request for Proposal package or who would like additional information may contact the contracting officer, John Cosgrove, at the address provided in Item #1 above, or call (612) 296-2072.

STATE CONTRACTS

3. Description: To develop training materials on occupational information production and dissemination techniques to be incorporated into on-going state agency professional staff training programs. This Request for Proposal does not obligate the State to complete the project and the State reserves the right to cancel the solicitation if it is considered to be in its best interest.

4. Cost: \$2,500

5. Final Proposal Submission Date: Responses accepted up to 4:30 p.m., April 2, 1979.

Department of Finance

Notice of Request for Proposals for Consultant Services

The State of Minnesota, Department of Finance is seeking proposals from firms/organizations that have skills and experience in financial management at the state government level. What is required is a review of the State of Minnesota's financial planning and control activities with particular emphasis on the Department of Finance. The product of this effort is to be a series of recommendations on how the Department of Finance can most effectively organize itself to serve the financial needs of the state; a statement of functional responsibilities the department must perform to ensure adequate financial management of the state's resources, and a statement of information necessary to fulfill these responsibilities.

An amount not to exceed \$40,000 is available for this project. All proposals must be submitted no later than April 6, 1979. Direct requests for proposals to:

Norman Dybdahl (612) 296-4195
Administrative Building
50 Sherburne Avenue
St. Paul, Minnesota 55155

Housing Finance Agency

Notice of Availability of Contract for Systems Development Services

Notice is hereby given that the Minnesota Housing Finance Agency intends to engage the services of a technical

consultant to assist in the development of an on-line data entry, inquiry and reporting system to be operational on or about July 1, 1979. The estimated amount of the contract is \$25,000 and the contract will be let on or about March 25, 1979.

Any inquiries should be addressed to:

David Ruch, Manager
Information Systems
Minnesota Housing Finance Agency
333 Sibley Street
St. Paul, Minnesota 55101
612/296-9795

on or before March 20, 1979.

Department of Public Welfare Cambridge State Hospital

Notice of Request for Proposals for a Survey and Recommendation for An Insulated Meal Delivery System

The Cambridge State Hospital is seeking the services of a qualified firm to survey its food preparation, delivery and serving systems, to prepare recommendations in report form for a cost-efficient insulated meal delivery system and assist with the preparation of equipment bid specifications.

The report is to include recommendations on storage areas and supplies, menu modifications, assembly line layout and personnel, meal delivery and retrieval plan, warewashing equipment and personnel, building alterations, delivery vehicles, labor schedules, anticipated costs and scale drawings of meal assembly and warewashing areas.

The total estimated cost is \$5,000.

For further information contact:

Norbert K. Johnson, Assistant Administrator
Cambridge State Hospital
Cambridge, MN 55008
Telephone (612) 689-2121, Extension 204

The final submission date is April 2, 1979.

Department of Transportation Bureau of Operations

Notice of Availability of Contract for Services to Design and Construct an Electric Wireway Prototype

The Minnesota Department of Transportation (Mn/DOT) is planning to improve the lighting system contained in the Lowry Hill Tunnel on T.H. 94 in Minneapolis, Minnesota. In accomplishment of the lighting design, Mn/DOT requires the technical services of a qualified consultant to design, furnish shop drawings, build and test a prototype of a wireway which will meet the requirements of the Department.

The estimated cost range for this project is \$20,000 to \$25,000.

Firms interested in providing services for this project may contact Mr. Reinhardt F. Rogers for information relating to the technical requirements of the project. Mr. Rogers' telephone number is (612) 296-4001.

Firms desiring information related to the form and content of the proposal may contact Mr. B. E. McCarthy.

Your proposal should be directed to Mr. B. E. McCarthy, Consultant Services Engineer, Room 612B, Transportation Building, St. Paul, Minnesota 55155. Telephone number (612) 296-3051.

Your proposal should be received in this office no later than 4:00 p.m., April 9, 1979.

Department of Transportation Research and Development

Notice of Availability of Contract for Implementation of Research Findings

The Department of Transportation acting as the agent for the Local Road Research Board requires the services of a consultant for implementation of research findings applica-

ble to county highway and municipal streets in Minnesota. This contract involves the review of selected research, recommendation of implementation procedures and performance of effective implementation activities. Concurrent activity on several implementation projects may be anticipated.

A seasoned professional, with engineering and educational experience who is familiar with design, construction and maintenance practices and problems on Minnesota streets and highways, as well as national research trends, is desired.

The Local Road Research Board has budgeted a maximum of thirty thousand (\$30,000) dollars for this work.

Consultants having established offices in Minnesota are to be given first consideration.

Those interested may obtain a request for proposal from:

Mr. Ronald M. Canner, Jr., P.E.
Research Coordination Engineer
Research & Development Section
Minnesota Department of Transportation
Room G-29D, Transportation Building
St. Paul, Minnesota 55155
Telephone: (612) 296-6569

Request for proposals will be available through April 6, 1979. All proposals will be due no later than April 16, 1979.

Department of Transportation Bridges and Structures

Notice of Availability of Contract for Minnesota Consulting Engineers

The Mn/DOT requires the services of a qualified consultant to provide engineering services for the design of the bridge project described below.

Bridge No. 9217 T.H. 494 over the Minnesota River between Bloomington and Eagan

Estimated fee range: In excess of \$75,000

STATE CONTRACTS

The work will start in the next few months with approximately one year anticipated for completion.

Firms desiring consideration should express their interest to Mn/DOT before 4:30 p.m., April 2, 1979. Identify personnel to conduct the project and include resume of their training and work experience. Minnesota firms will be given first consideration.

The Bridge Contractor Selection Committee will solicit a

proposal from the list of responders after screening and interviews.

Send response to:

K. V. Benthin
Bridge Engineer
Room 610D
Transportation Bldg.
St. Paul, Minnesota 55155

OFFICIAL NOTICES

Pursuant to the provisions of Minn. Stat. § 15.0412, subd. 6, an agency, in preparing proposed rules, may seek information or opinion from sources outside the agency. Notices of intent to solicit outside opinion must be published in the *State Register* and all interested persons afforded the opportunity to submit data or views on the subject,

either orally or in writing.

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

Office of the Governor

Notice of Appointment of Department Heads

Notice is hereby given of the following department head appointments made pursuant to Minn. Stat. § 15.06, subd. 2. The effective date of each appointment is listed below.

<i>Dept.</i>	<i>Name</i>	<i>Date</i>
Dept. of Administration	James Hiniker	3/12/79
Dept. of Public Welfare	Arthur Noot	3/12/79
Dept. of Labor & Industry	Harry Peterson	3/1/79
Bureau of Mediation Services	Peter Obermeyer	3/5/79

Metropolitan Council/ Metropolitan Health Board

Public Meeting on Annual Implementation Plan and Application for Renewal of Designation

The Metropolitan Council and the Metropolitan Health Board will jointly hold a public meeting on Wednesday,

March 28, 1979, beginning at 7:30 p.m., in the Metropolitan Council Chambers, 300 Metro Square Building, St. Paul, MN 55101 for the purpose of receiving oral and written comments on the 1979 Annual Implementation Plan and 1979 Application for Renewal of the Metropolitan Council/Metropolitan Health Board. Copies of these draft documents, which contain suggested steps for accomplishing the goals and objectives outlined in the Health Systems Plan, and the work program and budget for the agency, are available free of charge from the Metropolitan Council Public Information Office, 300 Metro Square Building, St. Paul, MN 55101, telephone 291-6464, and are available for public inspection at the following locations:

Metropolitan Council Library 300 Metro Square Building St. Paul, Minnesota 55101	St. Paul Public Library Government Publications Section 90 W. Fourth St. St. Paul, Minnesota 55101
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Minneapolis Public Library Government Documents Section 300 Nicollet Mall Minneapolis, Minn. 55401	Ramsey Co. Roseville Library 2180 N. Hamline Av. Roseville, Minnesota 55113
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Anoka County Central Library 707 Highway 10 Blaine, Minn. 55434	Carver County Chaska Library 314 Walnut St. Chaska, Minnesota 55318
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Dakota County Burnsville Library 1101 W. Co. Rd. 42 Burnsville, Minn. 55337	Southdale-Hennepin Co. Library 7001 York Av. S. Edina, Minnesota 55435
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Scott County Shakopee Library 235 S. Lewis St. Shakopee, Minn. 55379	Washington County Library Park-Grove Branch 7520 80th St. S. Cottage Grove, Minnesota 55016
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Those wishing to speak at the public meeting may register in advance by contacting Eleanor Suneson at 291-6352. Those who sign up first will be scheduled to speak first. Written comments will also be accepted up to seven days following this hearing. Questions may be referred to the Metropolitan Health Board at 291-6352.

Charles Weaver, Chairman
Metropolitan Council

Coral Houle, Chairperson
Metropolitan Health Board

Minnesota Sentencing Guidelines Commission

Notice of Public Meeting

The next regular business meeting of the Sentencing Guidelines Commission will be held:

Thursday, March 15, 1979, 5:30 p.m.
Imperial Room at McGuires Inn
1201 West County Road E
Arden Hills, MN

The major agenda item will be a "Severity Ranking" exercise for Commission members.

For additional information, contact Linda Anderson, Room 284 Metro Square Bldg., St. Paul, MN, (612) 296-7508.

Office of the Secretary of State Administration Division

Open Appointment Process: Notice of Openings on State Agencies — Application Procedures

Pursuant to Laws of 1978, ch. 592, the legislature has implemented an Open Appointment process by which the public is informed of openings on state multi-member agencies (boards, commissions, councils) created by statute and having statewide jurisdiction.

Application forms may be obtained at the Office of the Secretary of State, 180 State Office Building, St. Paul, MN 55155, (612) 296-3266. Contact the Secretary of State for the Open Appointment Process information brochure and specific agency related information. Application deadline is Friday, March 30, 1979.

BILINGUAL EDUCATION ADVISORY TASK FORCE: Four vacancies, open immediately. The Task Force makes recommendations to the State Board of Education concerning approval, modification, or disapproval of proposals for programs and the amount of grants to approved programs and shall represent significant segments of the population of persons of limited English speaking ability. Meetings are usually held once a month. Members shall receive expenses in the same manner and amount as state employees. The State Board of Education is the Appointing Authority.

Housing Finance Agency: One vacancy, open immediately. The Agency is dedicated to providing decent, safe, and sanitary housing for low and moderate income people. Members perform a decision making function for the agency. No more than one public member shall reside in any one of the Regional Development Regions. This vacancy is open to a member who does not reside in Regional Districts 3, 10 and 11. Meetings are held on the fourth Thursday of each month at 1:00 p.m. Members are reimbursed for travel expenses and receive per diem of \$35. The Governor is the Appointing Authority.

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OFFICE OF THE STATE REGISTER

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St. Paul, Minnesota 55102
(612) 296-8239

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