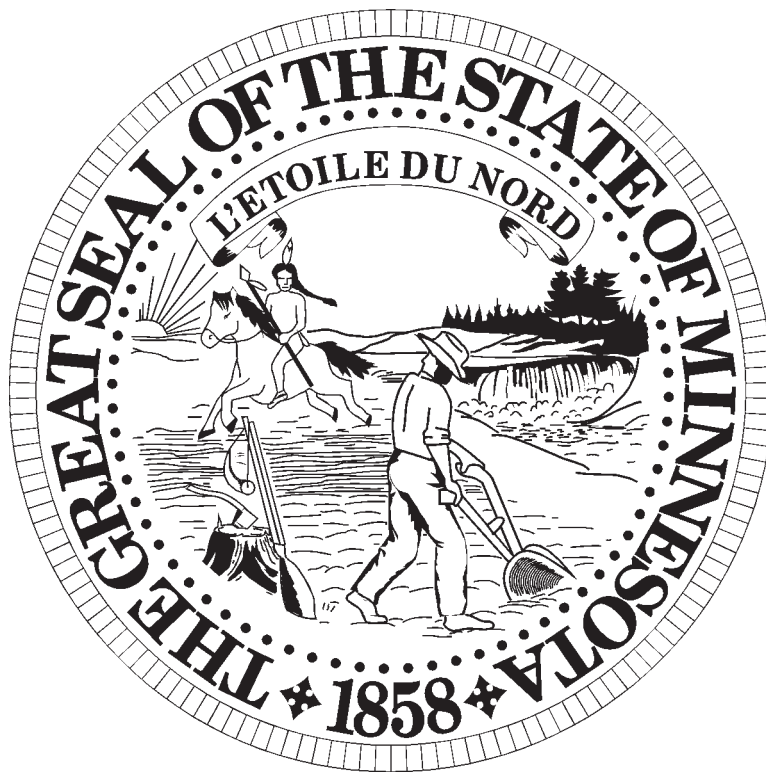


State of Minnesota

# State Register



**Rules and Official Notices Edition**

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# State Register

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The *State Register* is the official publication of the State of Minnesota, published weekly to fulfill the legislative mandate set forth in *Minnesota Statutes* § 14.46. The *State Register* contains:

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- appointments
- proclamations and commendations
- commissioners' orders
- revenue notices
- official notices
- state grants and loans
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#9	Monday 29 August	Noon Tuesday 23 August	Noon Wednesday 17 August
#10	<b>NOON TUESDAY 6 SEPTEMBER</b>	Noon Tuesday 30 August	Noon Wednesday 24 August
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# Minnesota Rules: Amendments and Additions

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

The *State Register* is the official source, and only complete listing, for all state agency rulemaking in its various stages. State agencies are required to publish notice of their rulemaking action in the *State Register*. Published every Monday, the *State Register* makes it easy to follow and participate in the important rulemaking process. Approximately 80 state agencies have the authority to issue rules. Each agency is assigned specific **Minnesota Rule** chapter numbers. Every odd-numbered year the **Minnesota Rules** are published. The current 1999 set is a 13-volume bound collection of all adopted rules in effect at the time. Supplements are published to update this set of rules. Generally speaking, proposed and adopted exempt rules do not appear in this set because of their short-term nature, but are published in the *State Register*.

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

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

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

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# Expedited Emergency Rules

Provisions exist for the Commissioners of some state agencies to adopt expedited emergency rules when conditions exist that do not allow the Commissioner to comply with the requirements for emergency rules. The Commissioner must submit the rule to the attorney general for review and must publish a notice of adoption that includes a copy of the rule and the emergency conditions. Expedited emergency rules are effective upon publication in the State Register, and may be effective up to seven days before publication under certain emergency conditions.

Expedited emergency rules are effective for the period stated or up to 18 months. Specific *Minnesota Statute* citations accompanying these expedited emergency rules detail the agency's rulemaking authority.

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

## Natural Resources Department Adopted Expedited Emergency Game and Fish Rules: Deer and Bear Hunting

Notice is hereby given that the above entitled rules have been adopted through the process prescribed by *Minnesota Statutes*, section 84.027, subdivision 13 (b). The statutory authority for the contents of the rule is *Minnesota Statutes*, sections 97A.535, 97B.111, 97B.112, 97B.301, 97B.305, and 97B.311.

The emergency conditions that do not allow compliance with *Minnesota Statutes*, sections 97A.0451 to 97A.0459, are that population data needed to establish quotas and classify permit areas are not available until June. The deer permit area system has been redesigned to facilitate higher antlerless deer harvest and to reduce unnecessary paperwork and restrictions for hunters. Data needed to classify the permit areas by type and to set quotas for lottery areas were not available until deer population modeling was completed in June. Youth, disabled, and special hunt areas open or closed to hunting are not established until harvest and population data are evaluated in May and June. Changes in registration block and zone boundaries are to improve deer harvest and population management by better aligning land-use and land cover type to provide for more uniform harvest. Declining bear applications and increasing expansion of bear populations necessitate liberalization of bear permit availability.

Dated: August 2, 2005

Signed by Mark Holsten, Deputy Commissioner of Natural Resources

### 6232.0200 DEFINITIONS.

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

Subp. 4a. Deer permit area. "Deer permit area" means an area of the state consisting of one or more deer registration blocks. Deer permit areas open for taking legal bucks and antlerless deer during the regular firearms deer season are defined as follows:

A. "intensive deer permit area" means a deer permit area where taking deer of either sex is authorized by a regular firearms license, except a multizone buck license, and where multiple bonus permits are authorized;

B. "managed deer permit area" means a deer permit area where taking deer of either sex is authorized by a regular firearms license, except a multizone buck license, and where one bonus permit is authorized; and

C. "lottery deer permit area" means a deer permit area where taking legal bucks is authorized by a regular firearms license and taking antlerless deer is authorized by an either-sex permit.

Subp. 5. Deer management Bonus permit. "Deer management Bonus permit" means a license to take and tag a second deer by archery or firearms, in addition to deer authorized to be taken under regular archery or firearms licenses. It is available for one-half the cost of a regular resident or nonresident license, except that the license is free to qualifying owners and tenants of ten acres or more of agricultural land and is valid immediately upon issuance, as long as the purchaser has a valid regular license. Deer taken and tagged with a bonus permit must be antlerless unless otherwise prescribed by the commissioner.

Subp. 5a. See repealer.

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

Subp. 9. Regular licenses. "Regular firearms license" means a license valid for taking a deer by firearms in the regular firearms or muzzleloader season, except bonus permits. "Regular archery license" means a license valid for taking a deer by archery in the archery season, except bonus permits.

Subp. 10. Antler point. "Antler point" means an antler projection measuring at least one inch in length when measured from the base to the tip.

Subp. 11. Earn-a-buck hunt. "Earn-a-buck hunt" means a hunt where a hunter must harvest at least one antlerless deer prior to harvesting a legal buck.

# Expedited Emergency Rules

## 6232.0300 GENERAL RESTRICTIONS FOR TAKING DEER.

Subpart 1. **Zone and date options.** A firearm deer hunter may purchase a firearm license valid for the regular firearms deer season or muzzleloader season, a multizone buck license to take antlered deer in more than one zone, an all-season deer license, or a resident youth license. A hunter purchasing a resident youth license or a regular firearm license, including a hunter choosing a muzzleloader option, must select only one of the zone and date options listed on the license. For the regular firearm season, this choice will be indicated by a punched hole printed on the license at the time of purchase. A person may only hunt deer by firearms within the zone and date options indicated on the person's regular firearm license, except as prescribed in part 6232.1970, subpart 2, and except a firearm license for any zone or season option is valid in the metro deer management zone and season.

For text of subp 2, see M.R.

Subp. 3. **Party hunting.** A party is a group of two or more licensed deer hunters who are afield hunting together and are all using firearms or all using archery equipment. A member of a party may kill a deer for another member of the party who has an unused tag valid for that deer, except as provided by Minnesota Statutes, section 97B.301. A mixedweapons group is considered two separate parties. Multizone buck licensees may party hunt with regular firearms licensees. Persons issued permits under Minnesota Statutes, section 97B.055, subdivision 3, who are hunting in a lottery deer permit area and do not have an antlerless either-sex permit may not tag antlerless deer for another member of the party.

For text of subp 4, see M.R.

Subp. 5. **Tagging.** The ~~seal or the~~ tag of the license valid for the taking of the deer must be affixed around the tendon or bone of a hind leg, around the base of an antler, or through a slit cut in either ear so that the ~~seal~~ tag cannot be readily removed.

### Subp. 6. License purchase and validation.

A. A ~~deer management permit or an intensive harvest~~ bonus permit may be purchased any time throughout the open deer seasons. ~~Deer management permits or intensive harvest~~ Bonus permits are valid immediately upon purchase, as long as the purchaser has a valid regular license. When a regular license is purchased after the start of the season for that license, a ~~management or intensive harvest~~ bonus permit is not valid until the waiting period has expired for the regular license.

B. At the time a deer is tagged at the site of kill, the ~~license of the person whose tag is affixed to the deer~~ must be validated. Validation consists of using a knife or similar sharp object to cut out or a pen to indelibly mark the appropriate ~~notch~~ notches on the ~~license tag~~ indicating:

- (1) the month the deer was taken;
- (2) the date the deer was taken; and
- (3) the time of day the deer was taken.

For text of subp 7, see M.R.

Subp. 8. **Bag limit.** A person may not tag more than one legal buck per calendar year using any combination of licenses. A person may not tag more than one deer during a license year by any method, except as authorized in items A to ~~D~~ E.

A. Archery and firearms deer management permits may be used to tag a second deer as provided in this chapter.

~~B. In Marshall, Kittson, Roseau, Lake of the Woods, and Pennington Counties, A person may tag one deer with a regular archery license and another with a regular firearms license, including the muzzleloader option or multizone buck license. Both deer must be taken and registered in this fivecounty area.~~

~~C. A person may tag a third, fourth, or fifth deer by archery or firearms with an intensive harvest permit in specified areas as prescribed in this chapter.~~

~~D. B. A person may tag a second, third, fourth, or fifth deer by archery, firearm, or muzzleloader with a bonus permit in specified areas as prescribed in this chapter.~~

~~E. C. In no case may a person tag more than five deer per year by firearms, archery, or both methods combined, except a sixth deer may be tagged if a person takes a deer with a free landowner permit or except as provided in item E.~~

~~D. Except as provided in items A and E, the total bag limits by deer permit area are as follows:~~

- ~~(1) the total bag limit for lottery deer permit areas is one deer, except all-season license holders may take two deer;~~
- ~~(2) the total bag limit for managed deer permit areas is two deer, except all-season license holders may take up to three deer. Archery, firearms, and muzzleloader hunters using bonus permits may not harvest antlerless deer in more than one managed deer permit area;~~
- ~~(3) the total bag limit for intensive deer permit areas is five deer; and~~
- ~~(4) in addition to the total bag limits under subitems (1) to (3), a person with a free landowner deer license may take one additional antlerless deer on land owned or leased by the person in managed and intensive deer permit areas.~~

~~E. Up to a total of two antlerless deer can be taken in the early antlerless permit areas as prescribed in part 6232.1750, item D. These deer can be taken in addition to the bag limit established in item C.~~

For text of subp 9, see M.R.

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# Expedited Emergency Rules

## **6232.0350 RESTRICTIONS FOR TAKING DEER UNDER SPECIAL REGULATIONS.**

On Itasca State Park, a legal buck is defined as a deer with a minimum of three antler points on at least one antler. Bucks with fewer antler points than the minimum defined points are protected and are not legal for harvest. Up to four bonus permits may be used to take a second, third, fourth, and fifth deer.

## **6232.0400 REGISTRATION OF DEER.**

For text of subs 2 and 4, see M.R.

Subp. 5. Deer taken in the metro deer management zone. Deer taken in the metro deer management zone must be registered prior to transport outside the zone.

## **6232.0500 DEER LICENSES FOR MILITARY PERSONNEL.**

Military personnel and disabled veterans may obtain a license to hunt deer as authorized by Minnesota Statutes, sections 97A.441 and 97A.465, under the conditions in this part.

A. The free license, ~~antlerless either-sex~~ permit, and tag must be obtained from ~~the county auditor~~ an electronic license system special agent or the Department of Natural Resources License Center.

B. The ~~auditor must punch~~ the zone and the date option selected by the applicant shall be printed on the license.

C. The license entitles the holder to take a deer of either sex in the zone and during the date option selected. ~~Antlerless deer may be taken in that portion of the zone where quotas are prescribed as provided by part 6232.1800, but taking antlerless deer must be confined to the dates when antlerless deer permits are valid within the zone selected.~~ A license is not valid in the special areas provided in this chapter. Military or disabled veteran licensees are not eligible for deer management free bonus permits, all-season deer licenses, or multizone buck licenses.

For text of items D to G, see M.R.

## **6232.0600 SEASONS AND ZONES FOR TAKING DEER BY ARCHERY.**

For text of subpart 1, see M.R.

Subp. 2. **Northeast Border Zone.** The following provisions apply to the taking of deer by archery in the Northeast Border Zone:

A. The open area consists of: ~~Deer Registration Blocks 115, 116, 117, 118, and 127, 130, and 194.~~

For text of item B, see M.R.

## **6232.0700 LEGAL DEER BY ARCHERY.**

Antlerless deer and legal bucks may be taken by archery, except that archery hunters may not take antlerless deer in lottery deer permit areas that have no either-sex permit quota or in lottery deer permit areas that have a quota of youth antlerless permits for firearms deer hunters under part 6232.1800, subpart 9.

## **6232.0800 ARCHERY SPECIAL HUNT AREAS AND PROCEDURES.**

For text of subpart 1, see M.R.

Subp. 2. **Areas.** Special bow and arrow permits are valid in areas designated by the commissioner and published in the annual hunting regulations booklet. The following archery special hunt areas are established for the 2005 season:

A. Portions of the city of New Ulm and Flandrau State Park in Brown County are open October 15 to December 31 for taking antlerless deer and legal bucks. No more than 50 permits shall be issued by the city of New Ulm. A regular archery or all-season deer license and one bonus permit must be purchased to qualify for the hunt. A proficiency test is required and a \$5 administrative fee will be charged. One bonus permit may also be used by permittees to take deer. Applications must be sent to New Ulm City Deer Hunt, City Manager's Office, 100 N. Broadway, New Ulm, MN 56073. Applications must be postmarked by August 29, 2005.

B. Portions of the city of Mankato are open October 22 to December 31 for taking antlerless deer and legal bucks. No more than 30 permits shall be issued by the city of Mankato. A regular archery or all-season deer license and one bonus permit must be purchased to qualify for the hunt. A proficiency test is required and a \$5 administrative fee will be charged. For an application form and description of the hunt requirements, write to: Mankato City Deer Hunt, P.O. Box 3368, Mankato, MN 56001, or call (507) 387-8649.

C. Portions of the city of Granite Falls are open September 17 to December 31 for taking antlerless deer and legal bucks. No more than ten permits will be issued by the city of Granite Falls. A regular archery or all-season deer license and one bonus permit must be purchased to qualify for this hunt. A \$10 administrative fee will be charged. For an application form and description of the hunt requirements, write to: Granite Falls City Deer Hunt, Granite Falls Police Dept., 930 4th Street, Suite 3, Granite Falls, MN 56241, or call (320) 564-2129. Applications must be postmarked no later than August 14, 2005.

# Expedited Emergency Rules

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D. Portions of the city of Ortonville are open October 1 to December 1 for taking antlerless deer and legal bucks. No more than 20 permits will be issued by the city of Ortonville. A regular archery or all-season deer license and one bonus permit must be purchased to qualify for this hunt. In order to harvest a buck, a hunter must first harvest at least one antlerless deer. Multiple deer may be registered at the same time but the antlerless deer must be harvested first. A proficiency test and a \$7.50 administrative fee will be required. For an application form and description of the hunt requirements, write to: Ortonville City Deer Hunt, 315 Madison Ave., Ortonville, MN 56278, or call (320) 839-3428. Applications must be received by the close of business on September 2, 2005.

E. Crow-Hassan Park Reserve in Hennepin County is open November 11 to November 13 for taking antlerless deer and legal bucks. No more than 130 permits shall be issued. Up to four bonus permits may be used by permittees to take additional deer. Applications must be sent to Three Rivers Parks Bow Hunt, 3800 County Road 24, Maple Plain, MN 55359.

F. Murphy-Hanrehan Park Reserve in Scott County is open November 11 to November 13 for taking antlerless deer and legal bucks. No more than 180 permits shall be issued. Up to four bonus permits may be used by permittees to take additional deer. Applications must be sent to Three Rivers Parks Bow Hunt, 3800 County Road 24, Maple Plain, MN 55359.

G. Cleary Lake Regional Park in Scott County is open November 11 to November 13 for taking antlerless deer and legal bucks. No more than 55 permits shall be issued. Up to four bonus permits may be used by permittees to take additional deer. Applications must be sent to Three Rivers Parks Bow Hunt, 3800 County Road 24, Maple Plain, MN 55359.

H. Portions of the city of Red Wing as shown on maps available from the city are open September 17 to December 31 for taking antlerless deer. A proficiency test is required and hunters must wear back tags during the hunt. A valid archery or all-season deer license must be purchased to qualify for the hunt. Up to four bonus permits may be used by permittees to take additional deer. Applications must be submitted to City of Red Wing Deer Hunt, Red Wing Public Works, 229 Tyler Road S., Red Wing, MN 55066.

I. Portions of the city of Sandstone are open September 17 to December 31 by special permit from the city. Hunters must have a valid archery or all-season deer license to participate. Hunting is allowed on private land within these areas with written landowner permission and on certain city-owned lands under special hunting rules. Bonus permits are available and strongly encouraged for participants in the city hunt. For more information on the Sandstone city hunt and regulations contact [samg@sandstonemn.com](mailto:samg@sandstonemn.com).

J. Portions of the city of Rochester are open September 17 to December 31 for taking antlerless deer and legal bucks. Hunters must have a valid regular archery or all-season deer license to participate. Hunting is allowed on certain lands under special hunting rules administered by the city of Rochester. Bonus permits may be used to take up to four additional antlerless deer during the hunt. For complete information contact: City of Rochester Deer Hunt, Terry Spaeth, Room 266, City Hall, 201 4th Street SE, Rochester, MN 55904, or call (507) 2858082.

K. Portions of the city of Duluth are open September 17 to December 31 for the taking of antlerless deer and legal bucks by special permit available from the city. A bowhunter education certificate, proficiency test, and ethics pledge are required. Hunters must have a valid regular archery or all-season deer license to participate. Bonus permits may be used to take up to four additional antlerless deer during the hunt. Hunters are required to take an antlerless deer before harvesting a buck, and party hunting is not allowed for antlered bucks. Hunting is allowed on private land within the special hunt areas with written landowner permission and on certain city-owned lands. The application fee is \$10. For an application form, map, and description of the hunt rules contact: [info@bowhuntersalliance.org](mailto:info@bowhuntersalliance.org) or City of Duluth Deer Hunt, Phil Lockett, P.O. Box 15013, Duluth, MN 55815-0013. Applications must be postmarked no later than August 1, 2005.

## 6232.1250 TAKING DEER BY ARCHERY UNDER INTENSIVE HARVEST BONUS PERMITS.

Subpart 1. **Purchase.** The purchase of ~~an intensive harvest~~ a bonus permit is authorized for any person who has purchased ~~and presents~~ a valid archery deer license for the current year. ~~Intensive harvest~~ Bonus permits may be purchased from ~~license vendors in Anoka, Washington, Ramsey, Hennepin, Scott, Carver, and Dakota counties, county auditor offices~~ electronic license system agents, the Department of Natural Resources License ~~bureau~~ Center, and other authorized agents.

Subp. 2. **Restrictions.** ~~Intensive harvest~~ Bonus permits may be used to take antlerless deer ~~only or antlerless deer and adult bucks in antlerless in managed and intensive deer permit areas and in~~ special hunt areas prescribed by the commissioner. ~~In managed deer permit areas, one bonus permit may be used to take an antlerless deer. In intensive deer permit areas and special hunt areas, up to four bonus permits may be used to take antlerless deer.~~

### Subp. 3. 2005 archery managed and intensive permit areas.

A. Bonus permits may be used to take one additional antlerless deer by archery in managed deer permit areas as prescribed in part 6232.1750 and the special archery hunts as prescribed in part 6232.0800, subpart 2, items A to D.

B. Bonus permits may be used to take up to four antlerless deer by archery in intensive permit areas as prescribed in part 6232.1750 and the archery special hunts as prescribed in part 6232.0800, subpart 2, items E to K.



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## 6232.1300 SEASONS FOR TAKING DEER BY FIREARMS.

Subpart 1. **Zone 1.** Legal bucks may be taken in Zone 1 for a 16-day period beginning the Saturday nearest November 6. In managed or intensive deer permit areas, antlerless deer may be taken only by permit throughout this season and only within the permit area specified on each hunter's permit, except as specifically authorized by statute. In lottery deer permit areas and in special hunt areas, antlerless deer may be taken only by permit throughout this season and only within the deer permit or special hunt area specified on each hunter's permit, except as specifically authorized by statute. A person who is authorized by statute to take a deer of either sex without an antlerless either-sex permit and who is licensed for Zone 1 may take an antlerless deer without a permit in any Zone 1 antlerless deer permit area, except in those lottery deer permit areas where no either-sex permits are offered.

Subp. 2. **Zone 2.** Legal bucks may be taken in Zone 2 for a nine-day period beginning the Saturday nearest November 6. In managed or intensive deer permit areas, antlerless deer may be taken only by permit throughout this season and only within the permit area specified on each hunter's permit, except as specifically authorized by statute. In lottery deer permit areas and in special hunt areas, antlerless deer may be taken only by permit throughout this season and only within the deer permit or special hunt area specified on each hunter's permit, except as specifically authorized by statute. A person who is authorized by statute to take a deer of either sex without an antlerless either-sex permit and who is licensed for Zone 2 may take an antlerless deer without a permit in any Zone 2 antlerless deer permit area, except in those lottery deer permit areas where no either-sex permits are offered.

Subp. 3. **Zone 3.** This subpart applies to season dates in Zone 3.

A. Legal bucks may be taken in the early Zone 3A season ~~in Zone 3~~ for a ~~nineday~~ seven-day period beginning the Saturday nearest November 6. In managed or intensive deer permit areas, antlerless deer may be taken throughout this season. In lottery deer permit areas and in special hunt areas, antlerless deer may be taken only by permit throughout this season and only within the deer permit or special hunt area specified on each hunter's permit, except as specifically authorized by statute. A person who is authorized by statute to take a deer of either sex without an either-sex permit and who is licensed for Zone 3A may take an antlerless deer without a permit in any Zone 3A deer permit area, except in those lottery deer permit areas where no either-sex permits are offered.

B. Legal bucks ~~and antlerless deer~~ may be taken during the late Zone 3B season ~~in Zone 3~~ for a ~~sevenday~~ nine-day period beginning the Saturday nearest November 20. In managed or intensive deer permit areas, antlerless deer may be taken only by permit and only within the permit area specified on each hunter's permit, except as specifically authorized by statute throughout this season. In lottery deer permit areas and in special hunt areas, antlerless deer may be taken only by permit throughout this season and only within the deer permit or special hunt area specified on each hunter's permit, except as specifically authorized by statute. A person who is authorized by statute to take a deer of either sex without an antlerless either-sex permit and who is licensed for Zone 3B may take an antlerless deer without a permit in any Zone 3B antlerless deer permit area, except in those lottery deer permit areas where no either-sex permits are offered.

Subp. 4. **Zone 4.** This subpart applies to season dates in Zone 4.

A. Legal bucks ~~and antlerless deer~~ may be taken in the early Zone 4A season ~~in Zone 4~~ for a two-day period beginning the Saturday nearest November 6. In managed or intensive deer permit areas, antlerless deer may be taken only by permit and only within the permit area specified on each hunter's permit, except as specifically authorized by statute throughout this season. In lottery deer permit areas and in special hunt areas, antlerless deer may be taken only by permit throughout this season and only within the deer permit or special hunt area specified on each hunter's permit, except as specifically authorized by statute. A person who is authorized by statute to take a deer of either sex without an antlerless either-sex permit and who is licensed for Zone 4A may take an antlerless deer without a permit in any Zone 4A antlerless deer permit area, except in those lottery deer permit areas where no either-sex permits are offered.

B. Legal bucks ~~and antlerless deer~~ may be taken in the late Zone 4B season ~~in Zone 4~~ for a four-day period beginning the Saturday nearest November 13. In managed or intensive deer permit areas, antlerless deer may be taken only by permit and only within the permit area specified on each hunter's permit, except as specifically authorized by statute throughout this season. In lottery deer permit areas and in special hunt areas, antlerless deer may be taken only by permit throughout this season and only within the deer permit or special hunt area specified on each hunter's permit, except as specifically authorized by statute. A person who is authorized by statute to take a deer of either sex without an antlerless either-sex permit and who is licensed for Zone 4B may take an antlerless deer without a permit in any Zone 4B antlerless deer permit area, except in those lottery deer permit areas where no either-sex permits are offered.

Subp. 5. **Metro deer management zone.** Legal bucks and antlerless deer may be taken in the metro deer management zone for the 23-day period beginning Saturday, November 5 and ending Sunday, November 27.

Subp. 6. **Early antlerless season.** Antlerless deer may be taken in the early antlerless season for a two-day period beginning Saturday, October 15 and ending Sunday, October 16. The season is open in those deer permit areas as prescribed in part 6232.1750, item D.

Subp. 7. **Taking antlerless deer on firearms licenses.** The provisions for taking antlerless deer in this part apply to the use of a regular firearms, all-season, or youth deer license tag. In addition, antlerless deer may be taken and tagged with bonus permits as prescribed in parts 6232.1900 and 6232.1950.

Subp. 8. **Permit quota adjustments.** The commissioner may reduce either-sex and special hunt permit quotas for permit areas wholly or partially within the 1837 Ceded Territory at the time the computerized drawing is conducted to accommodate tribal declarations for antlerless deer harvest in the 1837 Ceded Territory in compliance with Mille Lacs Band of Chippewa v. Minnesota, 119 S. Ct. 1187 (1999). (Cite 30 SR 167)

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## 6232.1400 ZONE DESCRIPTIONS.

Subpart 1. **Zone 1.** Zone 1 is that portion of the state lying within the following described boundary:

Beginning on at the intersection of State Trunk Highway (STH) 72 at 310 with the northern boundary of the state; thence along STH 72 310 to the Tamarac River, Beltrami County; thence along the southerly shore of the Tamarac River to Upper Red Lake; thence along the easterly and southerly shores of Upper Red Lake to the easterly boundary of the Red Lake Indian Reservation; thence along the easterly boundary of said Reservation to STH 1; thence along STH 1 to STH 72; thence along STH 72 to U.S. Highway 71; thence along U.S. Highway 71 to County State Aid Highway (CSAH) 39, Beltrami County; thence along CSAH 39 to CSAH 20, Beltrami County; thence along CSAH 20 to the junction with CSAH 53, Beltrami County; thence along CSAH 53 to CSAH 12, Beltrami County; thence along CSAH 12 to CSAH 51, Beltrami County; thence along CSAH 51 to CSAH 8, Beltrami County; thence along CSAH 8 to CSAH 25, Beltrami County; thence along CSAH 25 to CSAH 4, Beltrami County; thence along CSAH 4 to CSAH 46, Hubbard County; thence along CSAH 46 to U.S. Highway 2; thence along U.S. Highway 2 to CSAH 45, Hubbard County; thence along CSAH 45 to CSAH 9, Hubbard County; thence along CSAH 9 to CSAH 69, Cass County; thence along CSAH 69 to CSAH 5, Hubbard County; thence along CSAH 5 to CSAH 39, Hubbard County; thence along CSAH 39 to County Road (CR) 94, Hubbard County; thence along CR 94 to CSAH 31, Hubbard County; thence along CSAH 31 to STH 200; STH 89; thence along STH 89 to County State-Aid Highway (CSAH) 2, Roseau County; thence along CSAH 2 to CSAH 9, Roseau County; thence along CSAH 9 to CSAH 54, Marshall County; thence along CSAH 54 to a point due west of the Red Lake Indian Reservation boundary; thence due east to said boundary; thence south and east along said boundary to the west shore of the Sandy River; thence along the Sandy River to Township Road 279th Avenue or Bailey's Road south; thence along said road to Township Road Clover Road; thence along said Township Road to CSAH 11, Clearwater County; thence along CSAH 11 to CSAH 4, Clearwater County; thence along CSAH 4 to CSAH 14, Clearwater County; thence along CSAH 14 to County Road (CR) 3, Beltrami County; thence along CR 3 to CSAH 17, Clearwater County; thence along CSAH 17 to U.S. Highway 2; thence along U.S. Highway 2 to STH 92; thence along STH 92 to CSAH 27, Clearwater County, and westerly to the north boundary of the White Earth Indian Reservation; thence south along said boundary to the boundary line between Range 37 West and Range 38 West; thence along said range line to STH 113; thence along STH 113 to the Itasca State Park boundary; thence north and east along said boundary to U.S. Highway 71; thence along U.S. Highway 71 to STH 200; thence along STH 200 to STH 371; thence along STH 371 to STH 84; thence along STH 84 to CSAH 2, Cass County; thence along CSAH 2 to CSAH 1, Crow Wing County; thence along CSAH 1 to STH 6; thence along STH 6 to STH 18; thence along STH 18 to U.S. Highway 169; thence due east from said junction to the west shore of Mille Lacs Lake; thence along the westerly and southerly shores of said lake to a point due north of the junction of U.S. Highway 169 and STH 27; thence due south to said junction; thence along U.S. Highway 169 to STH 23; thence along STH 23 to STH 65; thence along STH 65 to STH 70; thence along STH 70 to the east boundary of the state; thence along the easterly and northerly boundaries of the state to the point of beginning.

Subp. 2. **Zone 2.** Zone 2 is that portion of the state lying within the following described boundary:

Beginning on at the intersection of State Trunk Highway (STH) 72 at 310 with the northern boundary of the state; thence along STH 72 310 to the Tamarac River, Beltrami County; thence along the southerly shore of the Tamarac River to Upper Red Lake; thence along the easterly and southerly shores of Upper Red Lake to the easterly boundary of the Red Lake Indian Reservation; thence along the easterly boundary of said Reservation to STH 1; thence along STH 1 to STH 72; thence along STH 72 to U.S. Highway 71; thence along U.S. Highway 71 to County State Aid Highway (CSAH) 39, Beltrami County; thence along CSAH 39 to CSAH 20, Beltrami County; thence along CSAH 20 to CSAH 53, Beltrami County; thence along CSAH 53 to CSAH 12, Beltrami County; thence along CSAH 12 to CSAH 51, Beltrami County; thence along CSAH 51 to CSAH 8, Beltrami County; thence along CSAH 8 to CSAH 25, Beltrami County; thence along CSAH 25 to CSAH 4, Beltrami County; thence along CSAH 4 to CSAH 46, Hubbard County; thence along CSAH 46 to U.S. Highway 2; thence along U.S. Highway 2 to CSAH 45, Hubbard County; thence along CSAH 45 to CSAH 9, Hubbard County; thence along CSAH 9 to CSAH 69, Cass County; thence along CSAH 69 to the junction of CSAH 5, Hubbard County; thence along CSAH 5 to CSAH 39, Hubbard County; thence along CSAH 39 to County Road (CR) 94, Hubbard County; thence along CR 94 to CSAH 31, Hubbard County; thence along CSAH 31 to STH 200; STH 89; thence along STH 89 to County State-Aid Highway (CSAH) 2, Roseau County; thence along CSAH 2 to CSAH 9, Roseau County; thence along CSAH 9 to CSAH 54, Marshall County; thence along CSAH 54 to a point due west of the Red Lake Indian Reservation boundary; thence due east to said boundary; thence south and east along said boundary to the west shore of the Sandy River; thence along the Sandy River to Township Road 279th Avenue or Bailey's Road south; thence along said road to Township Road Clover Road; thence along said Township Road to CSAH 11, Clearwater County; thence along CSAH 11 to CSAH 4, Clearwater County; thence along CSAH 4 to CSAH 14, Clearwater County; thence along CSAH 14 to County Road (CR) 3, Beltrami County; thence along CR 3 to CSAH 17, Clearwater County; thence along CSAH 17 to U.S. Highway 2; thence along U.S. Highway 2 to STH 92; thence along STH 92 to CSAH 27, Clearwater County, and westerly to the north boundary of the White Earth Indian Reservation; thence south along said boundary to the boundary line between Range 37 West and Range 38 West; thence along said range line to STH 113; thence along STH

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113 to the Itasca State Park boundary; thence north and east along said boundary to U.S. Highway 71; thence along U.S. Highway 71 to STH 200; thence along STH 200 to STH 371; thence along STH 371 to STH 84; thence along STH 84 to CSAH 2, Cass County; thence along CSAH 2 to CSAH 1, Crow Wing County; thence along CSAH 1 to STH 6; thence along STH 6 to STH 18; thence along STH 18 to U.S. Highway 169; thence due east from said junction to the west shore of Mille Lacs Lake; thence along the westerly and southerly shores of said lake to a point due north of the junction of U.S. Highway 169 and STH 27; thence due south to said junction; thence along U.S. Highway 169 to STH 23; thence along STH 23 to STH 65; thence along STH 65 to STH 70; thence along STH 70 to the eastern boundary of the state; thence along the easterly boundary of the state to the junction of the St. Croix and Mississippi Rivers; thence along the easterly bank of the Mississippi River to U.S. Highway 10; thence along U.S. Highway 10 to U.S. Highway 71; thence along U.S. Highway 71 to STH 87; thence along STH 87 to U.S. Highway 59; thence along U.S. Highway 59 to the southern boundary of the White Earth Indian Reservation; thence along the southern, western, and northern boundaries of said Reservation to STH 59; thence along STH 59 to the northern the west boundary of the state; thence along the west and north boundary of the state to the point of beginning.

Subp. 3. **Zone 3.** Zone 3 is that portion of the state lying within the following described boundary:

Beginning at the junction of the Mississippi River and the mouth of the Crow River, Wright County; thence along the easterly bank of the Crow River to the mouth of the South Fork of the Crow River; thence along the easterly bank of the South Fork of the Crow River to State Trunk Highway (STH) 25; thence along STH 25 to the Minnesota River; thence along the easterly bank of the Minnesota River to STH 19; thence along STH 19 to U.S. Highway 52; thence along U.S. Highway 52 to STH 57; thence along STH 57 to ~~the municipal boundary of Kasson~~ U.S. Highway 14; thence along ~~the municipal boundary of Kasson~~ U.S. Highway 14 to County State-Aid Highway (CSAH) 13, Dodge County; thence along CSAH 13 to STH 30; thence along STH 30 to U.S. Highway 63; thence along U.S. Highway 63 to the south boundary of the state; thence along the southerly and easterly boundaries of the state to the junction of the St. Croix and Mississippi Rivers; thence along the easterly bank of the Mississippi River to the point of beginning.

Subp. 4. **Zone 4.** Zone 4 is that portion of the state lying within the following described boundary:

Beginning on U.S. Highway 59 at ~~the north boundary of the state; thence along U.S. Highway 59 to the north boundary of the White Earth Indian Reservation; thence along the north, west, and south boundaries of said Reservation to U.S. Highway 59; thence along U.S. Highway 59 to U.S. Highway 10~~ at the west boundary of the state; thence along U.S. Highway 10 to State Trunk Highway (STH) 87; thence along STH 87 to U.S. Highway 71; thence along U.S. Highway 71 to U.S. Highway 10; thence along U.S. Highway 10 to the easterly bank of the Mississippi River; thence along the easterly bank of the Mississippi River to the mouth of the Crow River, Wright County; thence along the easterly bank of the Crow River to the mouth of the South Fork of the Crow River; thence along the easterly bank of the South Fork of the Crow River to State Trunk Highway (STH) 25; thence along STH 25 to the Minnesota River; thence along the easterly bank of the Minnesota River to STH 19; thence along STH 19 to U.S. Highway 52; thence along U.S. Highway 52 to STH 57; thence along STH 57 to ~~the municipal boundary of Kasson~~ U.S. Highway 14; thence along ~~the municipal boundary of Kasson~~ U.S. Highway 14 to County State-Aid Highway (CSAH) 13, Dodge County; thence along CSAH 13 to STH 30; thence along STH 30 to U.S. Highway 23; thence along STH 23 to STH 95; thence along STH 95 to U.S. Highway 8; thence along U.S. Highway 8 to the eastern boundary of the state; thence along the east, south, west, and north boundaries of the state to the point of beginning.

Subp. 5. **Metro deer management zone.** The metro deer management zone is comprised of registration blocks 228 and 337 as prescribed in part 6232.4700, subparts 75a and 91.

## 6232.1500 ARMS USE AREAS AND RESTRICTIONS.

Subpart 1. **Shotgun use area.** During ~~the~~ any firearms season in the shotgun use area, only legal shotguns loaded with single-slug shotgun shells, legal muzzleloading long guns, and legal handguns may be used for taking deer. Legal shotguns include those with rifled barrels. The shotgun use area is that portion of the state lying within the following described boundary:

Beginning on the north boundary of the state at U.S. Highway 75; thence along U.S. Highway 75 to U.S. Highway 2; thence along U.S. Highway 2 to State Trunk Highway (STH) 9; thence along STH 9 to STH 102; thence along STH 102 to STH 32; thence along STH 32 to STH 34; thence along STH 34 to Interstate Highway 94 (I94); thence along I94 to County State Aid Highway (CSAH) 40, Douglas County; thence along CSAH 40 to CSAH 82, Douglas County; thence along CSAH 82 to CSAH 22, Douglas County; thence along CSAH 22 to CSAH 6, Douglas County; thence along CSAH 6 to CSAH 14, Douglas County; thence along CSAH 14 to STH 29; thence along STH 29 to CSAH 46, Otter Tail County; thence along CSAH 46, Otter Tail County, to CSAH 22, Todd County; thence along CSAH 22 to U.S. Highway 71; thence along U.S. Highway 71 to STH 27; thence along STH 27 to the Mississippi River; thence along the east bank of the Mississippi River to STH 23; thence along STH 23 to STH 95; thence along STH 95 to U.S. Highway 8; thence along U.S. Highway 8 to the eastern boundary of the state; thence along the east, south, west, and north boundaries of the state to the point of beginning.

**For text of subp 2, see M.R.**  
(Cite 30 SR 169)

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## 6232.1600 SPECIAL HUNT PROCEDURES.

Subpart 1. **Deer license and permit required for special hunt permit area.** Before applying to hunt in a special hunt permit area, a person must purchase a deer hunting license. A firearms deer license validated for the proper zone and time period and a permit valid for that area is required to hunt deer in firearms special hunt areas. The permit application issued with the applicant's license must be used to apply for a special area permit. Special hunt permit applications must be made at an electronic license system agent or the Department of Natural Resources License Center.

Subp. 2. **Application process.** Applications for all firearms special ~~permit area hunts~~ hunt permits must be made according to this subpart and according to application instructions provided by the commissioner.

A. Each person must apply ~~on the official permit application form provided with the applicant's license at an electronic license system agent or the Department of Natural Resources License Center.~~ A person may not apply more than once for a hunt, whether as an individual or as a member of a group.

B. Up to four persons desiring to hunt as a group may apply together ~~by submitting their applications in one envelope.~~ Group applications submitted in one envelope will either all be selected or none selected.

C. The preference rating of applicants who apply as a group will be based on the individual in the group with the lowest preference.

D. ~~Applications must be mailed or delivered to the license bureau.~~

E. The application deadline is the first Thursday following Labor Day.

F. ~~E.~~ If the number of applications for permits in any area exceeds the quota determined by the commissioner, a preference drawing will be held to determine who will be issued permits as provided by part 6232.1800.

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

Subp. 6. **2005 firearms special hunt areas.** The following firearms special hunt areas are authorized for the 2005 season:

A. Rice Lake National Wildlife Refuge in Aitkin County is open November 12 to November 20 for taking antlerless deer and legal bucks. No more than 70 permits shall be issued to individuals authorized to hunt in Zone 1. This is special hunt area 901.

B. St. Croix State Park in Pine County is open November 12 to November 15 for taking antlerless deer and legal bucks. No more than 550 permits shall be issued to individuals authorized to hunt in Zone 1. St. Croix State Park is designated as an earn-a-buck hunt. Multiple deer may be registered at the same time but at least one antlerless deer must be harvested before a permittee can shoot a legal buck. All harvested deer must be registered at St. Croix State Park and presented for inspection. Up to four bonus permits may be used to take a second, third, fourth, and fifth deer. This is special hunt area 902.

C. Savanna Portage State Park in Aitkin County is open November 12 to November 20 for taking antlerless deer and legal bucks. For purposes of this hunt, a legal buck is defined as a male deer with a minimum of three antler points on at least one antler. No more than 55 permits shall be issued to individuals authorized to hunt in Zone 1. All harvested deer must be registered at Savanna Portage State Park and presented for inspection. Up to four bonus permits may be used to take a second, third, fourth, and fifth deer. This is special hunt area 903.

D. Gooseberry Falls State Park in Lake County is open November 5 to November 20 for taking antlerless deer and legal bucks. No more than 25 permits shall be issued to individuals authorized to hunt in Zone 1. Up to four bonus permits may be used to take a second, third, fourth, and fifth deer. This is special hunt area 904.

E. Split Rock Lighthouse State Park in Lake County is open November 5 to November 20 for taking antlerless deer and legal bucks. No more than 25 permits shall be issued to individuals authorized to hunt in Zone 1. Up to four bonus permits may be used to take a second, third, fourth, and fifth deer. This is special hunt area 905.

F. Tettegouche State Park in Lake County is open November 5 to November 20 for taking antlerless deer and legal bucks. No more than 125 permits shall be issued to individuals authorized to hunt in Zone 1. Up to four bonus permits may be used to take a second, third, fourth, and fifth deer. This is special hunt area 906.

G. Scenic State Park in Itasca County is open November 5 to November 20 for taking antlerless deer and legal bucks. No more than 30 permits shall be issued to individuals authorized to hunt in Zone 1. Up to four bonus permits may be used to take a second, third, fourth, and fifth deer. This is special hunt area 907.

H. Hayes Lake State Park in Roseau County is open November 5 to November 20 for taking antlerless deer only. No more than 60 permits shall be issued to individuals authorized to hunt in Zone 1. Up to four bonus permits may be used to take a second, third, fourth, and fifth deer. This is special hunt area 908.

I. Lake Bemidji State Park in Beltrami County is open November 5 to November 8 for taking antlerless deer only. No more than 35 permits shall be issued to individuals authorized to hunt in Zone 1. Up to four bonus permits may be used to take a second, third, fourth, and fifth deer. This is special hunt area 909.

J. Zippel Bay State Park in Lake of the Woods County is open November 5 to November 20 for taking antlerless deer only. No more than 55 permits shall be issued to individuals authorized to hunt in Zone 1. Up to four bonus permits may be used to take a second, third, fourth, and fifth deer. This is special hunt area 910.

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K. Wild River State Park in Chisago County is open November 5 to November 8 for taking antlerless deer and legal bucks. No more than 150 permits shall be issued to individuals authorized to hunt in Zone 2. Wild River State Park is designated as an earn-a-buck hunt. Multiple deer may be registered at the same time but at least one antlerless deer must be harvested before a permittee can shoot a legal buck. All harvested deer must be registered at Wild River State Park and presented for inspection. Up to four bonus permits may be used to take a second, third, fourth, and fifth deer. This is special hunt area 911.

L. Old Mill State Park in Marshall County is open November 5 to November 13 for taking antlerless deer only. No more than seven permits shall be issued to individuals authorized to hunt in Zone 2. Up to four bonus permits may be used to take a second, third, fourth, and fifth deer. This is special hunt area 912.

M. William O'Brien State Park in Washington County is open November 5 and November 6 for taking antlerless deer and legal bucks. No more than 65 permits shall be issued to individuals authorized to hunt in Zone 2. Up to four bonus permits may be used to take a second, third, fourth, and fifth deer. This is special hunt area 913.

N. Lake Elmo Park Reserve in Washington County is open November 5 and November 6 and November 12 and November 13 for the taking of antlerless deer and legal bucks. Lake Elmo Park Reserve is designated as an earn-a-buck hunt. Multiple deer may be registered at the same time but at least one antlerless deer must be harvested before a permittee can shoot a legal buck. No more than 50 permits shall be issued to individuals authorized to hunt in Zone 2. Up to four bonus permits may be used to take a second, third, fourth, and fifth deer. This is special hunt area 914.

O. Rydell National Wildlife Refuge in Polk County is open November 5 to November 7 and November 11 to November 13 for taking antlerless deer only. No more than five permits shall be issued to individuals authorized to hunt in Zone 2. Up to four bonus permits may be used to take a second, third, fourth, and fifth deer. This is special hunt area 915.

P. Prairie Smoke Dunes Scientific and Natural Area in Norman County is open November 5 through November 13 for taking antlerless deer only. No more than 50 permits shall be issued to individuals authorized to hunt in Zone 2. Up to four bonus permits may be used to take a second, third, fourth, and fifth deer. This is special hunt area 916.

Q. Zumbro Falls Scientific and Natural Area in Wabasha County is open November 5 to November 11 for taking antlerless deer only. No more than 12 permits shall be issued to individuals licensed to hunt in Zone 3A. Up to four bonus permits may be used to take a second, third, fourth, and fifth deer. This is special hunt area 917.

R. Carver Park Reserve in Hennepin County is open November 19 and November 20 for taking antlerless deer and legal bucks. No more than 105 permits shall be issued to Zone 3B licensees only. Up to four bonus permits may be used to take a second, third, fourth, and fifth deer. This is special hunt area 918.

S. Baker Park Reserve in Hennepin County is open November 26 and November 27 for taking antlerless deer and legal bucks. No more than 75 permits shall be issued to Zone 3B licensees only. Up to four bonus permits may be used to take a second, third, fourth, and fifth deer. This is special hunt area 919.

T. Forestville/Mystery Cave State Park in Fillmore County is open November 19 through November 21 and November 25 through November 27 for taking antlerless deer and legal bucks. For purposes of this hunt, a legal buck is defined as a male deer with a minimum of four antler points on at least one antler. All harvested deer must be registered at Forestville State Park and presented for inspection. No more than 110 permits shall be issued to Zone 3B licensees only. Up to four bonus permits may be used to take a second, third, fourth, and fifth deer. This is special hunt area 920.

U. Frontenac State Park in Goodhue County is open November 19 to November 21 for taking antlerless deer and legal bucks. No more than 50 permits shall be issued to Zone 3B licensees only. Up to four bonus permits may be used to take a second, third, fourth, and fifth deer. This is special hunt area 921.

V. Great River Bluffs State Park in Winona County is open November 19 to November 21 and November 25 to November 27 for taking antlerless deer and legal bucks. Great River Bluffs State Park is designated as an earn-a-buck hunt. Multiple deer may be registered at the same time but at least one antlerless deer must be harvested before a permittee can shoot a legal buck. All harvested deer must be registered at Great River Bluffs State Park and presented for inspection. No more than 100 permits shall be issued to Zone 3B licensees only. Up to four bonus permits may be used to take a second, third, fourth, and fifth deer. This is special hunt area 922.

W. Whitewater State Game Refuge in Winona County is open November 19 to November 27 for taking antlerless deer only. No more than 75 permits shall be issued to Zone 3B licensees only. This is special hunt area 923.

X. Kellogg Weaver Dunes Scientific and Natural Area in Wabasha County is open November 19 to November 27 for taking antlerless deer only. No more than 15 permits shall be issued to Zone 3B licensees only. Up to four bonus permits may be used to take a second, third, fourth, and fifth deer. This is special hunt area 924.

Y. Zumbro Falls Scientific and Natural Area in Wabasha County is open November 19 to November 27 for taking antlerless deer only. No more than 12 permits shall be issued to individuals licensed to hunt in Zone 3B. Up to four bonus permits may be used to take a second, third, fourth, and fifth deer. This is special hunt area 925.

Z. Maplewood State Park in Otter Tail County is open November 12 to November 15 for taking antlerless deer and legal bucks. No

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more than 100 permits shall be issued to individuals authorized to hunt in Zone 4B. Maplewood State Park is designated as an earn-a-buck hunt. Multiple deer may be registered at the same time but at least one antlerless deer must be harvested before a permittee can shoot a legal buck. All harvested deer must be registered at Maplewood State Park and presented for inspection. Up to four bonus permits may be used to take a second, third, fourth, and fifth deer. This is special hunt area 926.

AA. Glacial Lakes State Park in Pope County is open November 12 to November 15 for taking antlerless deer only. No more than 30 permits shall be issued to individuals authorized to hunt in Zone 4B. Up to four bonus permits may be used to take a second, third, fourth, and fifth deer. This is special hunt area 927.

## Subp. 7. Firearms special hunt area quota adjustments.

The commissioner may reduce the permit quota for the St. Croix and Wild River State Parks firearms special hunts at the time the computerized drawing is conducted to accommodate tribal declarations for antlerless deer harvest in the 1837 Ceded Territory in compliance with Mille Lacs Band of Chippewa v. Minnesota, 119 S.Ct. 1187 (1999).

## 6232.1750 DEER PERMIT AREA DESIGNATION.

The commissioner shall annually designate all deer permit areas as intensive, managed, or lottery and shall establish permit quotas for taking deer of either sex in lottery deer permit areas.

A. lottery deer permit areas: 116, 122, 127, 152, 167, 168, 175, 197, 199, 338A, 339A, 341A, 342A, 343A, 344A, 344B, 345A, 422A, 422B, 424A, 424B, 425A, 425B, 426A, 426B, 427A, 427B, 431A, 431B, 433A, 433B, 435A, 435B, 440A, 440B, 442A, 442B, 443A, 443B, 446A, 446B, 447A, 447B, 448A, 448B, 449A, 449B, 450A, 450B, 451A, 451B, 453A, 453B, 454A, 454B, 455A, 455B, 457A, 457B, 458A, 458B, 459A, 459B, 463A, and 463B;

B. managed deer permit areas: 104, 107, 111, 114, 115, 126, 154, 170, 172, 174, 178, 180, 181, 183, 201, 203, 224, 235, 247, 249, 251, 297, 298, 338B, 339B, 345B, 346A, 347A, 348A, 349A, 416A, 416B, 417A, 417B, 418A, 418B, 423A, 423B, 428A, 428B, 452A, 452B, 456A, 456B, 461A, 461B, 462A, 462B, 464A, 464B, 465A, 465B, 466A, and 466B;

C. intensive deer permit areas: 105, 110, 156, 157, 159, 182, 184, 202, 204, 206, 207, 208, 209, 210, 221, 222, 223, 225, 227, 228, 236, 241, 242, 243, 244, 245, 246, 248, 252, 253, 254, 255, 256, 257, 258, 259, 287, 337A, 337B, 341B, 342B, 343B, 346B, 347B, 348B, 349B, 410A, 410B, 411A, 411B, 412A, 412B, 413A, 413B, 414A, 414B, 415A, 415B, 419A, 419B, 420A, 420B, 421A, 421B, 429A, 429B, 467A, and 467B; and

D. early antlerless deer permit areas: 209, 210, 225, 227, 236, 252, 256, and 257.

## 6232.1800 ANTLERLESS EITHER-SEX PERMITS AND PREFERENCE DRAWINGS

Subpart 1. **Procedures for applying for an antlerless either-sex permit.** Residents and nonresidents are eligible for antlerless either-sex permits. A person may not apply for an antlerless either-sex deer permit without first purchasing a firearms or all-season deer license and obtaining a permit application issued with the license. The application may be made for only one of the deer permit areas described in this part, and must be for the zone and dates on the applicant's deer license. A person may not submit more than one application for an antlerless either-sex permit. A person may apply for an antlerless either-sex permit or a special hunt permit, but not both.

After the application has been completed, it must be either mailed or delivered to the license bureau. The application deadline is the first Thursday following Labor Day.

Subp. 2. **Preference drawings for antlerless either-sex permits in lottery deer permit areas and special hunt area permits.** If the number of applications for either-sex permits in an antlerless permit a lottery deer permit area or for permits in a special hunt area exceeds the quota set forth in the annual hunting regulations, a preference drawing will be used to select permit holders. Persons 12 years of age or older may enter the preference drawing by supplying their driver's license number, official state of Minnesota Identification Number, or 13digit Firearms Safety Identification Number on the application, except that resident hunters under age 16 on the Saturday nearest November 6 may not apply for antlerless either-sex permits. All applicants who have reached their 18th birthday by the first Thursday following Labor Day must provide one of these three numbers to qualify. Applicants under 18 years of age who do not submit one of these numbers will be assigned a number and will be entered into the preference drawing. Applicants establish a preference rating based upon the number of times they have applied in previous years and have not obtained an antlerless either-sex or special hunt area permit. The preference rating will increase each year the applicant applies unsuccessfully for either an antlerless either-sex or special hunt area permit. Persons applying for the first time have no preference. Applicants receiving either antlerless either-sex or special hunt area permits lose their accrued preference.

Subp. 3. **Antlerless Deer permit areas.** Deer permit areas are comprised of partial, single, or grouped registration blocks described as follows: of the same number.

A. Antlerless permit areas in Zone 1:

(1) permit area 110 consists of registration block 110;

(2) permit area 104-105-106 consists of registration blocks 104 to 106;

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- (3) permit area 107-108-109-195 consists of registration blocks 107 to 109, and 195;
- (4) permit area 115 consists of registration block 115;
- (5) permit area 116 consists of registration block 116;
- (6) permit area 117 consists of registration block 117;
- (7) permit area 118 consists of registration block 118;
- (8) permit area 119-120-121 consists of registration blocks 119 to 121;
- (9) permit area 122-123-124-125 consists of registration blocks 122 to 125;
- (10) permit area 126-128-129 consists of registration blocks 126, 128, and 129;
- (11) permit area 130 consists of registration block 130;
- (12) permit area 152 consists of registration block 152;
- (13) permit area 154-155-156 consists of registration blocks 154 to 156;
- (14) permit area 157-158 consists of registration blocks 157 and 158;
- (15) permit area 159 consists of registration block 159;
- (16) permit area 167-168-169 consists of registration blocks 167 to 169;
- (17) permit area 170-171 consists of registration blocks 170 and 171;
- (18) permit area 172 consists of registration block 172;
- (19) permit area 173-174 consists of registration blocks 173 and 174;
- (20) permit area 175-176-177-178-179 consists of registration blocks 175 to 179;
- (21) permit area 180-181-182-183-184-199 consists of registration blocks 180 to 184 and 199;
- (22) permit area 194 consists of registration block 194; and
- (23) permit area 197-198 consists of registration blocks 197 and 198.

**B. Antlerless permit areas in Zone 2:**

- (1) permit areas 201 to 210 consist of the registration blocks 201 to 210;
- (2) permit area 211-212-213 consists of registration blocks 211 to 213;
- (3) permit area 214 consists of registration block 214;
- (4) permit areas 221 to 228 and 235 and 236 consist of registration blocks 221 to 228 and 235 and 236;
- (5) permit area 244 consists of registration block 244;
- (6) permit area 245 consists of registration block 245;
- (7) permit areas 246 to 249 consist of registration blocks 246 to 249;
- (8) permit area 251 consists of registration block 251;
- (9) permit area 284-285-286 consists of registration blocks 284 to 286;
- (10) permit area 287 consists of registration block 287; and
- (11) permit area 297-rt298 consists of registration blocks 297 and 298.

**C. Antlerless permit areas in Zone 3:**

permit areas 337 to 339 and 341 to 349 consist of registration blocks 337 to 339 and 341 to 349.

**D. Antlerless permit areas in Zone 4:**

- (1) permit areas 401 to 429 consist of registration blocks 401 to 429;
- (2) permit area 431 consists of registration block 431;
- (3) permit area 433 consists of registration block 433;
- (4) permit area 435 consists of registration block 435;
- (5) permit area 440 consists of registration block 440;
- (6) permit area 442 consists of registration block 442;
- (7) permit area 443 consists of registration block 443; and
- (8) permit areas 446 to 459 and 461 to 467 consist of registration blocks 446 to 459 and 461 to 467.

**Subp. 4. 2005 antlerless permit quotas Zone 1.** Up to the following quotas of either-sex permits are available in permit areas in Zone 1 for the 2005 season:

- A. permit area 116: 50;
- B. permit area 122: 250;
- C. permit area 127: 50;
- D. permit area 152: 300;
- E. permit area 167: 1,200;
- F. permit area 168: 3,000;
- G. permit area 175: 3,500;
- H. permit area 197: 1,800; and

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I. permit area 199: 150.

Subp. 5. **2005 antlerless permit quotas Zone 2.** There are no lottery deer permit areas in Zone 2 for the 2005 deer season.

Subp. 6. **2005 antlerless permit quotas Zone 3A.** Up to the following quotas of either-sex permits are available in permit areas in Zone 3A for the 2005 season:

- A. permit area 338: 150;
- B. permit area 339: 150;
- C. permit area 341: 600;
- D. permit area 342: 500;
- E. permit area 343: 600;
- F. permit area 344: 400; and
- G. permit area 345: 400.

Subp. 7. **2005 antlerless permit quotas Zone 3B.** Up to the following quotas of either-sex permits are available in permit areas in Zone 3B for the 2005 season:  
permit area 344: 800.

Subp. 8. **2005 antlerless permit quotas Zone 4A.** Up to the following quotas of either-sex permits are available in permit areas in Zone 4A for the 2005 season:

- A. permit area 422: 200;
- B. permit area 424: 300;
- C. permit area 425: 150;
- D. permit area 426: 400;
- E. permit area 427: 100;
- F. permit area 431: 50;
- G. permit area 433: 400;
- H. permit area 435: 500;
- I. permit area 440: 450;
- J. permit area 442: 550;
- K. permit area 443: 275;
- L. permit area 446: 150;
- M. permit area 447: 200;
- N. permit area 448: 450;
- O. permit area 449: 525;
- P. permit area 450: 350;
- Q. permit area 451: 300;
- R. permit area 453: 300;
- S. permit area 454: 800;
- T. permit area 455: 65;
- U. permit area 457: 450;
- V. permit area 458: 400;
- W. permit area 459: 650; and
- X. permit area 463: 350.

Subp. 9. **2005 antlerless permit quotas Zone 4B.** Up to the following quotas of either-sex permits are available in permit areas in Zone 4B for the 2005 season:

- A. permit area 422: 200;
- B. permit area 424: 300;
- C. permit area 425: 150;
- D. permit area 426: 300;
- E. permit area 427: 100;
- F. permit area 431: 50;
- G. permit area 433: 400;
- H. permit area 435: 300;
- I. permit area 440: 300;
- J. permit area 442: 550;
- K. permit area 443: 275;
- L. permit area 446: 150;



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M. permit area 447: 200;  
N. permit area 448: 250;  
O. permit area 449: 275;  
P. permit area 450: 250;  
Q. permit area 451: 300;  
R. permit area 453: 300;  
S. permit area 454: 400;  
T. permit area 455: 65;  
U. permit area 457: 250;  
V. permit area 458: 200;  
W. permit area 459: 450; and  
X. permit area 463: 350.

## **6232.1950 TAKING DEER BY FIREARMS UNDER INTENSIVE HARVEST BONUS PERMITS.**

Subpart 1. **Purchase.** The purchase of ~~an intensive harvest~~ a bonus permit is authorized for any person who has purchased and presents a regular firearms deer license, ~~multizone buck license, or muzzleloader license~~ for the current year. ~~Intensive harvest Bonus permits may be purchased for one-half the cost of a regular license from license vendors in Anoka, Washington, Ramsey, Hennepin, Scott, Carver, and Dakota counties, county auditor offices~~ electronic license system agents, the Department of Natural Resources License bureau Center, and other authorized agents.

Subp. 2. **Restrictions.** ~~Intensive harvest Bonus permits may be used to take antlerless deer only in antlerless permit areas and special hunt areas prescribed by the commissioner.~~ by firearms during the regular firearms and muzzleloader seasons as follows:

A. for the regular firearms season, hunters must have a regular firearms license validated valid for the appropriate zone and time option, including except the muzzleloader option, or a multizone buck license to take deer under an intensive harvest a bonus permit in that the respective zone and time period for which the license is valid. One bonus permit may be used to take an antlerless deer in one managed deer permit area as prescribed in part 6232.1750. Up to four bonus permits may be used to take antlerless deer in intensive deer permit areas as prescribed in part 6232.1750 and in special hunt areas as prescribed in part 6232.1600; and

B. for the muzzleloader season, one bonus permit may be used to take an antlerless deer in one managed deer permit area as prescribed in part 6232.1750. Up to four bonus permits may be used to take antlerless deer in intensive deer permit areas as prescribed in part 6232.1750 and in special hunt areas prescribed by the commissioner.

## 6232.1970 TAKING DEER BY FIREARMS UNDER EARLY ANTLERLESS PERMITS.

Subpart 1. **Purchase.** The purchase of up to two early antlerless permits is authorized for any person who has purchased and presents a license valid for firearms in a zone where early antlerless permits are available for the current year. Early antlerless permits may be purchased for one-half the cost of a regular license from electronic license system agents, the Department of Natural Resources License Center, and other authorized agents.

Subp. 2. **Restrictions.** For the early antlerless season, hunters must have a regular firearms license valid for the zone to take deer under an early antlerless permit in the respective zone for which the license is valid. Up to two early antlerless permits may be used to take antlerless deer by firearms in permit areas as prescribed in part 6232.1750, item D.

## **6232.2000 MULTIZONE BUCK LICENSE.**

For text of subpart 1, see M.R.

Subp. 2. **Antlerless deer and special hunts.** Multizone buck license holders may not apply for antlerless lottery either-sex permits or special permit areas hunt area permits. Multizone buck licensees may purchase and use intensive harvest bonus permits to take antlerless deer in antlerless permit managed and intensive deer permit areas or special hunt areas prescribed by the commissioner. Intensive harvest Bonus permits for multizone buck hunters are valid during any open firearms zone or time period, except the late Zone 3B and the muzzleloader seasons. Multizone buck licensees may not take antlerless deer under Minnesota Statutes, section 97B.055, subdivision 3, or 97B.301, subdivision 6.

## **6232.2050 ALL-SEASON DEER LICENSE.**

Subpart 1. **Season and open area.**

A. An all-season deer license allows a hunter to take and tag one legal buck and one antlerless deer per year. All-season deer license holders may hunt deer in any of the following seasons, according to all rules and laws for methods of taking in each respective season and zone:

- (1) the archery deer season;
- (2) the muzzleloader deer season; and

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(3) the regular firearms season during any open firearms zone and time period, except the Zone 3B season.

B. In lottery deer permit areas, all-season deer hunters must apply for and receive authorization to take and tag an antlerless deer by firearms.

C. In managed or intensive deer permit areas, all-season deer hunters may take and tag an antlerless deer with the antlerless tag accompanying the license.

D. A person who is authorized by statute to take an antlerless deer without an either-sex permit and who purchases an all-season deer license may take antlerless deer during the firearms season as authorized in part 6232.1300.

Subp. 2. **Bonus permits.** All-season deer license holders may use one bonus permit in a managed deer permit area and may use up to three bonus permits in intensive deer permit areas, as prescribed in part 6232.1750.

## 6232.2100 MUZZLELOADER SEASON AND AREAS.

For text of subpart 1, see M.R.

Subp. 2. **Open zone.** The muzzleloader season is open statewide, except that the following antlerless deer permit areas are closed: permit areas 115118, 122130, and 194 116, 126, 127, 203, 224, and 287.

For text of subp 3, see M.R.

Subp. 4. **2005 muzzleloader special permit areas.** The following areas are open for muzzleloader hunting by permit during the 2005 season:

A. Jay Cooke State Park in Carlton County is open November 26 and November 27 for taking of antlerless deer and legal bucks and is open November 28 to November 30 for the taking of antlerless deer only. No more than 90 permits shall be issued to individuals authorized to hunt during the muzzleloader season. Up to four bonus permits may be used to take a second, third, fourth, and fifth deer. This is special permit area 931.

B. Crow Wing State Park in Crow Wing County is open December 2 to December 4 for taking antlerless deer and legal bucks. No more than 40 permits shall be issued to individuals authorized to hunt during the muzzleloader season. Up to four bonus permits may be used to take a second, third, fourth, and fifth deer. This is special permit area 932.

C. Lake Shetek State Park in Murray County is open December 3 to December 6 for taking antlerless deer only. No more than 22 permits shall be issued to individuals authorized to hunt during the muzzleloader season. Up to one bonus permit may be issued to take an additional antlerless deer. This is special permit area 933.

D. Sibley State Park in Kandiyohi County is open December 3 and December 4 for taking antlerless deer only. No more than 50 permits shall be issued to individuals authorized to hunt during the muzzleloader season. This is special permit area 934.

E. Myre Big Island State Park in Freeborn County is open November 26 to November 28 for taking antlerless deer only. No more than 40 permits shall be issued to individuals authorized to hunt during the muzzleloader season. Up to one bonus permit may be issued to take an additional antlerless deer. This is special permit area 935.

F. Nerstrand Woods State Park in Rice County is open November 26 to November 28 for taking antlerless deer only. No more than 40 permits shall be issued to individuals authorized to hunt during the muzzleloader season. Up to one bonus permit may be issued to take an additional antlerless deer. This is special permit area 936.

G. Interstate State Park in Chisago County is open November 26 to December 11 for taking antlerless deer only. No more than 15 permits shall be issued to individuals authorized to hunt during the muzzleloader season. Up to four bonus permits may be used to take a second, third, fourth, and fifth deer. This is special permit area 937.

## 6232.2500 DISABLED HUNT.

Subpart 1. **Requirements.** Hunters must be participants in a program for physically disabled hunters sponsored by a nonprofit organization and must be referred by an organization prior to being issued a permit. Permittees must purchase an archery or firearms deer hunting license. Each permittee may be accompanied by one or more assistants named by the nonprofit organizations and approved by the commissioner. Assistants are not required to purchase licenses and may assist permittees in taking deer. Both permittees and assistants must meet the blaze orange requirement for deer hunters.

Subp. 2. **Open areas.** Disability permittees may hunt in open areas and seasons as designated by the commissioner and published in the annual hunting regulations booklet. In 2005, the following areas are open for hunting by disabled hunters:

A. Carlos Avery Wildlife Management Area Sanctuary in Anoka County is open October 8 to October 16 for taking antlerless deer and legal bucks using legal firearms or bow and arrow. The Minnesota Deer Hunters Association and Capable Partners are the sponsoring nonprofit organizations.

B. Camp Ripley Military Reservation in Morrison County is open October 5 and October 6 for taking antlerless deer and legal bucks using legal firearms or bow and arrow. No more than 60 permits shall be issued. One bonus permit may be used, but a hunter may not take more than one deer. The St. Cloud Veterans Affairs Medical Center is the sponsoring organization.

C. Rosemoen Island in the Lac qui Parle Wildlife Management Area Sanctuary in Chippewa County is open September 17 to September

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25 for taking antlerless deer and legal bucks using legal firearms or bow and arrow. One bonus permit may be used and the bag limit is two deer. Capable Partners is the sponsoring nonprofit organization.

D. Rydell National Wildlife Refuge in Polk County is open October 13 to October 15 for taking antlerless deer and legal bucks using legal firearms or bow and arrow. No more than 20 permits shall be issued. The Options Resource Center for Independent Living is the sponsoring nonprofit organization.

E. Deer permit areas 244 and 245 are open for taking antlerless deer and legal bucks using legal bow and arrow September 29 to October 2. The United Federation for Disabled Archers is the sponsoring nonprofit organization.

F. Lake Bemidji State Park in Beltrami County is open November 7 and November 8 for taking antlerless deer only. The Bemidji chapter of the Minnesota Deer Hunters Association is the sponsoring nonprofit organization.

## 6232.2550 YOUTH SPECIAL DEER HUNTS.

Subpart 1. **General requirements.** Youth special deer hunt permittees may hunt in open areas and times designated by the commissioner. All participating youths must attend a mandatory orientation and must be accompanied by at least one adult mentor who is at least 18 years of age and authorized by the youth's parent or guardian. The accompanying adult may not hunt. Party hunting is not allowed. Persons participating in youth archery special deer hunts must obtain a valid license for taking deer by archery by the beginning date of the respective hunt. Persons participating in youth firearms special deer hunts must obtain a license for taking deer by firearms, valid for any zone or season option, by the beginning date of the respective hunt. The blaze orange requirements in Minnesota Statutes, section 97B.071, paragraph (a), apply to all hunters and trappers, and all adult mentors of youth hunters, in areas open to youth firearms deer hunting during the open hunting dates established in this part.

Subp. 2. **Application requirements.** Applications for youth special hunts must be made according to this part and according to application instructions provided by the commissioner. Applicants for youth firearms special hunts must be at least 12 years old and under age 16 by the beginning hunt date. Applicants for youth archery special hunts must be at least 12 years old and under age 18 by the beginning hunt date. Each person must apply at an electronic license system agent or the Department of Natural Resources License Center. Group applications are not allowed. If the number of eligible applicants exceeds the quota established by the commissioner, the commissioner shall conduct a drawing to determine eligible participants. Preference for the youth special hunt drawing is given to applicants based on the number of years they have correctly applied for a youth special hunt permit but have been unsuccessful. Upon issuance of a youth special hunt permit, all accumulated preference is lost. The application deadline is the Friday nearest August 17.

Subp. 3. **Open areas.** Portions of William O'Brien State Park in Washington County are open for taking antlerless deer by legal firearms October 15 and October 16. No more than 15 permits shall be issued to hunters ages 12 to 15 selected through a random drawing conducted by the William O'Brien State Park staff. Preference will not be awarded for unsuccessful applicants.

## 6232.2800 GENERAL REGULATIONS FOR TAKING BEARS.

Subpart 1. **Bag limit.** A person may ~~not only take more than~~ one bear ~~in quota zones and two bears in no-quota zones~~ during any calendar year whether by firearm or archery. Bears taken may be of either sex or any age except that bear cubs may not be taken.

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

## 6232.3100 BEAR NO-QUOTA AREA.

Licenses for the noquota area are not limited in number and may be purchased from a county auditor's office, county auditor's subagents in Pine, Kanabec, Roseau, and Marshall Counties, or the License Bureau. A person may ~~not~~ purchase a license for both a quota area and the noquota area in the same year. No-quota licenses are valid only in the noquota area.

## 6232.4700 DEER AND BEAR REGISTRATION BLOCKS.

For text of subs 1 to 44, see M.R.

Subp. 45. **Registration Block 180.** Deer And Bear Registration Block 180 consists of that portion of the state lying within the following described boundary:

Beginning at the intersection of U.S. Highway 53 and the east boundary of the state at Duluth; thence along U.S. Highway 53 to County State Aid Highway (CSAH) 49; thence along CSAH 49 to CSAH 4, St. Louis County; thence along CSAH 4 to CSAH 547, St. Louis County; thence along CSAH 547 to the Duluth, Missabe and Iron Range Railroad (DM&IR); thence along the DM&IR to the shore of Lake Superior; thence due south to the east boundary of the state; thence along the east boundary of the state to the point of beginning; County State-Aid Highway (CSAH) 4 and County Road (CR) 547, St. Louis County; thence easterly along CR 547 to the Canadian National Railroad (CNR); thence northeasterly along the CNR to CSAH 2, Lake County; thence northerly along CSAH

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2 to CR 15; thence southeasterly along CR 15 to the Stony River Forest Road (FR); thence northeasterly along the Stony River FR to the LTV Steel Mining Company Railroad (LTVSMCR); thence easterly along the LTVSMCR to the east bank of the Manitou River; thence southerly along the east bank of the Manitou River to the shore of Lake Superior; thence due south to the east boundary of the state; thence southwestly along the east boundary of the state to a point due south of the junction of the east bank of the Little Sucker River and the shore of Lake Superior, St. Louis County; thence due north to the east bank of the Little Sucker River; thence northwesterly along the east bank of the Little Sucker River to CSAH 61; thence southwestly along CSAH 61 to CSAH 42; thence north along CSAH 42 to CSAH 43; thence westerly along CSAH 43 to CSAH 37; thence southerly along CSAH 37 to CSAH 69; thence westerly along CSAH 69 to CSAH 4; thence north along CSAH 4 to the point of beginning.

Subp. 46. **Registration Block 181.** Deer And Bear Registration Block 181 consists of that portion of the state lying within the following described boundary, except that portion known as the Fond du Lac Indian Reservation:

Beginning at the intersection of State Trunk Highway (STH) 73 and STH 210, Carlton County; thence northerly along STH 73 to County State Aid Highway (CSAH) 133, St. Louis County; thence along CSAH 133 to U.S. Highway 53; thence along U.S. Highway 53 to U.S. Highway 61; thence along U.S. Highway 61 to STH 210; U.S. Highway 2, St. Louis County; thence northwesterly along U.S. Highway 2 to County State-Aid Highway (CSAH) 25, Itasca County; thence westerly along CSAH 25 to CSAH 133, St. Louis County; thence westerly along CSAH 133 to U.S. Highway 53; thence northerly along U.S. Highway 53 to CSAH 49; thence easterly along CSAH 49 to CSAH 4; thence southerly along CSAH 4 to CSAH 9; thence westerly along CSAH 9 to CSAH 859; thence southerly along CSAH 859 to STH 194; thence westerly along STH 194 to U.S. Highway 2; thence westerly along U.S. Highway 2 to STH 33; thence southerly along STH 33 to Interstate Highway 35 (I35), Carlton County; thence southerly along I35 to STH 210; thence along STH 210 to the point of beginning.

Subp. 47. **Registration Block 182.** Deer And Bear Registration Block 182 consists of that portion of the state lying within the following described boundary:

Beginning at the intersection of State Trunk Highway (STH) 33 and U.S. Highway 2 and State Trunk Highway (STH) 65; thence along U.S. Highway 2 to County State Aid Highway (CSAH) 25, Itasca County; thence along CSAH 25 to CSAH 133, St. Louis County; thence along CSAH 133 to STH 73; thence along STH 73 to STH 210; thence along STH 210 to STH 65; thence along STH 65, St. Louis County; thence easterly along U.S. Highway 2 to STH 194; thence easterly along STH 194 to County State-Aid Highway (CSAH) 859; thence northerly along CSAH 859 to CSAH 9; thence easterly on CSAH 9 to CSAH 4; thence northerly along CSAH 4 to CSAH 69; thence east on CSAH 69 to CSAH 37; thence north on CSAH 37 to CSAH 43; thence easterly along CSAH 43 to CSAH 42; thence south along CSAH 42 to CSAH 61; thence easterly along CSAH 61 to the east bank of the Little Sucker River; thence southwestly along the east bank of the Little Sucker River to the shore of Lake Superior; thence from the shore of Lake Superior due south to the east boundary of the state; thence southwestly along the east boundary of the state to STH 23; thence northeasterly along STH 23 to STH 210; thence westerly along STH 210 to Interstate Highway 35 (I35), Carlton County; thence northerly along I35 to STH 33; thence northerly along STH 33 to the point of beginning.

Subp. 48. **Registration Block 183.** Deer And Bear Registration Block 183 consists of that portion of the state lying within the following described boundary:

Beginning at the intersection of Interstate Highway 35 (I-35) and State Trunk Highway (STH) 210 and STH 73; thence along STH 210 to U.S. Highway 61; thence along U.S. Highway 61 to U.S. Highway 53; thence along U.S. Highway 53 to the east boundary of the state; thence along the east boundary of the state to County State Aid Highway (CSAH) 8, Carlton County; thence along CSAH 8 to STH 23; thence along STH 23 to CSAH 22, Pine County; thence along CSAH 22 to CSAH 32, Pine County; thence along CSAH 32 to STH 23; thence along STH 23 to U.S. Highway 61; thence along U.S. Highway 61 to STH 27; thence along STH 27 to STH 73; thence along STH 73, Carlton County; thence easterly along STH 210 to STH 23, St. Louis County; thence southwestly along STH 23 to the east boundary of the state; thence southerly along the east boundary of the state to County State-Aid Highway (CSAH) 32, Pine County; thence westerly along CSAH 32 to STH 23; thence westerly along STH 23 to I35; thence northeasterly along I35 to the point of beginning.

For text of subs 49 to 58, see M.R.

Subp. 59. **Registration Block ~~205~~ 105.** Deer And Bear Registration Block ~~205~~ 105 consists of that portion of the state lying within the following described boundary:

Beginning at the intersection of State Trunk Highway (STH) 310 with the north boundary of the state; thence along the north boundary of the state (49th parallel of North Latitude) to the east boundary of the state (on Lake of the Woods); thence along the east boundary of the state to STH 72; thence along the junction of STH 72 to and STH 11; thence along STH 11 to County State-Aid Highway (CSAH) 1, Lake of the Woods County; thence along CSAH 1 to CSAH 3, Lake of the Woods County; thence along CSAH 3 to CSAH 2, Lake of the Woods County; thence along CSAH 2 to STH 11; thence along STH 11 to the southeast corner of Section 36, Range 35 West; thence due west 670 Avenue, Roseau County; thence along 670 Avenue to the Tangnes Forest Road; thence along the Tangnes Forest Road to CSAH 5, Roseau County; thence along CSAH 5 to the Thompson Forest Road; thence along the Thompson Forest Road to the boundary of Hayes Lake State Park; thence along the boundary of Hayes Lake State Park to CSAH

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# Expedited Emergency Rules

18, Roseau County; thence along CSAH 18 to CSAH 9, Roseau County; thence along CSAH 9 to CSAH 2, Roseau County; thence along CSAH 2 to STH 89; thence along STH 89 to STH 310; thence along STH 310 to the point of beginning.

For text of subs 60 to 62, see M.R.

Subp. 63. **Registration Block 209.** Deer And Bear Registration Block 209 consists of that portion of the state lying within the following described boundary:

Beginning at the intersection of State Trunk Highway (STH)1 and U.S. Highway 59; thence along STH 1 to the west boundary of the Red Lake Indian Reservation; thence along the west boundary of the reservation to County State Aid Highway (CSAH) 5, Beltrami County; thence along CSAH 5 to STH 92; southerly along the west and easterly along south boundaries of said reservation to the west shore of the Sandy River, Clearwater County; thence southerly along the Sandy River to Township Road 279th Avenue or Bailey's Road south; thence along said road to Township Road Clover Road west; thence along said Township Road to County State-Aid Highway (CSAH) 11, Clearwater County south; thence along CSAH 11 to CSAH 4, Clearwater County; thence along CSAH 4 to STH 92; thence along STH 92 to U.S. Highway 59; thence along U.S. Highway 59 to the point of beginning.

Subp. 64. **Registration Block 210.** Deer And Bear Registration Block 210 consists of that portion of the state lying within the following described boundary:

Beginning at the intersection of State Trunk Highway (STH)92 and U.S. Highway 59; thence along STH 92 to the north boundary of the White Earth Indian Reservation; thence west along said boundary to U.S. Highway 59; County State-Aid Highway (CSAH) 4, Clearwater County; thence along CSAH 4 east to CSAH 14, Clearwater County; thence along CSAH 14 south to CSAH 3, Clearwater County; thence along CSAH 3 east to County Road (CR) 3, Beltrami County; thence along CR 3 south to CSAH 17, Clearwater County; thence along CSAH 17 to U.S. Highway 2; thence along U.S. Highway 2 west to STH 92; thence along STH 92 to CSAH 27, Clearwater County, and westerly to the north boundary of the White Earth Indian Reservation; thence west along said boundary to U.S. Highway 59; thence along U.S. Highway 59 to the point of beginning.

Subp. 65. **Registration Block ~~211~~ 111.** Deer And Bear Registration Block ~~211~~ 111 consists of that portion of the state lying within the following described boundary:

Beginning at the intersection of State Trunk Highway (STH) 72 and STH 11; thence along STH 72 to County State Aid Highway (CSAH) 77, Lake of the Woods County; thence along CSAH 77 to the Rapid River Forest Road; thence along the Rapid River Forest Road to the south branch of the Rapid River; thence along the north shore of the river to the Faunce Butterfield Forest Road; thence along the Faunce Butterfield Forest Road to Dick's Parkway Forest Road; thence along Dick's Parkway Forest Road to the Winner Forest Road; thence along the Winner Forest Road to CSAH 18, Roseau County; thence along CSAH 18 to CSAH 9, Roseau County; thence along CSAH 9 the Tamarac River; thence along the south shore of the Tamarac River to Upper Red Lake; thence along the north shore of Upper Red Lake to the boundary of the Red Lake Indian Reservation; thence along the north boundary of the reservation to the west boundary of Beltrami County; thence due west to County State-Aid Highway (CSAH) 54, Marshall County; thence north along CSAH 54 to CSAH 9, Roseau County; thence along CSAH 9 to CSAH 18, Roseau County; thence along CSAH 18 to the boundary of Hayes Lake State Park; thence along the boundary of Hayes Lake State Park to the Thompson Forest Road; thence along the Thompson Forest Road to CSAH 5, Roseau County; thence along CSAH 5 to the Tangnes Forest Road; thence along the Tangnes Forest Road to 670 Avenue; thence along 670 Avenue to STH 11; thence along STH 11 to CSAH 2, Roseau County; thence along CSAH 2 to the southeast corner of Section 36, Township 162 North, Range 36 West; thence due east to an intersection with STH 11; thence along STH 11 to CSAH 2, Lake of the Woods County; thence along CSAH 2 to CSAH 3, Lake of the Woods County; thence along CSAH 3 to CSAH 1, Lake of the Woods County; thence along CSAH 1 to STH 11; thence along STH 11 to the point of beginning.

For text of subp 66, see M.R.

Subp. 67. **Registration Block ~~213~~ 113.** Deer And Bear Registration Block ~~213~~ 113 consists of that portion of the state known as the Red Lake Indian Reservation.

Subp. 68. **Registration Block ~~214~~ 114.** Deer And Bear Registration Block ~~214~~ 114 consists of that portion of the state north of the 49th parallel of North Latitude commonly known as the Northwest Angle.

For text of subs 69 to 84, see M.R.

Subp. 85. **Registration Block ~~284~~ 184.** Deer And Bear Registration Block ~~284~~ 184 consists of that portion of the state lying within the following described boundary:

Beginning at the intersection of State Trunk Highway (STH) 89 and U.S. Highway 2; thence along STH 89 to the south boundary of the Red Lake Indian Reservation; thence along the south and east boundaries of said reservation to the southeast corner of Section 21, Township 151 North, Range 32 West; thence due east to STH 1; thence along STH 1 to STH 72; thence along STH 72 to U. S. Highway 71; thence along U.S. Highway 71 to County State Aid Highway (CSAH) 39, Beltrami County; thence along CSAH 39 to CSAH 20, Beltrami County; thence along CSAH 20 to CSAH 53, Beltrami County; thence along CSAH 53 to CSAH 12, Beltrami County;

# Expedited Emergency Rules

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thence along CSAH 12 to CSAH 51, Beltrami County; thence along CSAH 51 to CSAH 8, Beltrami County; thence along CSAH 8 to CSAH 25, Beltrami County; thence along CSAH 25 to CSAH 4, Beltrami County; thence along CSAH 4 to CSAH 46, Hubbard County; thence along CSAH 46 to U.S. Highway 2; thence along U.S. Highway 2 to the point of beginning.

Subp. 86. **See repealer.**

For text of subps 87 to 102, see M.R.

Subp. 103. **Registration Block ~~401~~ 252.** Deer And Bear Registration Block ~~401~~ 252 consists of that portion of the state lying within the following described boundary:

Beginning at the intersection of U.S. Highway 75 and the north boundary of the state; thence along U.S. Highway 75 to U.S. Highway 2; thence along U.S. Highway 2 to the west boundary of the state; thence along the west and north boundaries of the state to the point of beginning.

Subp. 104. **Registration Block ~~402~~ 253.** Deer And Bear Registration Block ~~402~~ 253 consists of that portion of the state lying within the following described boundary:

Beginning at the intersection of U.S. Highway 2 and the west boundary of the state; thence along U.S. Highway 2 to State Trunk Highway (STH) 9; thence along STH 9 to U.S. Highway 10; thence along U.S. Highway 10 to the west boundary of the state; thence along the west boundary of the state to the point of beginning.

Subp. 105. **Registration Block ~~403~~ 254.** Deer And Bear Registration Block ~~403~~ 254 consists of that portion of the state lying within the following described boundary:

Beginning at the intersection of U.S. Highway 75 and the north boundary of the state; thence along the north boundary of the state to U.S. Highway 59; thence along U.S. Highway 59 to State Trunk Highway (STH) 11; thence along STH 11 to U.S. Highway 75; thence along U.S. Highway 75 to the point of beginning.

Subp. 106. **Registration Block ~~404~~ 255.** Deer And Bear Registration Block ~~404~~ 255 consists of that portion of the state lying within the following described boundary:

Beginning at the intersection of State Trunk Highway (STH) 11 and U.S. Highway 75; thence along STH 11 to U.S. Highway 59; thence along U.S. Highway 59 to STH 1; thence along STH 1 to U.S. Highway 75; thence along U.S. Highway 75 to the point of beginning.

Subp. 107. **Registration Block ~~405~~ 256.** Deer And Bear Registration Block ~~405~~ 256 consists of that portion of the state lying within the following described boundary:

Beginning at the intersection of State Trunk Highway (STH) 1 and U.S. Highway 75; thence along STH 1 to STH 32; thence along STH 32 to STH 102; thence along STH 102 to STH 9; thence along STH 9 to U.S. Highway 2; thence along U.S. Highway 2 to U.S. Highway 75; thence along U.S. Highway 75 to the point of beginning.

Subp. 108. **Registration Block ~~406~~ 257.** Deer And Bear Registration Block ~~406~~ 257 consists of that portion of the state lying within the following described boundary:

Beginning at the intersection of U.S. Highway 59 and State Trunk Highway (STH) 32; thence along U.S. Highway 59 to County State Aid Highway (CSAH) 1, Polk County; thence along CSAH 1 to STH 32; thence along STH 32 to the point of beginning.

Subp. 109. **Registration Block ~~407~~ 258.** Deer And Bear Registration Block ~~407~~ 258 consists of that portion of the state lying within the following described boundary:

Beginning at the intersection of State Trunk Highway (STH) 9 and STH 102; thence along STH 102 to STH 32; thence along STH 32 to U.S. Highway 10; thence along U.S. Highway 10 to STH 9; thence along STH 9 to the point of beginning.

Subp. 110. **Registration Block ~~408~~ 259.** Deer And Bear Registration Block ~~408~~ 259 consists of that portion of the state lying within the following described boundary:

Beginning at the intersection of State Trunk Highway (STH) 32 and County State Aid Highway (CSAH) 1, Polk County; thence along CSAH 1 to U.S. Highway 59; thence along U.S. Highway 59 to the north boundary of the White Earth Indian Reservation; thence west, south, and east along the boundary of said reservation to U.S. Highway 59; thence along U.S. Highway 59 to U.S. Highway 10; thence along U.S. Highway 10 to STH 32; thence along STH 32 to the point of beginning.

Subp. 111. **Registration Block ~~409~~ 241.** Deer And Bear Registration Block ~~409~~ 241 consists of that portion of the state lying within the following described boundary:

Beginning at the intersection of U.S. Highway 10 and State Trunk Highway (STH) 87; thence along STH 87 to U.S. Highway 71; thence along U.S. Highway 71 to U.S. Highway 10; thence along U.S. Highway 10 to the point of beginning.

**REPEALER.** Minnesota Rules, parts 6232.0200, subpart 5a; 6232.1200; 6232.2450; and 6232.4700, subpart 86, are repealed.

**EFFECTIVE DATE.** The expedited emergency amendments to Minnesota Rules, parts 6232.0200; 6232.0300; 6232.0400; 6232.0500; 6232.0600; 6232.0700; 6232.0800; 6232.1250; 6232.1300; 232.1400; 6232.1500; 6232.1600; 6232.1750; 6232.1800; 6232.1950; 6232.2000; 6232.2050; 6232.2100; 6232.2500; 6232.2550; 6232.2800; 6232.3100; and 6232.4700 expire December 31, 2005. After the expedited emergency amendments expire, the permanent rules as they read prior to those amendments take effect, except as they may be amended by permanent rule. Minnesota Rules, parts 6232.0350 and 6232.1970 expire December 31, 2005.

# Errata

Corrections to agency errors in rules or in following the rulemaking processes, as well as incomplete notices, mislabeled rules, incorrect notices and citations will appear in this section. Whenever an error is corrected in this section, its corresponding rule number(s) will also appear in the *State Register's* index to rulemaking activity, **Minnesota Rules: Amendments and Additions**.

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

## Human Services Department

### Health Care Administration

#### Errata to Aug. 8, 2005, Notice of Request for Proposals from Prepaid Health Plans for Minnesota Health Care Programs Recipients in Dodge and Wabasha Counties

The Department of Human Services wants to clarify that the deadline for the Request For Proposal (RFP) response is September 16, 2005, as stated in the RFP.

## Revenue Department

### Errata to Modification of Revenue Notice #97-01 published Aug. 15, 2005, which contained typographical errors.

#### Revenue Notice #97-01: Penalties - Abatements - ~~General Policy~~Policies and Procedures

##### ABATEMENT REQUESTS

*Minnesota Statutes*, section ~~270.07, subdivision 1, paragraph (c), 270C.34, subdivision 1~~ authorizes the Commissioner of Revenue to abate penalties imposed by any law relating to ~~taxation taxes administered by the Commissioner~~, if the Commissioner determines the taxpayer's failure to timely pay the tax or timely file the return is due to "reasonable cause." A taxpayer may make a request for an abatement of penalty by contacting the Commissioner of Revenue. The abatement request must be made within 60 days after the date the taxpayer is mailed notification that a penalty has been imposed.

##### REASONABLE CAUSE

###### A. Presumption of Reasonable Cause

Reasonable cause will be presumed if the late payment, late filing, or failure to pay by electronic means is a first-time occurrence for the specific tax type involved. This presumption is based upon the taxpayer's previous history of filing timely returns and making timely payments.

An abatement is not available under this part if the taxpayer has previously received an abatement under part B, below, for a different late filing of a return or late payment of a tax for the same tax type, or if there are additional facts and circumstances that exist that would make it inequitable to apply the presumption.

###### B. Reasonable Cause Based Upon Specific Events

Taxpayers for whom reasonable cause is not presumed under part A, above, may apply for an abatement of penalty based upon the occurrence of an event or events that caused the late filing, late payment, or failure to pay by electronic means.

A "reasonable cause" under this part B, is one resulting from circumstances beyond the taxpayer's control. This ~~means~~ includes circumstances that cannot reasonably be expected to be under the taxpayer's control, or ~~which that~~ make unreasonable the normal expectation of timely performance.

When the late filing or late payment is directly attributable to the event, eExamples of reasonable cause (~~assuming the late filing or late payment is directly attributable to the event~~) are:

1. Death or serious illness of the taxpayer, or of an immediate family member.
2. "Acts of God" or ~~other natural or human~~ any unforeseen disasters, such as ~~severe weather, fire, flood, or explosion, or other~~

# Errata

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kinds of that result in loss of the taxpayer's home or place of business, or of personal or business records.

3. Theft, arson, or loss of data or records occurring during a move, or when in the hands of a third party for computerization or processing. Generally, the fact that records are in the hands of a tax return preparer does not constitute reasonable cause.

4. Criminal activity against the taxpayer, such as embezzlement or fraud by an employee of the taxpayer or other person responsible for filing the return or paying the tax.

5. A check for payment of the tax is dishonored by the taxpayer's bank, or an electronic funds transfer fails to be completed by the bank, through no fault of the taxpayer. Not having sufficient funds in the account, as a factor by itself, does not constitute reasonable cause.

Factors used to prove reasonable cause ~~are~~ include:

1. The taxpayer can document or otherwise verify that an event listed above took place, with copies of police reports, insurance records, newspaper notices, or other acceptable records.

2. When the taxpayer requests an abatement of penalty based upon the first example, above, the taxpayer can demonstrate that no one else was able to assume the responsibility to file the return or pay the tax in his or her place.

3. The event which caused the late filing or late payment was unavoidable and not scheduled. Planned absences, such as vacations or business trips are not acceptable reasons for failure to file returns or pay taxes.

4. The time lapse between the event causing the delay, and the subsequent late filing of the return or late payment of the tax is reasonable under the circumstances.

Equitable considerations, such as the taxpayer having a good history of filing returns and paying taxes on time, the taxpayer coming forward as soon as the error is known, or a sudden change in the law (such as a court case, or a legislative amendment that has an immediate or rapid effective date), can also be taken into account when considering an abatement request.

Abatements will not be granted to the taxpayer because the failure to file or pay is based on religious, political, or philosophical opposition to the tax.

The taxpayer can be required to pay the tax and interest on the tax before a penalty abatement determination is made by the Department of Revenue.

Federal court cases and Internal Revenue Service regulations, rulings, and guidelines discussing what constitutes reasonable cause can be considered when reviewing penalty abatement requests. However, the fact that the Internal Revenue Service has previously made a penalty abatement determination regarding the taxpayer in the same case under consideration is not binding on the Department of Revenue. The Department will make an independent determination of whether an abatement is warranted.

## **C. No Abatement Based Upon Intentional Acts or Opposition to Tax Laws**

Abatements will not be granted under parts A or B to the taxpayer because the failure to file or pay is intentional or is based on religious, political, or philosophical opposition to the tax.

## **ERRONEOUS ADVICE GIVEN TO THE TAXPAYER**

In addition to an abatement of penalty for "reasonable cause," *Minnesota Statutes*, section ~~270.07, subdivision 6, paragraph (c)~~, 270C.34, subdivision 1 provides for abatement of a penalty attributable to erroneous advice given to the taxpayer, in writing, by an employee of the Department acting in an official capacity, if the advice:

- (1) was reasonably relied on and was in response to a specific written request of the taxpayer; and
- (2) was not the result of failure by the taxpayer to provide adequate or accurate information.

## **COMPUTATIONAL ERRORS AND THE TOYS "R" US CASE**

The Minnesota Tax Court ~~has~~ interpreted the reasonable cause standard for abatement of penalties in *Toys "R" Us, Inc. v. Commissioner of Revenue*, Minn. Tax Ct. Dkt. No. 6694 (Sept. 4, 1996). *Toys "R" Us* applied for an extension of time to file its fiscal year 1994 corporate franchise tax return. Along with the extension, the taxpayer filed a tentative return, which showed estimated taxes paid during the year in a greater amount than what had actually been paid. As a result, when the final fiscal year 1994 return was filed, there was a balance of tax due and a late payment penalty was imposed on that balance. At issue in the case was whether the penalty should be abated.

The court held that the computational error made on the tentative return in overstating the amount of estimated tax paid during the fiscal year constituted reasonable cause. This was the holding, even though the taxpayer had made two previous payment errors for fiscal years 1990 and 1993. The court relied upon a federal regulation which states: "An isolated computational or transcriptional error generally is not inconsistent with reasonable cause and good faith." (*Treas. Reg.* § 1.6664-4(b)(1).)

The Department of Revenue ~~will apply~~ applies the reasonable cause standard set forth in the *Toys "R" Us* case in the following manner: A late payment of tax that results from an overstatement of the amount of estimated tax actually paid during the taxable period does not generally constitute reasonable cause. However, if the error is merely computational or transcriptional, and there is no pattern of previous computational or transcriptional errors, an abatement may be granted.

## **DENIAL OF ABATEMENT REQUESTS; APPEALS**



If the Commissioner issues an order denying a request for an abatement of penalty, the taxpayer has 60 days after the date of the order to file an administrative appeal with the Department of Revenue, or a judicial appeal to the Minnesota Tax Court. If the taxpayer files an administrative appeal and it is denied, the taxpayer has 60 days after the date of the denial to appeal to the Minnesota Tax Court.

If the taxpayer requests an abatement of penalty and the Commissioner does not respond within 60 days after the date the request is received, the taxpayer has an additional 60 days to appeal to the Minnesota Tax Court. Under these circumstances, the appeal to the Minnesota Tax Court must be filed no later than 120 days after the date the Department receives the penalty abatement request.

~~Dated: January 21, 1997~~

~~Jennifer L. Engh~~

~~Assistant Commissioner for Tax Policy~~

~~Publication Date: August 22, 2005~~

## Official Notices

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

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

## Housing Finance Agency, Minnesota

### Notice of Hearing on Bond Issuance

**NOTICE IS HEREBY GIVEN** that the Minnesota Housing Finance Agency will hold a public hearing at 10:00 a.m. on September 15, 2005, at the Minnesota Housing Finance Agency, 400 Sibley Street, Suite 300, St. Paul, Minnesota 55101, for the purpose of taking public testimony regarding the issuance of its Rental Housing Bonds in the maximum principal amounts set forth below. The Bonds may be issued in one or more series and will be issued to fund mortgage loans to pay for all or a portion of the costs of acquisition and rehabilitation of the following developments, including facilities related and subordinate thereto, for residential rental housing as defined in the Agency's Rental Housing Bond Resolution. The developments to be assisted are:

A 114-unit multi-story rental apartment development, currently known as Waybury Apartments, located at 110340 Geske Road in Chaska, Minnesota. The initial owner or operator will be Waybury Shelter Limited Partnership, a Minnesota limited partnership, one of the managing general partners of which will be Waybury Shelter LLC, a Minnesota limited liability company. The maximum principal amount of the bonds is \$5,000,000.

A 150 unit multi-story rental apartment development with limited commercial space, currently known as Greysolon Plaza, located at 201 East Superior Street in Duluth, Minnesota. The initial owner or operator will be Greysolon Limited Partnership, a Minnesota limited partnership, one of the managing general partners of which will be Sherman Associates Inc., a Minnesota Corporation, or a related entity. The maximum principal amount of the bonds is \$10,000,000.

A 96-unit multi-story rental apartment building, currently known as Rivertown Commons, located at 212 North 2<sup>nd</sup> Street in Stillwater, Minnesota. The initial owner or operator will be Stillwater Leased Housing Associates I, LP, a Minnesota limited partnership, one of the managing general partners of which will be Stillwater Leased Housing Associates I, LLC, a Minnesota limited liability company. The maximum principal amount of the bonds is \$5,500,000.

A 32-unit multi-story rental apartment building, currently known as Northwood Commons, located at 212 2<sup>nd</sup> Avenue Southwest in Baudette, Minnesota. The initial owner or operator will be Baudette Leased Housing Associates I, LP, a Minnesota limited partnership, one of the managing general partners of which will be Baudette Leased Housing Associates I, LLC, a Minnesota limited liability company. The maximum principal amount of the bonds is \$800,000.

Additional information may be obtained from the Minnesota Housing Finance Agency, Attn: Sharon Bjostad ((651) 282-2577)). Parties wishing to comment on the issuance of the Bonds may appear in person at the hearing or may submit written comments to the undersigned prior to the hearing.

Timothy E. Marx  
Commissioner  
Minnesota Housing Finance Agency

# Official Notices

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## Housing Finance Agency, Minnesota

### Notice of Hearing on Bond Issues for Qualified Mortgage Bonds

**NOTICE IS HEREBY GIVEN** that the Minnesota Housing Finance Agency (the "Agency") will hold a public hearing at 11:00 a.m. on Thursday, September 15, 2005 at the Minnesota Housing Finance Agency, 400 Sibley Street, Suite 300, St. Paul, Minnesota 55101, for the purposes of taking public testimony regarding the issuance of qualified mortgage bonds, comprising one or more series, in an aggregate principal amount not exceeding \$250,000,000. The bonds will be issued as qualified mortgage bonds subject to the mortgage eligibility requirements of Section 143 of the Internal Revenue Code of 1986, as amended, and, after payment of expenses and funding of reserves, will provide approximately \$240,000,000 of mortgage loans to certain low and moderate income, first-time homebuyers of single family owner-occupied residences located throughout the State of Minnesota, which homebuyers qualify under the Agency's single family mortgage program and applicable federal tax law. The Agency's single family mortgage program is further described in the MHFA Mortgage Program Procedural Manual, a copy of which may be obtained from the Agency. Said bonds may be issued either as refunding bonds to refund certain outstanding bonds of the Agency or as "new money" bonds using a portion of the Agency's state bond volume allocation, and may be issued either as short-term bonds, subject to refunding or remarketing at a subsequent date on a long-term, fixed or variable rate basis, or as long-term, fixed or variable rate bonds on original issuance. The bonds covered by this hearing notice, up to an aggregate principal amount not exceeding \$250,000,000, are anticipated to be issued periodically to fund the Program during the calendar years 2005 and 2006, until fully utilized.

Parties wishing to comment on the financing program may appear in person at the hearing or may submit written comments to the undersigned prior to the hearing, which comments will be considered at the hearing. Parties desiring additional information should contact Ms. Sharon Bjostad of the Agency (651-282-2577).

Timothy E. Marx, Commissioner  
Minnesota Housing Finance Agency

## Human Services Department

### Notice of Withdrawal of Funding for Projects of Regional Significance

Funding for the Projects of Regional Significance, under the Children and Community Services Act, has been withdrawn as a result of legislation passed during the 2005 special session. Laws of Minnesota, first special session, chapter 4, article 3, section 20(b), repealed MS256M.40, Subd. 2 and permanently removed all funding for this initiative.

The Department of Human Service's Request for Proposal (RFP), originally published in the *State Register*, Monday, August 2, 2004 and amended in the *State Register*, Monday, March 14, 2005, is hereby withdrawn. The department appreciates those individuals and partnerships who responded to the Request for Information (RFI), providing valuable insight during the data gathering process.

Contact Ralph McQuarter, Minnesota Department of Human Services, Community Capacity and Planning Director, (651) 296-0942, [ralph.mcquarter@state.mn.us](mailto:ralph.mcquarter@state.mn.us) or Paul H. Ramcharit, Strategic Planning Specialist, (651) 284-3315, [paul.ramcharit@state.mn.us](mailto:paul.ramcharit@state.mn.us) for more information regarding this announcement.

## Natural Resources Department

### Notice of Conveyance to Establish Boundary Lines Relating to Certain State Landholdings

Notice is hereby given that pursuant to Minnesota Statutes, section 84.0273, the State of Minnesota proposes to convey by an agreement and conveyance document and quit claim deed such rights, titles and interests in state lands located in Government Lot 4, Section 34, Township 136 North, Range 42 West, Otter Tail County, Minnesota, to Marlace Fahrlander, a single person, who in return proposes to convey by the same agreement and quit claim deed such right titles and interests in her adjacent lands as are necessary for the purpose of establishing boundaries.

The reason for this conveyance is because, the legal description by which Ms. Fahrlander and the State of Minnesota acquired their parcels of land are both area type descriptions, and because area descriptions cause ambiguity and doubt of intent, and because the boundary line between the Fahrlander and State of Minnesota property was never located and/or monumented on the ground.

The parties wish to make their mutual boundaries more definite and certain, and clarify their legal descriptions to coincide more accurately with the actual use on the ground.

Additional information about this conveyance or a copy of the proposed conveyance can be obtained by contacting:

Minnesota Department of Natural Resources

Division of Lands and Minerals  
500 Lafayette Road Box 45  
St. Paul, Minnesota 55155-4045  
Stephen V. Feesl, LSIT  
651-297-3966  
steve.feesl@dnr.state.mn.us

## State Contracts

**Informal Solicitations:** Informal solicitations for professional/technical (consultant) contracts valued at over \$5,000 through \$50,000, may either be published in the *State Register* or posted on the Department of Administration, Materials Management Division's (MMD) Web site. Interested vendors are encouraged to monitor the P/T Contract Section of the MMD Web site at [www.mmd.admin.state.mn.us](http://www.mmd.admin.state.mn.us) for informal solicitation announcements.

**Formal Solicitations:** Department of Administration procedures require that formal solicitations (announcements for contracts with an estimated value over \$50,000) for professional/technical contracts must be published in the *State Register*. Certain quasi-state agency and Minnesota State College and University institutions are exempt from these requirements.

## Administration Department

### Notice of Request for Bid For Lease of State-Owned Building Located at 168 Aurora Avenue to Operate a Child Care Program

NOTICE IS HEREBY GIVEN that the Department of Administration is requesting bids for the lease of a state-owned building located at 168 Aurora Avenue (SW Quadrant of Rice Street and Aurora Avenue) in St. Paul to operate a child care program. For a copy of the bid form and requirements, go to <http://www.admin.state.mn.us> or e-mail a request to [Kathy.Meyer@state.mn.us](mailto:Kathy.Meyer@state.mn.us) or fax a request to (651) 215.6245.

A Leased Premises inspection is scheduled on Wednesday, September 7, 2005 at 9:30 a.m. or by appointment. A Leased Premises Inspection by the bidder is mandatory for submitting a bid. Bids submitted by bidders that have not inspected the Leased Premises will be rejected. Additional non-required inspections are allowed provided the bidder schedules a mutually agreed upon time and date by contacting 651.201.2550.

To be eligible to submit a bid, interested persons or firms must send a "non-binding letter of intent to submit a bid" no later than 4:30 p.m. Thursday, September 22, 2005 by e-mail to [Kathy.Meyer@state.mn.us](mailto:Kathy.Meyer@state.mn.us) or by fax to (651) 215.6245. Only those persons or firms submitting this letter will be eligible to submit a bid and receive changes regarding the bid or responses to questions about this request for bid. The "non-binding letter of intent to submit a bid" must include (1) a subject line of "Bid to Lease State-Owned Building to Operate Child Care Program," (2) a statement that potential responder intends to submit a proposal, and (3) a contact person, phone number, fax number and email address.

All bid proposals must be received in the Real Estate Management Division, Administration Building, 50 Sherburne Avenue, Room 309, St. Paul, MN 55155 no later than 2:30 p.m., Central Daylight Time, on Thursday October 6, 2005, as indicated by a notation made by the receptionist on receipt of proposal at the address noted in the bid requirements.

Late proposals will not be considered.

## Commerce Department

### Notice of Availability of Contract for a Comprehensive Laboratory and Inspection Information Management System

The Minnesota Department of Commerce is requesting proposals for the purpose of purchasing a comprehensive application that will facilitate the management, processing, and storage of inspection, calibration, and test data. The application will include online records for customers. It will encompass all aspects of complaints, enforcement, calibration, data exchange between modules, and payment processing. The Department is not seeking a custom solution.

Work is proposed to start after September, 2005.

A Request for Proposals will be available by mail from this office through August 31, 2005. **A written request (by direct mail or fax)**

# State Contracts

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is required to receive the Request for Proposal. After August 31, 2005, the Request for Proposals must be picked up in person.

The Request for Proposals can be obtained from:

Carol Hockert, Director  
Weights and Measures Division  
2277 Highway 36, Suite 150  
St. Paul, MN 55113  
FAX: 651-639-4014

Proposals submitted in response to the Request for Proposals in this advertisement must be received at the address above no later than September 9, 2005. **Late proposals will not be considered.** Fax or e-mailed proposals will **not** be considered.

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

## Historical Society, Minnesota

### Request for Bids For Split Rock Lighthouse Storage Barns and Pump House Restoration

The Minnesota Historical Society is seeking bids from qualified firms to provide all labor, materials, equipment, and supplies to complete exterior restoration work on Barns No. 2 and No. 3 and the Pump House at the Split Rock Lighthouse Historic Site (Site) in Two Harbors, Minnesota. The work consists of carpentry repair, lead-based paint removal, painting, and sheet metal work. All work will be in accordance with the Drawings, Technical Specifications, Instructions to Bidders, Supplementary Conditions, General Conditions, the Contract, and the Request for Bids.

A mandatory pre-bid meeting for all interested parties will be held at 1:00 pm on Wednesday, August 31, 2005 at the Site, located at 3713 Split Rock Lighthouse Road in Two Harbors, Minnesota 55616.

The Request for Bids is available by contacting Mary Green Toussaint, Contracting and Purchasing Assistant, Minnesota Historical Society, 345 Kellogg Boulevard West, St. Paul, Minnesota 55102. Telephone (651) 297-7007; e-mail [mary.green-toussaint@mnhs.org](mailto:mary.green-toussaint@mnhs.org).

Bids must be submitted in a sealed envelope with the project name "Split Rock Lighthouse Storage Barns and Pump House Restoration" clearly written on the envelope and **received no later than 2:00 p.m., Local Time, on Tuesday, September 13, 2005. Late bids will not be considered.**

## Iron Range Resources

### Marketing, Communications and External Affairs Division

### Request for Proposals for Strategic Marketing Communications Plan

Iron Range Resources is seeking proposals to contract for the professional and technical services of consultants or agencies to develop a strategic marketing communications plan for the agency. Details are contained in a complete Request for Proposals (RFP) which may be obtained by calling or writing:

Contact: Joyce Stoehr

Address: Iron Range Resources

4261 Highway 53 South

P O Box 441

Eveleth, MN 55734

Telephone: (218) 744-7400

Fax: (218) 744-7456

E-mail: [joyce.stoehr@ironrangeresources.org](mailto:joyce.stoehr@ironrangeresources.org)

Prospective respondents who have questions regarding this RFP should write Ms Stoehr by regular mail, by fax and/or by email. Questions should be received by September 23, 2005. All answers to questions will be in writing and sent to all entities requiring a complete RFP. Requests received after that time may not receive responses. Estimated total cost of the contract for services to be provided is \$70,000.00. Final date for submitting proposals is September 30, 2005 by 2:30 p.m. CDT. Late proposals will not be considered. This RFP does not obligate the state to complete the proposed project and the state reserves the right to cancel the solicitation if it is considered to be in the state's best interest. All expenses incurred in responding to this RFP shall be borne by the responder.

## Natural Resources Department

### **Notice of Availability of Contract for: Regional coordination of education, marketing and program development for the oak wilt suppression program administered under the Minnesota ReLeaf Program.**

The Minnesota Department of Natural Resources (MNDNR) is requesting proposals to provide marketing, outreach and education for the purpose of enrolling local units of government in the MN Releaf Program's effort to suppress oak wilt in areas of the state considered at high risk of tree loss. The goal is to eliminate oak wilt where that is feasible (counties immediately to the north and west of the metro area); lower oak wilt disease incidence in the adjacent areas along the expanding edge of infection, and provide guidance to communities and program administrators on ways to facilitate program implementation for the purpose of managing the health of the remaining oak resources. Work is proposed to start September 19, 2005.

A Request for Proposal will be available by mail from this office through September 2, 2005. **A written request (by direct mail or fax) is required to receive the Request for Proposal.** After September 2, 2005, the Request for Proposal must be picked up in person.

The Request for Proposal can be obtained from:

Susan Burks  
Forest Health Specialist  
DNR/Division of Forestry  
1200 Warner Rd.  
St. Paul, MN 55106  
Telephone: (651) 772-7927  
FAX: (651) 772-7563  
E-mail: susan.burks@dnr.state.mn.us

Proposals submitted in response to the Request for Proposals in this advertisement must be received at the address above **NO LATER** than 2:00 p.m. on Monday, September 12 2005. Late proposals will not be considered. Fax or e-mailed proposals will **not** be considered.

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

## **State Colleges and Universities, Minnesota State (MnSCU)**

### **Winona State University**

#### **Request for Sealed Bids for Recycled Print Cartridges and Repair, Maintenance and Cleaning of Printers**

Notice is hereby given that Winona State University will receive sealed bids for a contract for the purchase of recycled print cartridges and the repair/maintenance/cleaning of printers on campus. Bid specifications will be available Aug. 22, 2005, by contacting:

Purchasing Department  
Box 5838  
205 Somsen Hall  
Winona, Mn 55987  
507-457-5067

Sealed bids must be received by 3 p.m., Sept. 6, 2005 by Sandra Schmitt at Box 5838 or at:

175 W. Mark St.  
Somsen 205G  
Business Office  
Winona State University  
Winona, Mn 55987

Winona State University reserves the right to reject any or all bids and to waive any irregularities or informalities in bids received.

# State Contracts

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## Department of Transportation (MnDOT)

### Engineering Services Division

#### Notice of Potential Availability of Contracting Opportunities for a Variety of Highway Related Technical Activities (the "Consultant Pre-Qualification Program")

This document is available in alternative formats for persons with disabilities by calling Robin Valento at (651) 284-3622 for persons who are hearing or speech impaired by calling the Minnesota Relay Service at (800) 627-3529.

Mn/DOT, working in conjunction with the Consultant Reform Committee, the Minnesota Consulting Engineers Council, and the Department of Administration, has developed the Consultant Pre-qualification Program as a new method of consultant selection. The ultimate goal of the Pre-Qualification Program is to streamline the process of contracting for highway related professional/technical services. Mn/DOT anticipates that most consultant contracts for highway-related technical activities will be awarded using this method, however, Mn/DOT also reserves the right to use RFP or other selection processes for particular projects. Nothing in this solicitation requires Mn/DOT to complete or use the Consultant Pre-qualification Program.

Mn/DOT is currently requesting applications from consultants. Refer to Mn/DOT's Consultant Services web site, indicated below, to see which highway related professional/technical services are available at this time. Following the advertisement of particular category of services, applications will be accepted on a continual basis.

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

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

Send completed application material to:

Robin Valento  
Pre-Qualification Administrator  
Minnesota Department of Transportation  
Consultant Services  
395 John Ireland Boulevard, Seventh Floor North, Mail Stop 680  
St. Paul, MN 55155

**Note: DUE DATE: APPLICATION MATERIAL WILL BE ACCEPTED ON A CONTINUAL BASIS.**

## Department of Transportation (MnDOT)

### Engineering Services Division

#### Notice Concerning Professional/Technical Contract Opportunities

**NOTICE TO ALL:** The Minnesota Department of Transportation (Mn/DOT) is now placing additional public notices for professional/technical contract opportunities on Mn/DOT's Consultant Services **website** at: [www.dot.state.mn.us/consult](http://www.dot.state.mn.us/consult).

New public notices may be added to the website on a daily basis and be available for the time period as indicated within the public notice.

## Non-State Contracts & Grants

The *State Register* also serves as a central marketplace for contracts let out on bid by the public sector. The *State Register* meets state and federal guidelines for statewide circulation of public notices. Any tax-supported institution or government jurisdiction may advertise contracts and requests for proposals from the private sector. It is recommended that contracts and RFPs include the following: 1) name of contact person; 2) institution name, address, and telephone number; 3) brief description of commodity, project or tasks; 4) cost estimate; and 5) final submission date of completed contract proposal. Allow at least three weeks from publication date (four weeks from the date article is submitted for publication). Surveys show that subscribers are interested in hearing about contracts for estimates as low as \$1,000. Contact editor for further details.

### Metropolitan Council Notice of Intent to Procure Polymer

The Metropolitan Council Environmental Services Division hereby serves Notice of Intent to Procure Polymer for the Metropolitan Wastewater Treatment Plant. The Council will request bids from qualified companies for polymers used in the plant dewatering process.

Preliminary bench testing will begin in August 2005 and based on those results. Full Scale testing will be in late September or early October. If you believe your Company can supply the required polymer(s) and would like to request an IFB package, please contact:

Elizabeth Sund  
Metropolitan Council Environmental Services  
230 East 5<sup>th</sup> Street  
St. Paul, MN 55101  
**Phone:** (651) 602-1169  
**Fax:** (651) 602-1083  
**E-mail:** [elizabeth.sund@metc.state.mn.us](mailto:elizabeth.sund@metc.state.mn.us)

### Metropolitan Council Notice of Request for Proposals (RFP) for A/E Services for the Design and Construction Support Services of a Transit Station Reference Number 05P072

The Metropolitan Council is soliciting proposals from professional engineering firms for the Architectural and Engineering services for the design and construction support services of a transit station at I-35W and 46<sup>th</sup> Street. The tentative schedule is:

Issue Request for Proposals	August 15, 2005
Pre-Proposal Meeting (details in RFP)	August 30, 2005
Proposals Due	September 20, 2005
Anticipated Notice to Proceed	November 2005

All firms interested in submitting a proposal for this work are invited to make a written request for an RFP document from:

Harriet Simmons, Senior Administrative Assistant  
Metropolitan Council  
230 East Fifth Street  
Mears Park Centre  
St. Paul, MN 55101  
**Phone:** (651) 602-1086  
**Fax:** (651) 602-1183  
**E-mail:** [harriet.simmons@metc.state.mn.us](mailto:harriet.simmons@metc.state.mn.us)

### Metropolitan Council Notice of Request for Proposals (RFP) for Employee Assistance Program Metropolitan Council RFP / Contract Number 05P066

The Metropolitan Council is requesting proposals for an Employee Assistance Program for Council employees and their dependent family members. The successful proposer will provide personal consultation and referral services with regard to all personal, social, or other

# Non-State Contracts & Grants

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human services issues except for those of a primarily medical nature. The term of the contract will be three years.

The anticipated solicitation schedule is shown below.

Issue Request for Proposals	August 15, 2005
Receive Proposals, 2:00 PM on day	September 15, 2005
Award of Contract	November 2005

All firms interested in receiving an RFP package are invited to submit an e-mail, written or fax request to:

Elizabeth Sund  
Contracts and Procurement Unit  
Metropolitan Council  
230 East Fifth Street  
St. Paul, MN 55101  
**Fax:** (651) 602-1083  
**E-mail:** [elizabeth.sund@metc.state.mn.us](mailto:elizabeth.sund@metc.state.mn.us)

NOTE: RFPs are **NOT** available in electronic form.

## Metropolitan Council Request for Sealed Bids for Bus Schedule Printing

The Metropolitan Council is soliciting sealed bids for bus schedule printing. Bids are due at 2 p.m. Sept. 13, 2005. Bids must be submitted in accordance with the invitation for bids document available from:

Metropolitan Council  
Metro Transit Purchasing Department  
515 N. Cleveland Avenue  
St. Paul, MN 55114  
612-349-5070

## Metropolitan Council Notice of Invitation for Bids (IFB) for Wastewater Treatment Plant Electrical Maintenance Services Reference Number 05P073

The Metropolitan Council is requesting bids for Wastewater Treatment Plant Electrical Maintenance Services.

Issue Invitation for Bids	August 22, 2005
Bids Due	September 22, 2005
Award Contract	October 2005

All firms interested in submitting bids for this contract and desiring to receive an IFB package are invited to make a request by e-mail, fax, mail or phone to:

Elizabeth Sund  
Administrative Assistant, Contracts and Procurement Unit  
Metropolitan Council  
230 East Fifth Street  
St. Paul, MN 55101  
Phone: (651) 602-1169  
Fax: (651) 602-1083  
E-mail: [elizabeth.sund@metc.state.mn.us](mailto:elizabeth.sund@metc.state.mn.us)



## Metropolitan Council

### Notice of Invitation for Bids (IFB) for the Fabrication and Delivery of Industrial Control Panels

#### Reference Number 05P027

The Metropolitan Council is requesting bids for fabrication and assembly of open industrial control panels for ten (10) Interceptor regulators stations, six (6) river quality monitoring stations, nine (9) wastewater treatment plant monitoring locations, two (2) lift station sites plus doors, and twenty (20) Interceptor metering panels.

The tentative schedule for this procurement is as follows:

Issue Invitation for Bids	August 22, 2005
Bids Due	September 27, 2005
Award Contract	October 2005

All firms interested in submitting bids for this contract and desiring to receive an IFB package are invited to make a request by e-mail, fax, mail or phone to:

Elizabeth Sund  
Administrative Assistant, Contracts and Procurement Unit  
Metropolitan Council  
230 East Fifth Street  
St. Paul, MN 55101  
Phone: (651) 602-1169  
Fax: (651) 602-1083  
E-mail: [elizabeth.sund@metc.state.mn.us](mailto:elizabeth.sund@metc.state.mn.us)

## Metropolitan Council

### Invitation for Prequalification for Tunneling Contractor for Empire WWTP Outfall and Rosemount Interceptor -- Phase II

Prequalification Submittal Documents (PSDs) are solicited by the Metropolitan Council ("Council") for the purpose of establishing a list of prequalified contractors to provide the tunneling work of the Council's Empire WWTP Outfall and Rosemount Interceptor – Phase II project. The contractor that performs the tunneling work (Tunneling Contractor) may be the general contractor for the project or a subcontractor to the general contractor.

The Council intends to use a two-step process to award this project. In this first step, Tunneling Contractors are invited to submit PSDs, which will be evaluated based upon the prequalification criteria of the project. After evaluating the submitted PSDs, the Council will inform each Tunneling Contractor of its prequalification status. In the second step, the Council will issue a public Invitation for Bids for the project. Each bidder will be required to list its Tunneling Contractor on the bid form. **Bids will only be accepted from bidders that list a Tunneling Contractor that has been prequalified by the Council.**

Contractors interested in obtaining an Invitation for Prequalification should submit a written request to:

Sunny Jo Emerson, Senior Administrative Assistant  
Metropolitan Council  
230 East Fifth Street  
St. Paul, Minnesota 55101  
Phone: 651-602-1499  
Fax: 651-602-1083  
E-mail: [sunnyjo.emerson@metc.state.mn.us](mailto:sunnyjo.emerson@metc.state.mn.us)

The tentative schedule for this procurement is as follows:

Invitation for Prequalification Issued	August 19, 2005
PSD Due	September 9, 2005 at 2:00 p.m. local time
Notification of Successful Prequalification	September 16, 2005
Invitation for Bids	September 30, 2005
Due Date of Bids	November 10, 2005
Award of Contract	December 2005

# Non-State Contracts & Grants

## University of Minnesota

### Subscribe to Bid Information Service (BIS)

The University of Minnesota offers 24 hour/day, 7day/week access to all Request for Bids/Proposals through its web-based Bid Information Service (BIS). Subscriptions to BIS are free. Visit our website at [bidinfo.umn.edu](http://bidinfo.umn.edu) or call the BIS Coordinator at (612) 625-5534.

Request for Bids/Proposals are also available to the public each business day from 8:00 a.m. to 4:30 p.m. in the Purchasing Services lobby, Suite 560, 1300 S. 2nd Street, Minneapolis, Minnesota 55454.



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