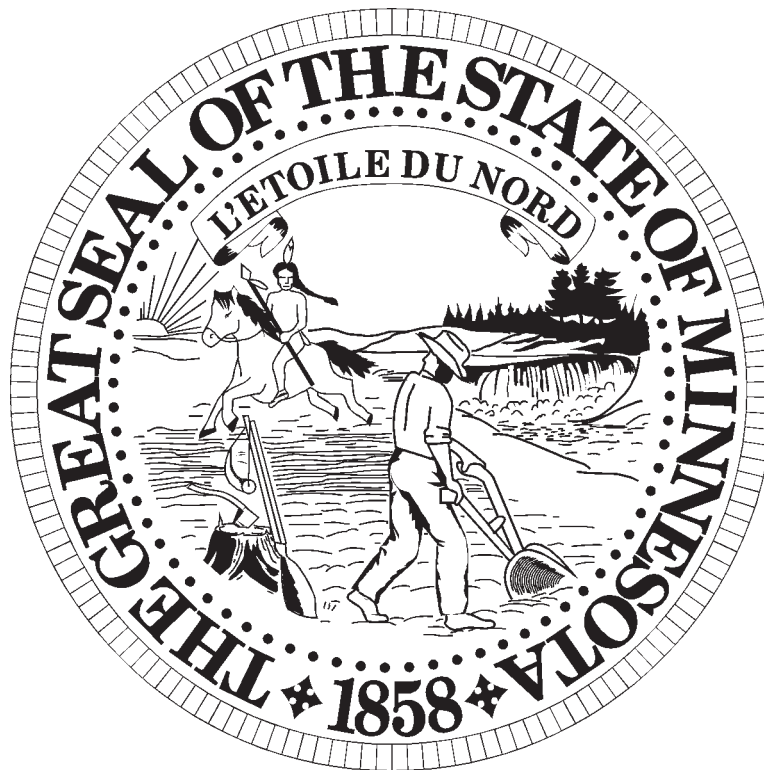


State of Minnesota

State Register



**Rules, Executive Orders, Appointments,
Commissioners' Orders, Revenue Notices, Official Notices, Grants,
State Contracts & Loans, Non-State Bids, Contracts & Grants**

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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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- executive orders of the governor
- appointments
- proclamations and commendations
- commissioners' orders
- revenue notices
- official notices
- state grants and loans
- contracts for professional, technical and consulting services
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# 46	Monday 14 May	Noon Tuesday 8 May	Noon Wednesday 2 May
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State Register:
Robin Panlener, editor (651) 297-7963
John Mikes, assistant editor (651) 297-4616
Cathy Hoekstra, subscriptions (651) 297-8777

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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, 660 Olive Street (one block east of I-35E and one block north of University Ave), St. Paul, MN 55155 (612) 297-3000, or toll-free 1-800-657-3757.

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

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

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

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.

Department of Natural Resources

Proposed Permanent Rules Relating to Drainage Projects Impacting State-Owned Lands in Consolidated Conservation Areas

NOTICE OF HEARING

Minnesota Rules, chapter 6115

Public Hearing. The Department of Natural Resources intends to adopt rules after a public hearing following the procedures set forth in the rules of the Office of Administrative Hearings, *Minnesota Rules*, parts 1400.2200 to 1400.2240, and the Administrative Procedure Act, *Minnesota Statutes*, sections 14.131 to 14.20. The agency will hold public hearings on the above-entitled rules as follows:

Aitkin High School Auditorium, 306 2nd St. NW, Aitkin, Minnesota 56431, starting at 2:00 p.m. on June 26, 2007;

Beaux Arts Ballroom, Hobson Memorial Union, Bemidji State University, 1500 Birchmont Drive, Bemidji, Minnesota 56601, starting at 8:30 a.m. on June 27, 2007;

Grygla High School Gym, 114 N. Fladland Ave., Grygla, Minnesota 56727, starting at 4:00 p.m. on June 27, 2007; and

Warroad Middle School Lunchroom, 510 Cedar Ave., Warroad, Minnesota 56763, starting at 8:30 a.m. on June 28, 2007, and continuing until the hearing is completed. Additional days of hearing will be scheduled if necessary. All interested or affected persons will have an opportunity to participate by submitting either oral or written data, statements, or arguments. Statements may be submitted without appearing at the hearing.

Administrative Law Judge. The hearing will be conducted by Administrative Law Judge Barbara Neilson, who can be reached at the Office of Administrative Hearings, 100 Washington Ave. S., Suite 1700, Minneapolis, Minnesota 55401-2138, **telephone:** (612) 341-7604, and **Fax:** (612) 349-2665. The rule hearing procedure is governed by *Minnesota Statutes*, sections 14.131 to 14.20, and by the rules of the Office of Administrative Hearings, *Minnesota Rules*, parts 1400.2000 to 1400.2240. Questions concerning the rule hearing procedure should be directed to the Administrative Law Judge.

Subject of Rules, Statutory Authority, and Agency Contact Person. The proposed rules are about criteria and procedures for determining drainage benefits to state-owned lands in consolidated conservation areas administered under *Minnesota Statutes*, chapter 84A. Consolidated conservation areas are found in parts of Aitkin, Beltrami, Koochiching, Lake of the Woods, Mahnommen, Marshall, and Roseau counties. The proposed rules are authorized by *Minnesota Statutes*, section 84A.55, subdivisions 9 and 11. A copy of the proposed rules is published in the *State Register* and attached to this notice as mailed.

The agency contact person is: Mike Carroll at: DNR, 2115 Birchmont Beach Road NE, Bemidji, MN 56601, **phone:** (218) 755-3623, **Fax:** (218) 755-4024, **e-mail:** mike.carroll@dnr.state.mn.us. TTY users may call the Department of Natural Resources at (651) 296-5484 or 800-657-3929.

Statement of Need and Reasonableness. A Statement of Need and Reasonableness is now available for review at the agency offices

Proposed Rules

and at the Office of Administrative Hearings. This statement contains a summary of the justification for the proposed rules, including a description of who will be affected by the proposed rules and an estimate of the probable cost of the proposed rules. The statement may be reviewed and copies obtained at the cost of reproduction from the agency.

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

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

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

Modifications. The proposed rules may be modified as a result of the rule hearing process. Modifications must be supported by data and views presented during the rule hearing process, and the adopted rules may not be substantially different than these proposed rules, unless the procedure under *Minnesota Rules*, part 1400.2110, has been followed. If the proposed rules affect you in any way, you are encouraged to participate.

Adoption Procedure After The Hearing. After the close of the hearing record, the Administrative Law Judge will issue a report on the proposed rules. You may ask to be notified of the date when the judge's report will become available, and can make this request at the hearing or in writing to the Administrative Law Judge. You may also ask to be notified of the date on which the agency adopts the rules and the rules are filed with the Secretary of State, or ask to register with the agency to receive notice of future rule proceedings, and can make these requests at the hearing or in writing to the agency contact person stated above.

Lobbyist Registration. *Minnesota Statutes*, chapter 10A, requires each lobbyist to register with the State Campaign Finance and Public Disclosure Board. Questions regarding this requirement may be directed to the Campaign Finance and Public Disclosure Board at: Suite 190, Centennial Building, 658 Cedar Street, St. Paul, Minnesota 55155, **telephone:** (651) 296-5148 or 1-800-657-3889.

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

Date: April 24, 2007

Mark Holsten, Commissioner
Department of Natural Resources

6115.1500 PURPOSE.

The purpose of parts 6115.1500 to 6115.1540 is to establish criteria and procedures for determining drainage benefits to state-owned lands in consolidated conservation (con-con) areas administered under *Minnesota Statutes*, chapter 84A. Con-con areas are found in parts of Aitkin, Beltrami, Koochiching, Lake of the Woods, Mahnommen, Marshall, and Roseau Counties.

6115.1510 DEFINITIONS.

Subpart 1. **Scope.** The terms used in parts 6115.1500 to 6115.1540 have the meanings given in this part.

Subp. 2. **Commissioner.** "Commissioner" means the commissioner of natural resources or the commissioner's designated representative.

Subp. 3. **Department.** "Department" means the Department of Natural Resources.

Subp. 4. **Drainage.** "Drainage" means any method for removing or diverting waters from wetlands. The methods include, but are not limited to, excavating an open ditch, installing subsurface drainage tile, filling, diking, or pumping.

Subp. 5. **Drainage authority.** "Drainage authority" has the meaning given under *Minnesota Statutes*, section 103E.005, subdivision 9.

Subp. 6. **Drainage project.** "Drainage project" means a new drainage system, an improvement of a drainage system, an improvement of an outlet, a lateral, a repair, or a redetermination of benefits where:

A. the drainage authority will make assessments to state-owned lands; or

B. the commissioner will be asked or must consider whether to participate in the project through assessments or a lump sum, by joining the petition, by consent, or by approval.

Subp. 7. **Drainage system.** "Drainage system" has the meaning given under *Minnesota Statutes*, section 103E.005, subdivision 12.

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Subp. 8. **Improvement.** “Improvement” means the tiling, enlarging, extending, straightening, or deepening of an established and constructed drainage system, including construction of ditches to reline or replace tile and construction of tile to replace a ditch.

Subp. 9. **Lateral.** “Lateral” has the meaning given under *Minnesota Statutes*, section 103E.005, subdivision 15.

Subp. 10. **Public waters.** “Public waters” has the meaning given in *Minnesota Statutes*, section 103G.005, subdivision 15.

Subp. 11. **Public waters wetlands.** “Public waters wetlands” has the meaning given in *Minnesota Statutes*, section 103G.005, subdivision 15a.

Subp. 12. **Repair.** “Repair” means to restore all or a part of a drainage system as nearly as practicable to the same condition as originally constructed and subsequently improved, including resloping ditches and leveling waste banks if necessary to prevent further deterioration, realignment to original construction if necessary to restore the effectiveness of the drainage system, and routine operations that may be required to remove obstructions and maintain the efficiency of the drainage system.

6115.1520 DRAINAGE PROJECTS.

Subpart 1. **Notification and documentation.** For the commissioner to consider participating in a drainage project that would have assessments within a consolidated conservation area, the drainage authority must follow the procedures described in this subpart. The drainage authority must notify the commissioner, in writing and as soon as practicable, with specifics about the proposed project. The specifics must describe the purpose of the project and what kind of project it is. The drainage authority must show the extent of the project on a map. The drainage authority must provide the commissioner with copies of all written documents, including any petition and engineer’s report that have been filed or used in connection with the drainage project proceedings, as they are available.

Subp. 2. **Investigation.** After receiving notification and all documentation required under subpart 1, the commissioner must complete an investigation to determine whether the proposed drainage project benefits state-owned lands for the purposes they were established. In the investigation, the commissioner must:

- A. determine, which, if any, state-owned lands are positively impacted by the proposed drainage project according to subpart 3; and
- B. determine which, if any, state-owned lands are negatively impacted by the proposed drainage project according to subpart 4.

Subp. 3. **Positive impacts.** Positive impacts to state-owned lands occur when a proposed drainage project allows the department or department’s lessee to continue to use or enhances its ability to use drainage to achieve management purposes as provided in *Minnesota Statutes*, section 84A.55. The commissioner may use any one of the following criteria as evidence that the department uses drainage to achieve a management purpose:

- A. the department utilizes a drainage system to outlet water into a public ditch from agricultural cropland it manages;
- B. the department leases the land for commercial purposes such as agriculture, agroforestry, aquaculture, wild rice paddies, peat mining, or mineral extraction, and the lessee utilizes a drainage system to outlet water into a public ditch from the leased lands;
- C. the department petitions for a drainage project; or
- D. the department outlets water from state-owned lands into a public ditch from an impoundment that is designed and used exclusively for wildlife management purposes.

Subp. 4. **Negative impacts.** Negative impacts to state-owned lands occur when a drainage project adversely affects the management of the land for its intended purposes. The commissioner may use any one of the following criteria as evidence that a drainage project negatively impacts state-owned lands. The drainage project:

- A. degrades public waters, public waters wetlands, or wetlands on state-owned lands;
- B. causes direct physical disturbance to rare species or significant natural communities through project activities such as, but not limited to, ditching and depositing soils;
- C. causes an alteration of the hydrology that disturbs rare species, natural communities, or peatland features;
- D. causes an alteration of the hydrology that degrades designated peatland scientific and natural areas;
- E. restricts management options for state-owned lands; or
- F. results in the reduction or elimination of access to state-owned lands.

6115.1530 DETERMINING BENEFIT AND PARTICIPATION.

Subpart 1. **Commissioner’s determination.** Following the investigation under part 6115.1520, the commissioner must determine whether the drainage project benefits state-owned lands and whether to participate in the project. In making the determination, the commissioner shall evaluate state-owned lands, on a parcel-by-parcel basis, with each parcel consisting of no more than 40 acres. A drainage project benefits a parcel of state-owned land only when the investigation shows that the positive impacts outweigh the negative impacts to that parcel of state-owned land. If the commissioner determines the project benefits state-owned lands, the commissioner may participate in the project. Having determined to participate, the commissioner shall authorize the imposition of assessments for the project on the lands in any amounts the commissioner determines or may make lump sum contributions to the county or other public funds established for the payment of the cost of the project. The commissioner may also set conditions to modify the project before approving or joining a petition.

Subp. 2. **Routine repair exception.** If a drainage authority’s notification and documentation made under part 6115.1520, subpart 1, (Cite 31 SR 1543)

Proposed Rules

shows that the total cost of a proposed drainage repair under *Minnesota Statutes*, section 103E.705, is less than \$20,000 and the commissioner has previously determined the benefits to the state-owned lands within that drainage system, the commissioner may, without investigation, authorize the imposition of assessments for the proposed repair proportionate to the overall benefits to the state-owned lands as previously determined by the commissioner. If the commissioner authorizes assessments under this subpart, the commissioner need not issue the findings and report required under part 6115.1540.

6115.1540 FINDINGS AND REPORT.

Following the investigation under part 6115.1520, the commissioner must provide the drainage authority with findings. The findings must convey the results of the investigation and state whether the commissioner will participate in the project. The findings must identify which state-owned lands are benefited and which are not and set forth any conditions the commissioner attaches to the project and the amount of the contribution if the commissioner will participate.

Department of Natural Resources

Division of Fish and Wildlife

Proposed Permanent Rules Relating to Fish and Aquatic Wildlife

DUAL NOTICE: Notice of Intent to Adopt Rules Without a Public Hearing Unless 25 or More Persons Request a Hearing, And Notice of Hearing If 25 or More Requests For Hearing Are Received

Proposed Amendments to Rules Governing Fish and Aquatic Wildlife; *Minnesota Rules*, chapters 6254, 6256, 6258, 6260, 6262, 6264, and 6266; and Proposed Repeal of Rules Governing Fish and Aquatic Wildlife; *Minnesota Rules*, chapters 6256, 6260, 6262, 6264, and 6266

Introduction. The Department of Natural Resources (DNR) intends to adopt rules without a public hearing following the procedures set forth in the rules of the Office of Administrative Hearings, *Minnesota Rules*, parts 1400.2300 to 1400.2310, and the Administrative Procedure Act, *Minnesota Statutes*, sections 14.22 to 14.28. If, however, 25 or more persons submit a written request for a hearing on the rules by 4:30 p.m. on June 6, 2007, a public hearing will be held in conference rooms 6 North and 6 South of the DNR office located at 500 Lafayette Road, St. Paul, Minnesota 55155, starting at 9:00 a.m. on June 20, 2007, with a simultaneous video conference connection to the lunchroom meeting room of the DNR office located at 1601 Minnesota Drive, Brainerd, Minnesota 56401. To find out whether the rules will be adopted without a hearing or if the hearing will be held, you should contact the agency contact person after June 6, 2007 and before June 20, 2007.

Agency Contact Person. Comments or questions on the rules and written requests for a public hearing on the rules must be submitted to the agency contact person. The agency contact person is: Linda Erickson-Eastwood at: DNR, 500 Lafayette Road, St. Paul, MN 55155-4020; **telephone number:** (651) 259-5206; **facsimile number:** (651) 297-4916; **e-mail:** Linda.Erickson-eastwood@state.mn.us. **TTY** users may call the Department of Natural Resources at (651) 296-5484 or 1-800-657-3929.

Subject of Rules and Statutory Authority. The proposed rules cover a variety of areas pertaining to fish and aquatic wildlife services including:

Minnows

- Changing minnow rules to allow angling for minnows in closed waters.
- Closing the Cedar River watershed (Dodge, Freeborn, and Mower counties) to commercial minnow harvest except by special permit and recreational harvest to protect slender madtoms.
- Making technical changes and references for invasive species terminology.

Turtles

- Adopting western painted turtle size limit, as currently provided in emergency rule.

Mussels

- Making technical corrections dealing with the mussel closure on the Minnesota-Wisconsin border waters.

Commercial Fishing Operations

- Repealing the issuance of a Class A permit to use an artificial light to take turtles to reflect statute changes.
- Eliminating the Lake of the Woods helper license references to reflect statute changes.
- Repealing rules relating to licensing setlines on inland Mississippi River waters to reflect statute changes.

- Adding core lakes to commercial fishing operation area number 12.
- Repealing inland commercial fishing operation areas 26, 27, 28, and 29 that are located in northeast Minnesota to better reflect current harvest conditions.
- Making technical changes and references for invasive species terminology.

Fishing Regulations and Requirements

- Establishing winter trout fishing for trout lakes in Aitkin County and Blue Lake in Hubbard County.
- Repealing duplicative rules dealing with muskellunge seasons and limits. Closing fishing for muskie during the winter season and standardize size limits.
- Establishing permanent and seasonal closures of fishing on various water bodies.
- Establishing night bowfishing opportunities.
- Establishing seasonal and permanent closures of water bodies and posting requirements for posting closures and boating restrictions as authorized under *Minnesota Statutes*, section 97C.025
- Closing or opening whitefish/tullibee netting on a variety of lakes or moving lakes from one schedule to another.
- Establishing or clarifying fish use, fish possession, shipping, and transportation requirements, such as transportation of sturgeon.
- Changing or adding to existing fishing regulations to reflect recently enacted statute changes, making existing emergency rules permanent, or making changes to improve consistency between existing regulations. Changes include, but are not limited to, bag limits, seasons, and size limits for sturgeon, northern pike, and walleye.

Designated Waters

- Designating fish spawning areas and fish preserves.
- Changing existing regulations by adding connected waters or tributaries to reduce angler confusion and provide for better management.
- Changing or adding to existing fishing regulations to reflect recently enacted statute changes, making existing emergency rules permanent, or making changes to improve consistency between existing regulations. Changes include, but are not limited to sturgeon, Mille Lacs Lake, and southeastern trout streams.

Boundary Waters Fishing Regulations

- Changing or adding to existing fishing regulations to reflect recently enacted statute changes, make existing emergency rules permanent, or make changes to improve consistency between existing regulations. Changes include, but are not limited to fish culling, Minnesota-Wisconsin border water sturgeon regulations, North Dakota border water limits and seasons on walleye and northern pike, and Canada border fishing restrictions for walleye, northern pike, and sturgeon.
- Making technical corrections for cross-referencing water bodies and species that are regulated under Chapter 6264, such as Lake of the Woods and Rainy River.

The proposed rules also repeal *Minnesota Rules*, parts 6260.1900, subps. 2 to 4; 6260.2400 subps. 26 to 29; 6262.0900; and 6264.0400, subp. 34; expedited emergency amendments to *Minnesota Rules*, parts 6256.0500, 6262.0500, 6264.0150, 6264.0400, 6266.0300, and 6266.0400; and expedited emergency *Minnesota Rules*, parts 6262.0550 and 6262.1000.

The statutory authority to adopt or repeal the rules is *Minnesota Statutes*, sections 84.027, subd. 13; 84D.12; 97A.045, subd. 2,3, and 4; 97A.101, subd. 1; 97A.475 subd. 30-37; 97A.501, subd. 1 & 2; 97A.551, subd. 6; 97B.106; 97C.025; 97C.001, subd. 3; 97C.005, subd. 3; 97C.025; 97C.045; 97C.085; 97C.087; 97C.345, subd 2(b); 97C.375; 97C.401, subd. 1 and 2; 97C.405; 97C.411; 97C.505, subd. 1 and 3; 97C.605, subd. 3, 4 and 6; 97C.701, subd. 1; 97C.705, subd. 2; 97C.801, subd. 1; 97C.805; 97C.811, subd. 3; 97C.815, subd. 1; 97C.825, subd. 9; and 97C.841.

A copy of the proposed rules is published in the *State Register* and may be accessed at www.comm.media.state.mn.us/state_register.asp. A free copy of the rules is available upon request from the agency contact person listed above.

Comments. You have until 4:30 p.m. on June 6, 2007, to submit written comment in support of or in opposition to the proposed rules or any part or subpart of the rules. Your comment must be in writing and received by the agency contact person by the due date. Comment is encouraged. Your comments should identify the portion of the proposed rules addressed, the reason for the comment, and any change proposed. You are encouraged to propose any change desired. Any comments that you would like to make on the legality of the proposed rules must also be made during this comment period.

Request for a Hearing. In addition to submitting comments, you may also request that a hearing be held on the rules. Your request for a public hearing must be in writing and must be received by the agency contact person by 4:30 p.m. on June 6, 2007. Your written request for a public hearing must include your name and address. You must identify the portion of the proposed rules to which you object

Proposed Rules

or state that you oppose the entire set of rules. Any request that does not comply with these requirements is not valid and cannot be counted by the agency when determining whether a public hearing must be held. You are also encouraged to state the reason for the request and any changes you want made to the proposed rules.

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

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

Modifications. The proposed rules may be modified, either as a result of public comment or as a result of the rule hearing process. Modifications must be supported by data and views submitted to the agency or presented at the hearing and the adopted rules may not be substantially different than these proposed rules, unless the procedure under *Minnesota Rules*, part 1400.2110, has been followed. If the proposed rules affect you in any way, you are encouraged to participate in the rulemaking process.

Cancellation of Hearing. The hearing scheduled for June 20, 2007 will be canceled if the agency does not receive requests from 25 or more persons that a hearing be held on the rules. If you requested a public hearing, the agency will notify you before the scheduled hearing whether or not the hearing will be held. You may also call the agency contact person at (651) 259-5106 after June 6, 2007 to find out whether the hearing will be held.

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

Hearing Procedure. If a hearing is held, you and all interested or affected persons, including representatives of associations or other interested groups, will have an opportunity to participate. You may present your views either orally at the hearing or in writing at any time before the close of the hearing record. All evidence presented should relate to the proposed rules. You may also submit written material to the Administrative Law Judge to be recorded in the hearing record for five working days after the public hearing ends. This five-day comment period may be extended for a longer period not to exceed 20 calendar days if ordered by the Administrative Law Judge at the hearing. Following the comment period, there is a five-working-day rebuttal period during which the agency and any interested person may respond in writing to any new information submitted. No additional evidence may be submitted during the five-day rebuttal period. All comments and responses submitted to the Administrative Law Judge must be received at the Office of Administrative Hearings no later than 4:30 p.m. on the due date. All comments or responses received will be available for review at the Office of Administrative Hearings. This rule hearing procedure is governed by *Minnesota Rules*, parts 1400.2000 to 1400.2240, and *Minnesota Statutes*, sections 14.131 to 14.20. Questions about procedure may be directed to the Administrative Law Judge.

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

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

Lobbyist Registration. *Minnesota Statutes*, chapter 10A, requires each lobbyist to register with the State Campaign Finance and Public Disclosure Board. Questions regarding this requirement may be directed to the Campaign Finance and Public Disclosure Board at: Suite 190, Centennial Building, 658 Cedar Street, St. Paul, Minnesota 55155, **telephone:** (651) 296-5148 or 1-800-657-3889.

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

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

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

Date: April 24, 2007

Mark Holsten, Commissioner
Department of Natural Resources

6254.0300 WATERS CLOSED TO COMMERCIAL TAKING OF MINNOWS.

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

Subp. 3. Waters in southeastern counties. All streams, stream tributaries, side channels, oxbows, backwaters, or other seasonally or permanently connected waters that are in Dodge, Freeborn, or Mower County are closed to commercial taking of tadpole madtoms (*Noturus gyrinus*) or stonecats (*Noturus flavus*), except by special permit.

6256.0500 TAKING TURTLES.

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

[For text of subps 4 to 8, see M.R.]

Subp. 9. **Size limits.** A turtle seller, turtle seller's apprentice, or recreational turtle licensee or a person harvesting turtles under an angling license is restricted to taking and possessing sizes of turtles as specified in items A ~~and B~~ to C. The turtle size is determined by measuring the top shell length (carapace, not including the curvature) from above the neck to above the tail.

A. Spiny softshells (*A. spinifera*) must be greater than 12 inches in shell length.

B. Snapping turtles (*Chelydra serpentina*) must be greater than 12 inches in shell length.

C. Western painted turtles (*Chrysemys picta*) must be 5-1/2 inches or smaller in shell length, except persons acting under Minnesota Statutes, section 97C.605, subdivision 2c, clause (4), may take and possess western painted turtles of any length greater than four inches.

[For text of subp 10, see M.R.]

6258.0500 HARVEST SITES FOR PERMITTEES.

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

Subp. 3. Harvesting prohibited on certain border waters. Mussel harvesting is not permitted on the Minnesota-Wisconsin border waters described in part 6266.0500, subpart 1.

6260.0300 COMMERCIAL FISHING PERMIT ISSUANCE.

[For text of subpart 1, see M.R.]

Subp. 2. **Class A permits.** Class A permits may be issued for the use of a hand-held implement or device used by a single operator. ~~Class A permits may also be issued for the taking of turtles at night with the aid of an artificial light, subject to the provisions of all applicable laws and part 6256.0500.~~

[For text of subps 3 and 4, see M.R.]

6260.1700 COMMERCIAL FISHING ON LAKE OF THE WOODS.

[For text of subps 1 to 7, see M.R.]

Subp. 8. ~~Helper's Apprentice license restrictions.~~ A person may not be issued more than one helper's apprentice license for Lake of the Woods ~~unless they are the holder of a commercial master license.~~

[For text of subps 9 to 11, see M.R.]

6260.2400 DESCRIPTION OF INLAND COMMERCIAL FISHING AREAS.

[For text of subps 1 to 12, see M.R.]

Subp. 13. **Inland Commercial Fishing Area No. 12.** Inland Commercial Fishing Area No. 12 consists of that part of Otter Tail County bounded by a line starting at the junction of U.S. Highway No. 10 and the northern Otter Tail County line; thence west to the eastern Clay County line; thence south to the southern Clay County line; thence west to the Wilkin County line; thence south to Otter Tail County Highway No. 10; thence east to Otter Tail County Highway No. 3; thence crossing Otter Tail County Highway No. 3 and continuing east on Otter Tail County Highway No. 1 to Otter Tail County Highway No. 35; thence north to Otter Tail County Highway No. 4 and continuing north through Vergas to State Highway No. 228; thence east to U.S. Highway No. 10; thence north to the Otter Tail County line, the point of beginning.

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Core Waters	Id. No.	Twp.	Rge.	Sec.
Star Lake Otter Tail Co.	56-385	135, 136	40, 41	Various
East Spirit Lake Otter Tail Co.	56-501	136	41	4, 5, 8, 9, 16, 17
<u>Franklin Lake</u> <u>Otter Tail Co.</u>	<u>56-759</u>	<u>136-137</u>	<u>42</u>	<u>3, 4, 21, 22</u> <u>27, 28, 33, 34</u>
Little Pelican Lake Otter Tail Co.	56-761	137	42	1, 2, 11, 12
<u>Lizzie Lake</u> <u>Otter Tail Co.</u>	<u>56-760</u>	<u>136-137</u>	<u>42</u>	<u>3-9, 20, 28-33</u>
Long (North Long) Lake Otter Tail Co.	56-784	134	42, 43	7, 18; 10-14
Prairie Lake Otter Tail Co.	56-915	136	43	10, 11, 14, 15
Tamarac Lake Otter Tail Co.	56-931	137	43	14, 15, 22, 23, 26
Sand Lake Otter Tail Co.	56-942	137	43	35, 36
<u>South Lida Lake</u> <u>Otter Tail Co.</u>	<u>56-747-2</u>	<u>135</u>	<u>42</u>	<u>4, 5, 8, 9,</u> <u>32, 33</u>

[For text of subs 14 to 25, see M.R.]

Subp. 26. [See repealer.]

Subp. 27. [See repealer.]

Subp. 28. [See repealer.]

Subp. 29. [See repealer.]

[For text of subs 30 to 34, see M.R.]

6262.0200 FISHING REGULATIONS FOR INLAND WATERS.

Subpart 1. **General inland fishing regulations.** Fish may be taken in inland waters by angling during the time specified for each of the following species, however, certain waters of the state are subject to experimental regulations, special regulations, or are closed for the taking and possession of fish. When the closing date of a season falls on a Saturday, the season will extend through the following Sunday.

Species and Open Season	Daily and Possession Limits
-------------------------	--------------------------------

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

B. Brown trout.

[For text of subitems (1) to (4), see M.R.]

(5) In lakes only:

5 in aggregate with
rainbow and brook
trout and splake.
No more than 3 may
be over 16 inches
in length.

Statewide.

Saturday two weeks prior to
Saturday of Memorial Day
weekend to October 31.

All lakes entirely within the
Boundary Waters Canoe Area
Wilderness except Ram Lake.

Saturday nearest January 1
to March 31.

All lakes entirely or partly
outside the Boundary Waters Canoe
Area Wilderness and exceptions.

Saturday nearest January 15
to March 15.

Lakes lying partly outside the
Boundary Waters Canoe Area
Wilderness and exceptions
include Ram, Meditation, and
Lizz Lakes.

Lakes in ~~Aitkin~~, Becker,
Beltrami, Cass, Crow Wing,
and Hubbard Counties,
except Blue Lake in
Hubbard County.

Closed for the winter season.

C. Brook trout and splake.

[For text of subitems (1) and (2), see M.R.]

(3) ~~Expired.~~

~~(4)~~ In all streams in Houston,
Fillmore, Mower, Dodge, Olmsted,
Winona, Wabasha, and Goodhue
Counties.

April 1 to
September 30.

5 in aggregate
with rainbow and
brown trout and
splake. No more
than 1 may be
over 16 inches in
length. No harvest
of trout is allowed
from April 1
up to but not including
the Saturday nearest
April 15 and from
September 15 to
September 30. During
these time periods, all
trout must be
immediately returned
to the water
and all hooks must
be barbless.

~~(5)~~ In all other streams.

~~(4)~~

Saturday nearest April 15
to September 30.

5 in aggregate
with brown and rainbow
trout. No more
than 1 may be

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(6) In lakes only:
(5)

over 16 inches
in length.

5 in aggregate with
brown and rainbow
trout. No more than 3
may be over 16 inches
in length.

Statewide.

Saturday two weeks prior to
Saturday of Memorial Day
weekend to October 31.

All lakes entirely within the
Boundary Waters Canoe Area
Wilderness except Ram Lake.

Saturday nearest January 1
to March 31.

All lakes entirely or partly
outside the Boundary Waters Canoe
Area Wilderness and exceptions.

Saturday nearest January 15
to March 15.

Lakes lying partly outside
the Boundary Waters Canoe
Area Wilderness and exceptions
include Ram, Meditation,
and Lizz Lakes.

Lakes in ~~Aitkin~~, Becker,
Beltrami, Cass, Crow Wing,
and Hubbard Counties,
except Blue Lake
in Hubbard County.

Closed for the winter season.

D. Rainbow trout, including
steelhead.

[For text of subitems (1) to (4), see M.R.]

(5) In lakes only

5 in aggregate
with brook and brown
trout and splake.
No more than 3 may
be over 16 inches
in length.

Statewide.

Saturday two weeks prior
to Saturday of Memorial

Day weekend to
October 31.

All lakes entirely within
the Boundary Waters Canoe
Area Wilderness except
Ram Lake.

Saturday nearest January 1
to March 31.

All lakes entirely or partly
outside the Boundary Waters
Canoe Area Wilderness
and exceptions.

Saturday nearest January 15
to March 15.

Lakes lying partly outside
the Boundary Waters Canoe
Area Wilderness and
exceptions include Ram,
Meditation, and Lizz Lakes.

Lakes in ~~Atkin~~, Becker,
Beltrami, Cass, Crow Wing,
and Hubbard Counties,
except Blue Lake
in Hubbard County.

Closed for the winter season.

[For text of items E to H, see M.R.]

I. Muskellunge (including
muskellunge-northern pike
hybrid).

1 in aggregate.
The minimum size
limit will be
40 inches in length;
~~except on Shoepac~~
~~Lake, St. Louis~~
~~County, where a~~
30-inch minimum size
limit will apply.

The first Saturday in June
to ~~the last Sunday in~~
February December 1.

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

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

6262.0500 WATERS CLOSED TO TAKING FISH.

Subpart 1. **Waters permanently closed to taking fish.** The following waters or designated portions are closed to the taking of all fish at all times, except by permit according to part 6260.0300, subpart 1, and *Minnesota Statutes*, section 97C.041:

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

~~M. Pine County: Kettle River, within 200 feet below the Sandstone Power Dam, both channels, S.22, T.42, R.20.~~

~~N. Ramsey County:~~

~~(1) Charles Lake, including inlet and outlet channels, S.12, T.30, R.23.~~

~~(2) Deep Lake, including inlet and outlet channels, S.5,6,7, T.30, R.22.~~

~~(3) Pleasant Lake, including inlet and outlet channels, S.7,8,18,19, T.30, R.22, and S.12,13, T.30, R.23.~~

~~O. N. Ramsey and Anoka Counties: Wilkinson Lake, including inlet and outlet channels. See Anoka and Ramsey Counties.~~

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P. Q. Ramsey and Hennepin Counties: Mississippi River. See Hennepin and Ramsey counties for area closed.

Q. P. St. Louis County: French River, between Lake Superior and the new Highway 61, S.17, T.52, R.12.

R. Q. St. Louis and Carlton Counties: St. Louis River, from the Fond du Lac Dam downstream for one-half mile to the Minnesota-Wisconsin boundary cable, S.6, T.48, R.15.

S. R. Wabasha County: Mississippi River, within 150 feet below U.S. Lock and Dam No. 4 near Kellogg, S.17, T.110, R.9; except that fishing from shore within 150 feet below the lock and dam and from boats that remain outside the 150-foot restricted zone is permitted.

T. S. Washington and Dakota Counties: Mississippi River. See Dakota and Washington Counties for area closed.

U. T. Winona County: Mississippi River, within 150 feet below the following U.S. Locks and Dams: No. 5, S.17, T.108, R.8; No. 5A, S.9, T.107, R.7; No. 6, S.8, T.106, R.5, near Winona; and No. 7, S.28, T.105, R.4, near Dresbach; except that fishing from shore within 150 feet below these locks and dams and from boats that remain outside the 150-foot restricted zone is permitted.

V. U. Lake and St. Louis Counties: Knife River from the U.S. Highway 61 bridge in S.36, T.52, R.12, downstream to the cable below the Knife River fish trap in S.31, T.52, R.11 and S.36, T.52, R.12.

V. Morrison County: Mississippi River, Zebulon Pike Reservoir's portion known as Musky Bay T.138, R.30, S.1 E1/2 of NE1/4.

Subp. 2. **Waters seasonally closed to taking fish.** The following waters in the portions designated are closed to the taking of all fish during the periods specified:

A. Cook County:

(1) Sea Gull River, S.19,30,31, T.66, R.4, and S.25,36, T.66, R.5, from Sea Gull Lake including Gull Lake to Saganaga Lake approximately 1/3 mile north of the narrows. The dates of closure are from April 1 through Friday before Memorial Day weekend;

(2) Gauthier Creek, S.27, T.62, R.3E; Kadunce Creek, S.2, T.61, R.2E, from 0.2 to 0.4 miles above the mouth; and Devil Track River, S.11,12, T.61, R.1E, from 1.1 to 1.6 miles above the mouth. The dates of the closure are September 1 through May 31;

(3) Granite River (at Saganaga Lake) S.4, T.66, R.4, from Saganaga Falls downstream to Saganaga Lake, including Saganaga Lake within 300 yards of the mouth of the Granite River. The dates of the closure are April 1 through May 31;

(4) Little Gunflint-Little North channel (Granite River at Gunflint Lake) S.16, T.65, R.2, the channel between Little Gunflint Lake and Little North lake, including Little Gunflint Lake within 300 yards of the channel mouth and Little North Lake within 100 yards of the head of the channel. The dates of the closure are April 1 through May 31; and

(5) Cross River (at Gunflint Lake) S.24,25,26, T.65, R.4, and S.19,30, T.65, R.3, from Cook County Road 12 (Gunflint Trail) crossing downstream to Gunflint Lake, including Gunflint Lake within 300 yards of the mouth of the Cross River. The dates of the closure are April 1 through the Friday before Memorial Day weekend.

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

D. Douglas and Grant Counties: Lake Christina, S.311,17,18, T.130, R.40, and S.1,12,13, T.130, R.41. The dates of closure are from April 1 through November 30.

E. Cook County: Gauthier Creek, S.27, T.62, R.3E; Kadunce Creek, S.2, T.61, R.2E, from 0.2 to 0.4 miles above the mouth; and Devil Track River, S.11,12, T.61, R.1E, from 1.1 to 1.6 miles above the mouth. The dates of the closure are September 1 through May 31.

F. D. St. Louis County:

(1) Little Knife River, S.17,21-23,26-28,35,36, T.52, R.12, from the weir upstream to the source. The dates of the closure are September 1 through May 31; and

(2) Knife River, S.25, T.52N, R.12W, between the cables. The dates of closure are September 1 to May 31.

G. E. Lake County: Knife River and tributaries, S.4,5, T.52, R.11, upstream of Lake County Road 9 are closed from October 1 through May 14.

H. F. Cass County: the Gull River from the United States Army Corps of Engineers dam (Government Lot 1, S.20, T.134N, R.29W) downstream 250 feet. The closure is from the Saturday two weeks prior to the Saturday of Memorial Day weekend to the Friday before Memorial Day.

I. G. Goodhue County:

(1) Mississippi River, within 300 feet below Lock and Dam 3 at Red Wing, S.10, T.113, R.15. The closure is from March 1 to April 30; and

(2) Cannon River and Hay Creek floodplain, S.10,11,13,14,15,23,24,25,26, T.113, R.15, and S.19, T.113, R.14, includes floodplain lakes and streams in the area bounded on the northwest by the Vermillion River, on the south and southwest by Canadian Pacific Railroad track, and on the north and east by the Mississippi River. The dates of closure are April 1 through May 15.

J. H. Wabasha County: Mississippi River, within 300 feet below Lock and Dam 4 at Alma, Wisconsin, S.17,20, T.110, R.9. The closure is from March 1 to April 30.

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

Subp. 4. Waters with seasonal restrictions on taking fish and motorboat operations.

A. Waters or portions of waters designated as spawning beds or fish preserves under chapter 6264 may be posted closed to the taking of fish or posted to restrict motorboat operations based on:

- (1) the abundance of spawning fish;
- (2) climatic conditions; or
- (3) anticipated angling activities.

B. Waters or portions of waters being used by the commissioner for research or management activities may be posted closed to the taking of fish or posted to restrict motorboat operations if necessary to prevent:

- (1) interference with research and management;
- (2) excess depletion of fish;
- (3) destruction of critical habitat; or
- (4) activities that compromise management or research efforts.

C. Notice of closures or restrictions under this subpart shall be posted at all public access sites and on the Department of Natural Resources Web site no less than 48 hours prior to the effective date. The posting shall include a description of the closure or restriction and associated dates.

6262.0575 WATERS WITH RESTRICTIONS ON TAKING FISH.

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

Subp. 5. **Minnows in southwestern counties.** A person shall not take minnows for personal use, except by angling, from a stream, stream tributary, sidechannel, oxbow, backwater, or other seasonally or permanently connected water of the Missouri River watershed that is in Lincoln, Pipestone, Murray, Rock, or Nobles County and that lies south of U.S. Highway 14 to the Iowa border and west of U.S. Highway 59 to the South Dakota border. These waters include, but are not limited to, Medary Creek, Flandreau Creek, East Branch Flandreau Creek, Willow Creek, Pipestone Creek, North Branch Pipestone Creek, Split Rock Creek, Beaver Creek, Little Beaver Creek, Springwater Creek, Rock River, East Branch Rock River, Ask Creek, Little Rock River, Little Rock Creek, Kanaranzi Creek, Norwegian Creek, East Branch Kanaranzi Creek, Elk Creek, Champepadan Creek, Mound Creek, Poplar Creek, Chanarambie Creek, North Branch Chanarambie Creek, and Mud Creek.

Subp. 6. **Minnows in south-central counties.** A person may not take for personal use any tadpole madtoms (*Noturus gyrinus*) or stonecats (*Noturus flavus*), except by special permit, from a stream, stream tributary, side channel, oxbow, backwater, or other seasonally or permanently connected water that is in Dodge, Freeborn, or Mower County.

Subp. 7. **Ogechie Lake; northern pike.** While a person is on or fishing in the following waters, all northern pike in possession must be less than 24 inches in length or greater than 36 inches in length. All northern pike that are 24 to 36 inches in length, inclusive, must be immediately returned to the water. A person's possession limit may not include more than one northern pike over 36 inches in length.

Changes made to comply with the court ruling in *Mille Lacs Band of Chippewa v. Minnesota*, 119 S.Ct. 1187 (1999) shall be posted at water access sites and on the Department of Natural Resources Web site.

<u>Name</u>	<u>Location</u>	<u>County</u>
Ogechie Lake	T.42, R.27, S.4,5, 8; T.43, R.27, S.33	Mille Lacs

6262.0600 SEASONS AND METHODS FOR TAKING ROUGH FISH.

Subpart 1. **Generally.** Rough fish may be taken in accordance with *Minnesota Statutes*, sections 97C.345, 97C.371, and 97C.375. Rough fish may be taken by the following methods from May 1 through the last Sunday in February between sunrise and sunset in all inland waters and by archery at night on water bodies designated under subpart 2 from June 1 to the last day in August, except where the taking of fish is otherwise prohibited by law or rule. Nonresidents may not spear from a fish house or darkhouse.

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

B. Rough fish may be taken by archery, provided that the arrows used are tethered or controlled by an attached line. The use of crossbows is prohibited, except as provided in *Minnesota Statutes*, section 97B.106.

[For text of items C and D, see M.R.]

Subp. 2. **Night bowfishing.**

A. Rough fish may be taken by night bowfishing, provided that the arrows used are tethered or controlled by an attached line. All broadheads used must have a barb.

B. While taking rough fish under this subpart, total noise from generators, engines to power the boat, and motorboat may not exceed 84 decibels on the A scale measured at a distance of 30 feet from the motorboat or equivalent noise levels at other distances in a pass-by test or at idle in a stationary test at least four feet above the water and at least four feet behind the transom of the motorboat being tested.

C. A person must take reasonable measures to retrieve arrows and wounded fish.

Proposed Rules

D. The following described water bodies are open to night bowfishing from June 1 to the last day in August.

County

Lake name (DOW number)

Location

(1) Anoka County:

<u>George Watch (2-5)</u>	<u>T.31, R.22, S.9,10,15,16,21</u>
<u>Centerville (2-6)</u>	<u>T.31, R.22, S.14,15,22,23</u>
<u>Marshan (2-7)</u>	<u>T.31, R.22, S.17,20</u>
<u>Rice (2-8)</u>	<u>T.31, R.22, S.19,20,29,30</u>
<u>Reshanau (2-9)</u>	<u>T.31, R.22, S.20,21,28,29</u>

(2) Becker County:

<u>Big Cormorant (3-576)</u>	<u>T.138, R.42, S.7,18,19,30;</u> <u>T.138, R.43, S.1,11-14,22-25</u>
<u>Dahlberg (3-577)</u>	<u>T.138, R.42, S.6;</u> <u>T.138, R.43, S.1;</u> <u>T.139, R.42, S.31;</u> <u>T.139, R.43, S.36</u>
<u>Leif (3-575)</u>	<u>T.138, R.42, S.5,6;</u> <u>T.138, R.43, S.1;</u> <u>T.139, R.42, S.31</u>
<u>Larson (3-596)</u>	<u>T.138, R.43, S.10</u>
<u>Middle Cormorant (3-602)</u>	<u>T.138, R.43, S.15,21,22</u>
<u>Nelson (3-95)</u>	<u>T.138, R.43, S.9,10,15,16</u>
<u>Rossman (Erickson)</u> <u>(3-587)</u>	<u>T.138, R.43, S.3,4,9,10</u>
<u>Upper Cormorant (3-588)</u>	<u>T.138, R.43, S.4,5,8,9,15,16,17</u>

(3) Benton County:

<u>Little Rock (5-13)</u> <u>(upstream of the new</u> <u>Gordon Bridge)</u>	<u>T.37, R.31, S.2,3,10,11,14;</u> <u>T.38, R.31, S.34,35</u>
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(4) Big Stone County:

<u>Big Stone (6-152)</u>	<u>T.121-124, R.46-49, S.Various</u>
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(5) Blue Earth County:

<u>Loon Lake (7-96)</u>	<u>T.107, R.28, S.2-4,10,11</u>
<u>Crystal Lake (7-98)</u>	<u>T.107, R.28, S.4,5;</u> <u>T.108, R.28, S.32,33</u>

(6) Carver County:

<u>Waconia (10-59)</u>	<u>T.116, R.24, S.6,7,18;</u> <u>T.116, R.25, S.1,2,10-15</u>
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(7) Chisago County:

<u>South Center Lake</u> <u>(13-27)</u>	<u>T.33, R.20, S.2,3,4,9,10;</u> <u>T.34, R.20, S.34,35</u>
<u>Green Lake, including</u> <u>Little Green (13-41)</u>	<u>T.33, R.20, S.6,7,18,19;</u> <u>T.33, R.21, S.12,13,23,24,25,26</u>

(8) Cottonwood County:

<u>North Oaks Lake (17-44)</u>	<u>T.105, R.38, S.5,8;</u> <u>T.106, R.38, S.32</u>
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(9) <u>Crow Wing County:</u> <u>Borden Lake (18-20)</u>	<u>T.44, R.28, S.2,9,10,11,</u> <u>14,15,16,22</u>
(10) <u>Douglas County:</u> <u>Mary Lake (21-92)</u> <u>Maple Lake (21-79)</u>	<u>T.126,127, R.38, S.Various</u> <u>T.127, R.37, S.19,20,29-32;</u> <u>T.127, R.38, S.25-36</u>
(11) <u>Goodhue County:</u> <u>Byllesby (19-6)</u>	<u>T.112, R.18, S.8,9,10,11,</u> <u>14,15,16,17</u>
(12) <u>Grant County:</u> <u>Pomme de Terre (26-97)</u>	<u>T.129, R.41, S.5-7,29-32;</u> <u>T.130, R.42, S.12,25,36</u>
(13) <u>Hubbard County:</u> <u>Upper Twin Lake (29-157)</u>	<u>T.138,139, R.34, S.6,31</u>
(14) <u>Jackson County:</u> <u>Loon Lake (32-20)</u>	<u>T.101, R.35, S.18,19;</u> <u>T.101, R.36, S.13,24,25</u>
(15) <u>Kandiyohi County:</u> <u>Big Kandiyohi (34-86)</u> <u>Bowfishing is not</u> <u>allowed within 330</u> <u>feet of the island.</u> <u>Long Lake (34-192)</u> <u>East Solomon Lake</u> <u>(34-246)</u>	<u>T.117, R.34, S.3;</u> <u>T.118, R.34, S.20-23,26-29,31</u> <u>T.120, R.35, S.11-15,22,23</u> <u>T.120, R.35, S.20,21,28-30;</u> <u>T.120, R.36, S.25</u>
(16) <u>Lincoln County:</u> <u>Hendricks (41-110)</u>	<u>T.112, R.46, S.18,19;</u> <u>T.112, R.47, S.13,24</u>
(17) <u>Le Sueur County:</u> <u>Dora Lake (40-10)</u> <u>Sabre Lake (40-14)</u> <u>Gorman Lake (40-32)</u> <u>German Lake (40-63)</u> <u>East, Middle, and West</u> <u>Jefferson Lake (40-92)</u>	<u>T.110, R.23, S.3,4,9,10</u> <u>T.110, R.23, S.29,30</u> <u>T.110, R.23, S.7;</u> <u>T.110, R.24, S.11-14</u> <u>T.109, R.24, S.4,5,8,9</u> <u>T.109-110, R.24-25, S.Various</u>
(18) <u>Martin County:</u> <u>East Chain (46-10)</u> <u>Cedar Lake (46-121)</u> <u>Bright Lake (46-52)</u>	<u>T.101, R.29, S.7,18,19;</u> <u>T.101, R.30, S.13,24</u> <u>T.103, R.32, S.19,30;</u> <u>T.104, R.33, S.1,24,25,26</u> <u>T.101, R.31, S.8,9,16,17</u>

Proposed Rules

(19) Meeker County:

Jennie Lake (47-15)

T.118, R.29, S.20,21,27-29,32,33

Washington (47-46)

T.118,119, R.29,30, S.Various

(20) Murray County:

Currant Lake (51-82)

T.108, R.42, S.7,18;

T.108, R.43, S.12,13

Bloody Lake (51-40)

T.108, R.40, S.20,28,29

Fox Lake (51-43)

T.108, R.40, S.21,22,27,28

First Fulda

(South Fulda Lake)

T.105, R.40, S.35,36

(51-21)

(21) Nobles County:

West Graham Lake

T.104, R.39, S.15,16,21,22

(53-21)

(22) Olmsted County:

Zumbro Lake (55-414)

T.108, T.109, R.14, S.Various

Shady Lake (55-5)

T.108, R.14, S.7,8,17,18;

T.108, R.15, S.12

(23) Ottertail County:

Big Pine (56-130)

T.136,137, R.38, S.Various

Eagle (56-253)

T.131, R.40, S.10,11,14,15

Jolly Ann (56-370)

T.131, R.40, S.13,24;

T.131, R.41, S.13,24

Pickerel (56-475)

T.134, R.41, S.10-15

North Ten Mile (56-604)

T.131, R.42, S.16,17,20,21

Ten Mile (South

Ten Mile) (56-613)

T.131, R.42, S.21,27-29,32-34

(24) Pine County:

Pokegama (58-142)

between the Pine County

Highway 11 bridge on

the north end of the

lake and the Pine

County Highway 53

bridge and Pine County

Highway 7 on the south

end of the lake

T.39, R.22, S.13,14,23,24,

25,26,35,36

(25) Polk County:

Union (60-217)

T.147,148, R.42,43, S.Various

Maple (60-305)

T.148,149, R.43,44, S.Various

(26) Pope County:

Reno (61-78)

T.126,127, R.37,38, S.Various

Minnewaska (61-130)

T.125, R.38,39, S.Various

(27) Rice County:

Circle Lake (66-27)

T.111, R.21, S.15-17,21,22

Fox Lake (66-29)

T.111, R.21, S.26,27

Proposed Rules

<u>Union Lake (66-320)</u>	<u>T.136,137, R.38, S.Various</u>
<u>Rice Lake (66-48)</u>	<u>T.110, R.22, S.16,17,20,21</u>
<u>(28) Scott County:</u>	
<u>Cedar (70-91)</u>	<u>T.113, R.22, S.7,18,19;</u> <u>T.113, R.23, S.12,13,24</u>
<u>(29) Swift County:</u>	
<u>Monson Lake (76-33)</u>	<u>T.121, R.37, S.3;</u> <u>T.122, R.37, S.35,36</u>
<u>Camp Lake (76-72)</u>	<u>T.122, R.38, S.1;</u> <u>T.123, R.38, S.36</u>
<u>Oliver Lake (76-146)</u>	<u>T.121, R.43, S.1;</u> <u>T.122, R.43, S.26,27,35,36</u>
<u>(30) Traverse County:</u>	
<u>Traverse (78-25)</u>	<u>T.125,127, R.47-49, S.Various</u>
<u>Mud Lake (78-222)</u>	<u>T.136, R.39, S.3,4;</u> <u>T.137, R.39, S.34,35</u>
<u>(31) Wadena County:</u>	
<u>Blueberry Lake (80-34)</u>	<u>T.138, R.35, S.2,3,10,11</u>
<u>Lower Twin Lake (80-30)</u>	<u>T.138, R.34,35, S.6,31</u>
<u>(32) Waseca County:</u>	
<u>Elysian (81-95)</u>	<u>T.108,109, R.24, S.Various</u>
<u>(33) Wright County:</u>	
<u>Buffalo (86-90)</u>	<u>T.119, R.25, S.30,31;</u> <u>T.120, R.26, S.1,25,35,36</u>
<u>Clearwater (86-252)</u>	<u>T.121,122, R.27,28, S.Various</u>

6262.0800 OPEN SEASONS FOR TAKING NETTING WHITEFISH AND CISCOES.

[For text of subpart 1, see M.R.]

Subp. 2. **Schedule I.** All bodies of water listed in this schedule may be opened and closed on a 48-hour notice posted at lake accesses and other public places based on a determination of the following:

- A. the abundance of game fish;
- B. climatic conditions that affect the vulnerability of game fish to accidental harvest; and
- C. the abundance of whitefish or ciscoes.

For Upper Red Lake only, it is permissible to set portions of gill nets in water deeper than six feet, provided that one end of the gill net is set in water no deeper than six feet, measured from the lake bottom to the top surface of the water or ice.

		Minimum mesh size 3-1/2 inches allowed	Minimum mesh size 1-3/4 inches allowed
Balsam, Big, T.58,59, R.24, S.5 + Various	Itasca		X
Basswood, T.64,65, R.9, 10,11, S. Var.	Lake		X
Bear Island, T.61, R.13, S. Var.	St. Louis		X

Proposed Rules

Deer, T.56, R.26,27; T.57, R.26,27, S. Var.	Itasca	X	
<u>Devil Track Lake, T.62, R.1, S. Var.</u>	<u>Cook</u>	<u>X</u>	
Ely, T.57,58, R.17, S. Var.	St. Louis		X
Fall, T.63, R.11,12, S. Var.; T.64, R.11, S. Var.	Lake		
	St. Louis		X
Green, T.120, R.33,34; T.121, R.33,34	Kandiyohi	X	
Greenwood, T.64N, R.2E, S. Var.	Cook		X
Ida, T.129,130, R.38	Douglas	X	
Mille Lacs	Aitkin		
	Crow Wing		
	Mille Lacs	X	
	Itasca		
Nashwauk, T.57, R.23,24, S.7 + Var.			X
Newton, T.63,64, R.11, S. Var.	Lake	X	
Ojibway, T.63, R.9,10, S. Var.	Lake		X
Poplar, T.64, R.1W,2W	Cook	X	
Rachel, T.127, R.39	Douglas		X
Red, Upper, T.153, R.31 34; T.154, R.31 34; T.155, R.30 32; outside Red Lake Indian Reservation	Beltrami		
		X	
Reilley (O'Reilly), T.56, R.24, S.5,6	Itasca		X
Shagawa, T.63, R.12, S. Var.	St. Louis	X	
Side, T.60N, R.21W, S. Var.	St. Louis		X
South Sturgeon, T.59-60, R.21-22, S. Var.	St. Louis		X
Straight, T.140, R.36, S.6 + Var.	Becker	X	
Turtle, Big, T.59, R.26,27; T.60, R.26,27	Itasca	X	
Vermillion, T.61, R.16; T.62, R.14,15,16,17; T.63, R.15,16,17, 18 - all except Pike Bay, south and west of a north- south line at narrowest portion between Echo Point and Punchers Point, T.62, R.15, S.19 + Var.	St. Louis		
		X	

Proposed Rules

Subp. 3. **Schedule II.** All bodies of water listed in this schedule are open during the dates indicated by one of the following symbols:

A = Second Friday of October through the first Sunday of December;

B = First Friday of November through the second Sunday of December; or

C = Second Friday of November through the second Sunday of December.

	County	Minimum mesh size 3-1/2 inches allowed	Minimum mesh size 1-3/4 inches allowed	Open dates
Ball Club, T.144, R.25,26;	Itasca			
T.145, R.26		X		B
Bass, T.137, R.28	Crow Wing	X		B
Bass, north basin and Snyder Bay to the narrows, T.56, R.26	Itasca			
		X		B
Bass, Big, T.140, R.26, S.27 + Various	Cass		X	B
Beltrami, T.148, R.32,33	Beltrami	X		B
Bemidji, Little, T.142, R.39, S.23 + Var.	Becker	X		B
Benedict, T.142, R.32	Hubbard	X		B
Black Bear, T.46, R.29,30; T.47, R.29,30	Crow Wing		X	B
Blackduck, T.149, R.31	Beltrami	X		B
Blackwater, T.140, R.29, S.25 + Var.	Cass	X		B
Bowstring, T.146, R.25,26; T.147, R.25,26	Itasca	X		B
Bowstring, Little, T.58, R.27, S.23 + Var.	Itasca	X		B
Boy, T.142, R.27,28	Cass	X		B
Brule, T.60, R.21, S. Var.	Cook		X	A
Buffalo, T.140, R.40,41; T.141, R.40	Becker	X		C
Burgen, T.127,128, R.37	Douglas	X		B
Buzzle, Big, T.148, R.35	Beltrami		X	B
Caribou, T.65, R.1E	Cook	X		A
Carr, T.146, R.33	Beltrami	X		B
Cass, T.145,146, R.30,31	Beltrami			
	Cass	X		B
Clear, T.137, R.28	Crow Wing		X	B
Clearwater, T.149, R.35,36	Beltrami			
	Clearwater	X		B
Cotton, T.139,140, R.40	Becker	X		B
Crane, T.67, R.16,17	St. Louis		X	A
Crooked, T.144, R.31	Cass	X		B
Crooked, T.45, R.28, S.16 + Var.	Crow Wing	X		B
Crow Wing, Fifth and Sixth Lakes (channel between), T.140, R.33, S.20	Hubbard			
		X		B

Proposed Rules

Crow Wing, Seventh and Eighth Lakes (channel between), T.140, R.33, S.12 + Var.	Hubbard	X	B
Crow Wing, Ninth, T.140, 141, R.32	Hubbard	X	B
Crystal, T.136, R.42	Otter Tail	X	C
Curfman, T.138, R.41	Becker	X	B
Cut Foot Sioux, T.146,147, R.27	Itasca	X	B
Deer, T.148, R.34	Beltrami	X	B
Deer, T.62, R.24, S. Var.	Itasca	X	B
Detroit, T.138,139, R.41	Becker	X	B
Eagle, T.45, R.29	Crow Wing	X	B
<u>Elbow, T.64, R.18, S. Var.</u>	<u>St. Louis</u>	<u>X</u>	<u>A</u>
Elbow, Big, T.142, R.38,39	Becker	X	C
Eunice, T.138, R.42, S.26 + Var.	Becker	X	B
Fish, T.137, R.42	Otter Tail	X	C
Fish Hook, T.140, R.34,35	Hubbard	X	B
Floyd, Big, T.139, R.41	Becker	X	B
Fox, East, T.138, R.27	Crow Wing	X	B
Fox, West, T.138, R.27	Crow Wing	X	B
Franklin, T.136,137, R.42	Otter Tail	X	C
Gilstad, T.148,149, R.30	Beltrami	X	B
Graham, T.137,138, R.40	Becker		
	Otter Tail	X	B
Grant, T.146,147, R.34	Beltrami	X	B
Graves, T.58, R.26	Itasca	X	B
Gull, T.134, R.29,30; T.135, R.29	Cass		
	Crow Wing	X	B
Gull, Upper, T.135, R.29	Cass	X	B
Hanging Horn, Big, T.46, R.19	Carlton	X	B
Howard, T.141, R.31	Cass	X	B
Ice Cracking, T.141, R.38,39	Becker	X	C
Isabella, T.61, R.8; T.62, R.7,8	Lake		
		X	A
Island, T.141, R.35	Hubbard	X	B
Island, T.150, R.28	Itasea	X	B
Jack, T.141,142, R.30	Cass	X	B
Jessie, T.147,148, R.25	Itasca	X	B
Jessie, Little, T.147, R.25	Itasea	X	B
Jewett, T.134, R.43	Otter Tail	X	C
Kabekona, T.142, R.32; T.143, R.32,33	Hubbard		
		X	B
Kabetogama, T.69,70, R.1922	Koochiching		
	St. Louis	X	A
Kimble, T.137, R.28	Crow Wing	X	B
Kitchie, T.146,147, R.30	Beltrami	X	B
Lake of the Woods	Lake of the Woods		
	Roseau	X	A
Latoka, T.128, R.38	Douglas	X	B
Leaf, East, T.134, R.37,38	Otter Tail	X	C
Leaf, Middle, T.134, R.38	Otter Tail	X	C
Leaf, West, T.134, R.38	Otter Tail	X	C

Proposed Rules

Leavitt, T.139, R.25,26	Cass	X		B
Leech, including Kabekona	Cass			
Bay and all other bays,	Hubbard			
T.141, R.29,31; T.142,				
R.28,29,30,31,32;				
T.143, R.28,29,30,31;				
T.144, R.28,29,30		X		A
Lida, T.135,136, R.42	Otter Tail	X		C
Lizzie, T.136,137, R.42	Otter Tail	X		C
Long, T.138,139, R.41	Becker	X		B
Long, T.139,140, R.34	Hubbard	X		B
Long, T.134, R.42,43	Otter Tail	X		C
Long, Lower South, T.44,	Crow Wing			
R.29,30		X		B
Long, North, T.134, R.28,	Crow Wing			
29; T.135, R.28			X	B
McCraney, T.143, R.40, S.25	Mahnomen			
+ Var.		X		B
Many Point, T.141,	Becker			
R.38; T.142, R.38,39		X		B
Maple, T.60, R.27	Itasca	X		B
Margaret (Kilpatrick),				
T.135, R.29	Cass	X		B
Marquette, T.146, R.33	Beltrami	X		B
Maud, T.138, R.42	Becker	X		B
Melissa, T.138, R.41	Becker	X		B
Mitchell, T.138, R.27	Crow Wing	X		B
Moore, T.142, R.38, S.5;	Becker			
T.143, R.38, S.32	Clearwater	X		B
Movil, T.147,148, R.33	Beltrami	X		B
Murphy, T.137, R.39, S.6;	Becker			
T.138, R.39, S.31	Otter Tail	X	B	
Namakan, T.68, R.17,18;	St. Louis			
T.69, R.17,18,19,				
except the narrows				
between Namakan and				
Sand Point Lakes			X	A
Net (Burnett), T.142, R.40,	Becker			
S.17 + Var.		X		B
Nisswa, T.135, R.29	Crow Wing	X		B
Oak (Mud), T.143, R.32, S.27	Hubbard	X		B
Osakis, T.128, R.35,36;	Douglas			
T.129, R.35	Todd	X		B
Ossawinamakee (Long), T.136,	Crow Wing			
137, R.28		X		B
Pelican, T.135, R.27,28;	Crow Wing			
T.136, R.27,28		X		B
Pelican, Big, T.137, R.42,43	Otter Tail	X		C
Pike, T.142, R.38	Becker	X		B
Pike, East, T.65, R.2E,3E	Cook		X	A
Pike Bay, T.145, R.30,31	Cass	X		B
Pillager, T.133,134, R.30	Cass		X	B
Pimushe, T.147,148, R.30,31	Beltrami	X		B
Pine, Big, T.136,137, R.38	Otter Tail	X		C

Proposed Rules

Pine, Little, T.136, R.39; T.137, R.38,39	Otter Tail			
Pine Mountain, T.138, R.30; T.139, R.30,31	Cass		X	C
Plantaganette, T.145, R.33, 34; T.146, R.33	Beltrami			B
Pokegama, T.54, R.25,26; T.55, R.25,26	Hubbard	X		B
Portage, T.141, R.31	Itasca		X	B
Portage, T.45, R.28, S.29 + Var.	Cass		X	B
Potato and Eagle Lakes (channel between), T.141, R.35, S.22	Crow Wing	X		B
Prairie, T.50, R.20	Hubbard			B
Pug Hole Lake, T.140, R.26, S.2 + Var.	St. Louis		X	B
Rainy, T.69-71, R.17-24	Cass		X	B
Round, T.141, R.38,39	Koochiching			A
Round, T.134, R.28,29; T.135, R.28,29	St. Louis		X	B
Round, T.148, R.27,28	Becker	X		B
Roy, T.135, R.29	Crow Wing	X		B
Rush Island, T.148, R.26, S.15 + Var.	Itasca		X	B
Sand, Big, T.147,148, R.26	Itasca	X		B
Sand Point, T.67, R.16,17; T.68, R.16,17, except the narrows between Sand Point and Namakan Lakes and Sand Point and Little Vermillion Lakes	St. Louis			B
Sandy, T.149, R.35	Itasca		X	A
Sandy, Big, T.49, R.23,24; T.50, R.23,24	Beltrami	X		B
Sauk, Big, T.126,127, R.34	Aitkin	X		B
Serpent, T.46, R.28,29	Stearns			B
Silver Island, T.60, R.6; T.61, R.6,7	Todd	X		B
Snyder (Snider), T.143, R.39,40	Crow Wing		X	B
Stalker, T.132, R.41	Lake			A
Star, T.137, R.28	Mahnomen			B
Star, T.135, R.40,41; T.136, R.41	Otter Tail	X		C
Steamboat, T.144, R.31,32	Crow Wing	X		B
Strawberry, T.141,142, R.40	Otter Tail			C
Sucker, Lower (Big Sucker),	Cass			B
	Hubbard	X		B
	Becker		X	B
	Cass			B

Proposed Rules

T.144, R.30;			
T.145, R.29,30		X	B
Swan, T.55,56, R.22,23, S. Var.	Itasca		X B
Ten Mile, T.140, R.30,31; T.141, R.30,31	Cass		X C
Thunder, Big, T.140, R.26	Cass	X	B
Tulaby, T.142,143, R.39	Becker		
	Mahnomen	X	B
Turtle, Big, T.148, R.33	Beltrami	X	B
Turtle, Little, T.148, R.31, 32	Beltrami	X	B
Turtle River Lake, T.147, 148, R.32	Beltrami	X	B
Twin Lakes, T.56, R.23,24	Itasca	X	B
Victoria, T.128, R.37	Douglas	X	B
Wabedo, T.140, R.28	Cass	X	B
Washburn, T.139,140, R.26	Cass	X	B
White Earth, T.142,143, R.40	Becker		
	Mahnomen	X	B
Wilson Bay, T.134, R.29,30	Cass	X	B
Wimer, T.137, R.40	Otter Tail	X	C
Winnibigoshish, T.145, R.27, 28,29; T.146, R.27,28, 29; T.147, R.27,28	Cass		
	Itasca	X	B
Winnibigoshish, Little, T.145, R.26,27; T.146, R.26,27, except those portions within one-fourth mile of river channels	Cass		
	Itasca		X B
Wolf, Big, T.145,146, R.32, S. Var.	Beltrami		
	Hubbard	X	B
Woman, T.140, R.28,29; T.141, R.28,29	Cass	X	B

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

6262.1000 SPECIAL FISH MANAGEMENT TAGS.

Subpart 1. Tag definition. For purposes of this part, “tag” means a special fish management tag.

Subp. 2. Special fish management species. The following is a special fish management species and requires a tag:

Lake sturgeon (*Acipenser fulvescens*).

Subp. 3. Tag requirements. A person may not possess a special fish management species unless the person has a valid tag for that species. A tag is not required to angle for a special fish management species.

Subp. 4. Eligibility. A person applying for a tag must either possess a valid fishing license or be specifically exempt by law from the fishing license requirement. A person exempt by law from the fishing license requirement must still obtain a tag to legally possess a special fish management species.

Subp. 5. Issuance.

A. Upon application and payment of the required fee, the authorized licensing agent shall issue the appropriate number of tags and registration cards for the species requested. Each tag issued shall specify the species for which it is valid.

B. No more than one set of tags for each special fish management species may be purchased. A set is defined as the number of tags equal to the prescribed legal daily and possession limits for that species. Duplicate tags shall not be issued.

Subp. 6. Tagging.

A. Immediately after reducing a special fish management species to possession, a tag holder must validate and attach a tag to the fish.

Proposed Rules

A tag holder may not affix any tag to the carcass of a special fish management species that the tag holder did not personally catch.

B. To validate a tag, the tag holder must use a sharp object to cut out or use a pen to indelibly mark the appropriate notch on the tag indicating:

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

C. A tag must be attached to a special fish management species as described in this item and in such a manner that it cannot be readily removed before the fish is consumed or processed. For lake sturgeon, tag holders must attach the validated tag to the caudal peduncle (narrow portion of the body just in front of the tail fin) using string, twine, wire, or similar device.

Subp. 7. **Registration.** A tag holder must register a catch of a special fish management species within 48 hours of reducing it to possession by completing and mailing the registration card provided with the tag. The following registration information is required:

- A. tag holder information;
- B. date when reduced to possession;
- C. fish length;
- D. name of the water body where the fish was reduced to possession; and
- E. signature of permittee.

6262.3200 PREPARATION AND PACKING OF FISH FOR TRANSPORTATION.

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

Subp. 6. **Restrictions on special fish management species.**

A. A person may transport a tagged special fish management species during the open season and the two days following the season for that species.

B. A person other than the tag holder may transport a tagged special fish management species that the tag holder has registered if the fish has an additional informational tag attached to it, marked in indelible ink with the signature of the tag holder and the locations from which and to which the fish is being transported.

C. All tagged special fish management species must be transported in devices that readily allow for inspection.

D. Processing of a special fish management species may only be done at the tag holder's permanent residence, except:

- (1) as provided in part 6262.0100, subpart 5, item D;
- (2) when done for immediate consumption;
- (3) when at a temporary residence; or
- (4) when done by a licensed fish packer.

E. The validated special fish management species tag must be a part of the packaging and remain with the processed fish until all meat is consumed.

F. Special fish management species must be shipped undressed and must have the appropriate validated tag attached, except when packaged by a licensed fish packer.

6262.3250 LABELING AND PACKING OF FISH UNDER A FISH PACKER LICENSE.

Fish packed by a licensed fish packer must be packed and labeled in accordance with the following provisions:

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

D. Each package of fish must be individually labeled by the licensed fish packer. The label must be marked legibly in ink and contain the following information:

[For text of subitems (1) to (3), see M.R.]

(4) contents of package, including species, number of fish, total length for each fish that is regulated with a size limit, body of water where taken, and net weight; and

(5) date of packaging.

6264.0025 APPLICATION OF LAW.

To the extent that this chapter is inconsistent with chapter 6262 or 6266, the provisions of this chapter apply.

6264.0125 DESIGNATED SPAWNING BEDS AND FISH PRESERVES.

The following described water bodies are designated as spawning beds or fish preserves and may be posted according to part 6262.0500, subpart 4.

Proposed Rules

	<u>Name</u>	<u>Location</u>	<u>County</u>
A.	<u>Bass Lake</u>	North basin on the west shore near the Pincherry Access and south basin along north shore in the Elm Point area T.56, R.26, S.18,27	<u>Itasca</u>
B.	<u>Basswood Lake</u>	Portion of Pipestone Bay south of a direct line from Kosulainen Point to Gary Island to Caribou Point T.64, R.11, S.11, 12,13,14,15,22,23	<u>Lake</u>
C.	<u>Baugh's Creek</u>	Inlet to Lake Osakis T.129, R.35, S.2	<u>Todd</u>
D.	<u>Bear Island River</u>	Both sides of Highway 1 T.62, R.12, S.23,26	<u>St. Louis</u>
E.	<u>Beaver River</u>	Portion upstream of Bear Island Lake T.61, R.13, S.35	<u>St. Louis</u>
F.	<u>Birch Lake Reservoir</u>	Stony Bay from mouth of Stony River to mouth of bay near Ring Rock and lower 300 yards of Dunka River and Dunka Bay T.60, R.12, S.4; T.61, R.12, S.33	<u>St. Louis</u>
G.	<u>Birch River</u>	Both sides of County Road 21 T.61, R.13, S.26,27	<u>St. Louis</u>
H.	<u>Blackduck River</u>	County Road 32, north to the Red Lake Reservation boundary T.151, R.32, S.20,28,29,33; T.150, R.32, S.1; T.150, R.31, S.6-8, 15-17,22,27,34	<u>Beltrami</u>
I.	<u>Buck Lake</u>	Bay on northeast side of lake T.58, R.22, S.6	<u>Itasca</u>
J.	<u>Burntside River</u>	Both sides of County Road 88 at bridge T.63, R.13, S.26	<u>St. Louis</u>
K.	<u>Chub Lake</u>	Southeast bay T.48, R.17, S.26 N1/2 of NE1/4	<u>Carlton</u>

Proposed Rules

L.	<u>Clearwater River</u>	<u>Below dam on Clearwater Lake T.149, R.36, S.12</u>	<u>Clearwater</u>
M.	<u>Clearwater Creek</u>	<u>Downstream of County Road 49 for approximately 400 feet T.57, R.25, S.23</u>	<u>Itasca</u>
N.	<u>Crow Wing River</u>	<u>Below 8th Crow Wing Lake Dam T.140, R.33, S.12</u>	<u>Hubbard</u>
O.	<u>Curtis Creek</u>	<u>Inlet to Osakis T.128, R.35, S.16</u>	<u>Todd</u>
P.	<u>Cut Foot Sioux Lake</u>	<u>From State Highway 46 to Williams Narrows T.147, R.27, S.23-26,35,36</u>	<u>Itasca</u>
Q.	<u>Dinner Creek</u>	<u>Inlet to Two Inlets Lake T.141, R.36, S.11</u>	<u>Becker</u>
R.	<u>Dittberner Creek</u>	<u>Inlet to Lake Miltona T.130, R.38, S.14,15,23,24</u>	<u>Douglas</u>
S.	<u>Everett Creek</u>	<u>Between Everett Lake and Twin Lakes T.64, R.12, S.31; T.64, R.13, S.36</u>	<u>St. Louis</u>
T.	<u>Gull River</u>	<u>Portion in city of East Gull Lake from Army Corps of Engineers dam on Gull Lake to approximately 250 feet downstream T.134, R.29, S.20</u>	<u>Cass</u>
U.	<u>Fall Lake</u>	<u>Below hydropower facility T.63, R.11, S.17,20</u>	<u>Lake</u>
V.	<u>Hams Creek</u>	<u>Connection between Lake Miltona to Lake Irene T.130, R.37, S.23,26,27</u>	<u>Douglas</u>
W.	<u>Hay Creek</u>	<u>State Highway 71 to Island Lake and below Island Lake outlet T.141, R.35, S.9,15</u>	<u>Hubbard</u>
X.	<u>Horseshoe (Sandbar) Lake</u>	<u>Southeast bay of the west basin T.136, R.27, S.19</u>	<u>Crow Wing</u>
Y.	<u>Indian Creek</u>	<u>Inlet to Two Inlet Lake T.141, R.36, S.11</u>	<u>Becker</u>
Z.	<u>Jewett Lake</u>	<u>Southwest shore T.134, R.43, S.23</u>	<u>Ottertail</u>

Proposed Rules

<u>AA.</u>	<u>Johnson Lake</u>	<u>South end of lake, north bay, and small bay on west shore</u> <u>T.57, R.26, S.2,12,13</u>	<u>Itasca</u>
<u>BB.</u>	<u>Junco River</u>	<u>From the first log dam above County Road 57 downstream to Devil Track Lake, including Devil Track Lake within 300 yards of the mouth of the Junco River</u> <u>T.62, R.1, S.21,28</u>	<u>Cook</u>
<u>CC.</u>	<u>Lake Amelia</u>	<u>Northwest shore</u> <u>T.126, R.37, S.26</u>	<u>Pope</u>
<u>DD.</u>	<u>Lake Darling</u>	<u>Two bays (west and southeast)</u> <u>T.128, R.38, S.2,11; T.128, R.37, S.7</u>	<u>Douglas</u>
<u>EE.</u>	<u>Lake Ida</u>	<u>Two bays (west and northwest)</u> <u>T.129, R.38, S.2,3; T.128, R.38, S.11</u>	<u>Douglas</u>
<u>FF.</u>	<u>Lake Latoka</u>	<u>One bay (southwest)</u> <u>T.123, R.38, S.27</u>	<u>Douglas</u>
<u>GG.</u>	<u>Lake Le Homme Dieu</u>	<u>Two bays (east and northeast)</u> <u>T.128, R.37, S.5; T.128, R.37, S.4</u>	<u>Douglas</u>
<u>HH.</u>	<u>Lake Miltona</u>	<u>Northeast shore and west bay</u> <u>T.129, R.37, S.20,21</u>	<u>Douglas</u>
<u>II.</u>	<u>Lake Osakis</u>	<u>East bay and northwest shore</u> <u>T.128, R.35,36, S.13,16</u>	<u>Douglas, Todd</u>
<u>JJ.</u>	<u>Little Birch Lake</u>	<u>Inlet on east shore begins downstream of the fish barrier on Angler Drive</u> <u>T.126,127, R.33, S.Various</u>	<u>Todd</u>
<u>KK.</u>	<u>Little Cut Foot Lake</u>	<u>Includes First River Lake and Egg Lake</u> <u>T.146, R.26, S.5-10; T.147, R.27, S.25,36; T.147, R.26, S.30,31</u>	<u>Itasca</u>
<u>LL.</u>	<u>Little Moose Lake</u>	<u>South bay known as "Pothole"</u> <u>T.57, R.26, S.Various</u>	<u>Itasca</u>

Proposed Rules

<u>MM.</u>	<u>Long Lake</u>	<u>Below inlet culvert south of State Highway 34</u> <u>T.140, R.34, S.21</u>	<u>Hubbard</u>
<u>NN.</u>	<u>Maple Lake</u>	<u>Southwest shore</u> <u>T.127, R.37, S.29</u>	<u>Douglas</u>
<u>OO.</u>	<u>Mississippi River</u>	<u>Below Otter Tail Power Dam</u> <u>T.146, R.32, S.3</u>	<u>Beltrami</u>
<u>PP.</u>	<u>Moody's Creek</u>	<u>Upstream from County Road 432 approximately 0.5 mile</u> <u>T.53, R.25, S.16,17,20-22</u>	<u>Itasca</u>
<u>QQ.</u>	<u>Osakis Creek</u>	<u>Below Lake Osakis outlet</u> <u>T.128, R.35, S.16</u>	<u>Todd</u>
<u>RR.</u>	<u>Otter Tail River</u>	<u>Below Highway 10 culvert near Frazee</u> <u>T.138, R.40, S.34</u>	<u>Becker</u>
<u>SS.</u>	<u>Otter Tail River</u>	<u>Below Ottertail Lake Dam, below Rush Lake Dam, Little Pine Lake inlet</u> <u>T.133,135,137, R.39,40, S.4,26,35</u>	<u>Ottertail</u>
<u>TT.</u>	<u>Pelican Lake</u>	<u>Two bays (east and northeast)</u> <u>T.130, R.41, S.19,24; T.130, R.40, S.3,18,24</u>	<u>Grant</u>
<u>UU.</u>	<u>Pelican River</u>	<u>Below Bucks Mill Dam to Buck Lake</u> <u>T.138, R.41, S.31</u>	<u>Becker</u>
<u>VV.</u>	<u>Pike River</u>	<u>Mouth up to dam</u> <u>T.61, R.16, S.3</u>	<u>St. Louis</u>
<u>WW.</u>	<u>Pomme de Terre River</u>	<u>Below Mill Pond Dam</u> <u>T.130, R.42, S.14,23,24</u>	<u>Grant</u>
<u>XX.</u>	<u>Pomme de Terre River</u>	<u>Below Morris Dam</u> <u>T.124, R.42, S.12,13</u>	<u>Stevens</u>
<u>YY.</u>	<u>Potato River</u>	<u>Below Potato Lake Dam</u> <u>T.140, R.35, S.1</u>	<u>Hubbard</u>
<u>ZZ.</u>	<u>Rachel Lake</u>	<u>One bay (southwest)</u> <u>T.127, R.29, S.22</u>	<u>Douglas</u>

Proposed Rules

AAA.	<u>Round Lake</u>	<u>Two bays on south side of lake</u> <u>T.59, R.24, S.14,15</u>	<u>Itasca</u>
BBB.	<u>Rose Lake</u>	<u>Southwest bay</u> <u>T.137, R.40, S.20</u>	<u>Ottertail</u>
CCC.	<u>Shagawa River</u>	<u>Both sides of both road crossings at Winton</u> <u>T.63, R.11, S.19;</u> <u>T.63, R.12, S.24</u>	<u>Lake,</u> <u>St. Louis</u>
DDD.	<u>Shotley Brook</u>	<u>State Highway 72 to Upper Red Lake T.153, R.31, S.10,11,12,14,24;</u> <u>T.153, R.30, S.19-23</u>	<u>Beltrami</u>
EEE.	<u>Tait River</u>	<u>From the Forest Road 339 crossing downstream to White Pine Lake, including White Pine Lake within 200 yards of the mouth of Tait River</u> <u>T.61, R.3, S.17,19,20</u>	<u>Cook</u>
FFF.	<u>Tamarac River</u>	<u>From Upper Red Lake upstream to the Beltrami-Koochiching county line T.154, R.30, S.8,9,11-13,15-17</u>	<u>Beltrami</u>
GGG.	<u>Toad River</u>	<u>Inlet to Big Pine Lake upstream to County Road 13 T.137, R.38, S.32</u>	<u>Ottertail</u>
HHH.	<u>Turtle River</u>	<u>Below Three Island Dam T.148, R.32, S.19,20,28,29</u>	<u>Beltrami</u>
III.	<u>Unnamed</u>	<u>Connection between Lake Ida and Lake Charlie</u> <u>T.129, R.39, S.25,26</u>	<u>Douglas</u>
JJJ.	<u>Unnamed</u>	<u>Connection between Lake Milona and Lake Ida</u> <u>T.130, R.37,38, S.31,36</u>	<u>Douglas</u>
KKK.	<u>Unnamed</u>	<u>Connection between Lake Milona and State Highway 29 T.130, R.37, S.25</u>	<u>Douglas</u>

Proposed Rules

<u>LLL.</u>	<u>Unnamed</u>	<u>Connection between Lake Aaron to Lake Moses</u> <u>T.130, R.39, S.16</u>	<u>Douglas</u>
<u>MMM.</u>	<u>Unnamed</u>	<u>Connection between Lake Reno and Maple Lake</u> <u>T.127, R.37, S.31</u>	<u>Douglas, Pope</u>
<u>NNN.</u>	<u>Unnamed</u>	<u>Connection between Lake Ellen and Leven Lake</u> <u>T.126, R.37, S.1,2</u>	<u>Pope</u>
<u>OOO.</u>	<u>Unnamed</u>	<u>Area below Lake Minnewaska outlet</u> <u>T.125, R.39, S.25</u>	<u>Pope</u>
<u>PPP.</u>	<u>Unnamed</u>	<u>Inlet to Two Inlets Lake</u> <u>T.141, R.36, S.11</u>	<u>Becker</u>
<u>QQQ.</u>	<u>Unnamed</u>	<u>Connection between Lake Emma and Big Sand Lake</u> <u>T.141, R.34, S.23</u>	<u>Hubbard</u>
<u>RRR.</u>	<u>Vermillion Lake</u>	<u>Pike Bay T.61,62, R.15,16, S.Various</u>	<u>St. Louis</u>
<u>SSS.</u>	<u>Vermillion River (Gorge)</u>	<u>Mouth at Crane Lake upstream to falls</u> <u>T.67, R.16,17, S.Various; T.68, R.16,17, S.Various</u>	<u>St. Louis</u>

6264.0300 DESIGNATED EXPERIMENTAL WATERS.

[For text of subs 10 to 37, see M.R.]

Subp. 39. **Walleye minimum size limits.** All walleye in possession while on or fishing in these waters must be 15 inches or greater in length. All walleye less than 15 inches must be immediately returned to the water.

Name	Location	County	End Date
Osakis Lake	T.128,129, R.35,36, S.Various	Douglas, Todd	3/1/2011
<u>Little Osakis</u>	<u>T.129, R.35, S.25,26</u>	<u>Douglas, Todd</u>	<u>3/1/2011</u>

[For text of subs 41 to 72, see M.R.]

6264.0400 DESIGNATED SPECIAL MANAGEMENT WATERS.

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

Subp. 4. **Mille Lacs Lake and associated tributaries special management regulations.**

A. Except as provided in item B, all walleye in possession while on or fishing in Mille Lacs Lake must be from 14 inches to 20 inches in length, inclusive. All walleye that are less than 14 inches or greater than 20 inches in length must be immediately returned to the water.

B. Notwithstanding item A, a person's possession limit may include one walleye over 26 inches in length.

C. ~~All northern pike in possession~~ While a person is on or fishing in Mille Lacs Lake or its associated tributaries to the posted boundaries, all northern pike in possession must be less than ~~26~~ 24 inches in length or greater than 36 inches in length. All northern pike that are ~~from 26~~ 24 to 36 inches in length, inclusive, must be immediately returned to the water. A person's possession limit may not include more than one northern pike over 36 inches in length.

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~~D. B.~~ The possession limit for smallmouth bass is one. ~~All smallmouth bass in possession~~ While a person is on or fishing in Mille Lacs Lake or its associated tributaries to the posted boundaries, all smallmouth bass in possession must be 21 inches or greater in length. All smallmouth bass less than 21 inches in length must be immediately returned to the water.

E. C. Mille Lacs Lake is closed to the taking of fish between the hours of 10 p.m. and 6 a.m. daily during the period commencing at 10 p.m. on the Monday following the Saturday two weeks prior to the Saturday of Memorial Day weekend and ending at 12:01 a.m. on Monday, four weeks after the date of commencement. During the closure, no person shall be on the waters of Mille Lacs Lake while having in possession any equipment whereby fish may be taken. Spearing is prohibited from December 1 through April 30. A person may not have a spear in possession while on or fishing in Mille Lacs Lake during this period.

F. D. The commissioner may modify seasons and limits under *Minnesota Statutes*, section 84.027, subdivision 13, or sections 97A.0451 to 97A.0459, to accommodate tribal declarations for fish harvest in the 1837 Ceded Territory in compliance with the court ruling in *Mille Lacs Band of Chippewa v. Minnesota*, 119 S.Ct. 1187 (1999). Changes shall be posted at water access sites and the Department of Natural Resources Web site.

G. E. While a person is on or fishing in Mille Lacs Lake or its associated tributaries to the posted boundaries, all muskellunge in possession must be 48 inches or greater in length. All muskellunge less than 48 inches in length must be immediately returned to the water.

F. While a person is on or fishing in Mille Lacs Lake or its associated tributaries to the posted boundaries, the possession and daily limit for Northern cisco (tullibee) is ten fish.

G. Fish that are taken by angling and not immediately released into the water after capture are considered to be in possession and part of the bag limit. Once a fish has been reduced to possession, culling or livewell sorting (the act of exchanging one fish for another) is not allowed.

H. This subpart applies to the following waters.

Name	Location	County
Mille Lacs	T.42-45, R.25-28, S. Various	Aitkin, Mille Lacs
Borden Creek	T.44, R.25, S.5	Aitkin
Seastade Creek	T.45, R.26, S.22	Aitkin
Marmon (Twenty) Creek	T.45, R.25, S.32	Aitkin
Grave Creek	T.45, R.25, S.8	Aitkin
Peterson Creek	T.43, R.25, S.5	Mille Lacs
Thains River (Malone Creek)	T.42, R.25, S.2	Mille Lacs
West Sucker Creek	T.42, R.25, S.18	Mille Lacs
South Sucker Creek	T.42, R.25, S.18	Mille Lacs
Garrison (Borden) Creek	T.44, R.28, S.12	Crow Wing
Seguchie Creek	T.44, R.28, S.36	Crow Wing
Reddy Creek	T.45, R.26, S.23	Aitkin
Whitefish Creek	T.43, R.27, S.7	Mille Lacs
Seventeen Creek	T.44, R.25, S.17,18,29	Aitkin
Cedar Creek	T.43, R.25, S.15	Mille Lacs
McCleans Creek	T.45, R.27, S.34	Aitkin
Unnamed	T.43, R.25, S.8	Mille Lacs
Unnamed	T.42, R.26, S.11	Mille Lacs
Unnamed	T.42, R.26, S.22	Mille Lacs
Unnamed	T.43, R.27, S.8	Mille Lacs
Unnamed	T.43, R.27, S.6	Mille Lacs
Unnamed	T.43, R.27, S.21	Mille Lacs
Unnamed	T.44, R.27, S.31	Crow Wing
Unnamed	T.44, R.28, S.36	Crow Wing
Unnamed	T.44, R.27, S.4	Aitkin
Unnamed	T.45, R.27, S.25	Aitkin
Unnamed	T.44, R.25, S.29	Aitkin
Unnamed	T.44, R.25, S.31,32	Aitkin
Unnamed	T.44, R.28, S.24	Crow Wing

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Unnamed
Rum River Outlet

T.44, R.28, S.13
T.43, R.27, S.33

Crow Wing
Mille Lacs

[For text of subs 6 to 9, see M.R.]

[For text of subs 12 to 31, see M.R.]

Subp. 32. **Lake sturgeon restrictions.** As described in part 6262.1000 and Minnesota Statutes, sections 97A.551 and 97C.087, a special fish management tag is required to harvest lake sturgeon. Notwithstanding ~~Minnesota Rules~~; part 6266.0700, subpart 2, item B, the following seasons and possession limits apply to all Minnesota-Canadian border waters and associated tributary streams. A person may possess only one lake sturgeon per license year. Lake sturgeon may be harvested from April 24 to May 7 or July 1 to September 30. ~~A person must date and sign the angling license upon reducing a lake sturgeon to possession.~~ All lake sturgeon in possession while on or fishing in the above listed waters must be 45 inches to 50 inches in length, inclusive, or greater than 75 inches in length. All lake sturgeon that are less than 45 inches in length or that are more than 50 inches but not more than 75 inches in length, must be immediately returned to the water. From May 8 to May 15 and October 1 to April 23, angling for lake sturgeon is limited to catch and release only. During catch and release seasons all sturgeon must be immediately released back into the water.

Subp. 33. **Lake of the Woods and Rainy River; walleye and sauger.**

A. Notwithstanding part 6266.0700, subpart 2, item A, the seasons and possession limits for walleye and sauger in the aggregate as specified in this subpart apply to the specified portions of Lake of the Woods and Rainy River. Except as further restricted in item D, a person may have only four walleye from these water bodies in possession, regardless of whether they are taken from Lake of the Woods or Rainy River.

B. From the Saturday two weeks prior to the Saturday of Memorial Day weekend to November 30, the daily and possession limits for Lake of the Woods are as follows: six in the aggregate, ~~of which not more than four may be walleye~~ and not more than one walleye over 28.0 inches. All walleye ~~and sauger~~ in possession must be less than 19.5 inches in length or greater than 28.0 inches in length. All walleye ~~and sauger~~ that are 19.5 to 28.0 inches in length, inclusive, must be immediately returned to the water.

C. Except as provided in item D, from December 1 to April 14, the daily and possession limits for Lake of the Woods are as follows: eight in the aggregate, ~~of which not more than four may be walleye~~ and not more than one walleye over 28.0 inches. All walleye ~~and sauger~~ in possession must be less than 19.5 inches in length or greater than 28.0 inches in length. All walleye ~~and sauger~~ that are 19.5 to 28.0 inches in length, inclusive, must be immediately returned to the water.

D. From March 1 to April 14, the daily and possession limits for Four Mile Bay of Lake of the Woods and Rainy River, are as follows: two in the aggregate. All walleye ~~and sauger~~ in possession must be less than 19.5 inches in length. All walleye ~~and sauger~~ that are 19.5 inches in length or greater must be immediately returned to the water.

E. From the Saturday two weeks prior to the Saturday of Memorial Day weekend to the last day in February, the daily and possession limits for Rainy River are as follows: six in the aggregate and not more than one walleye over 28.0 inches. All walleye in possession must be less than 19.5 inches in length or greater than 28.0 inches in length. All walleye that are 19.5 to 28.0 inches in length, inclusive, must be immediately returned to the water.

Name	Location	County
(1) Lake of the Woods including Four Mile Bay	T.162-168, R.32-37, S.Various	Lake of the Woods, Roseau
(2) Rainy River	<u>From the Boise Cascade Dam in International Falls T.71, R.24, S.27 downstream to the U.S. Coast Guard lighthouse at Wheeler's Point T.162, R.31, S.19</u>	<u>Lake of the Woods, Koochiching</u>

Subp. 34. [See repealer.]

[For text of subs 35 to 54, see M.R.]

Subp. 55. **Lake of the Woods and Rainy River; northern pike.** While a person is on or fishing in the following waters, all northern pike in possession must be less than 30 inches or greater than 40 inches in length. All northern pike that are 30 to 40 inches in length,

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inclusive, must be immediately returned to the water. A person's possession and daily limit for northern pike is three, and must not include more than one northern pike over 40 inches in length.

Name	Location	County
A. Lake of the Woods	T.162-168, R.32-37, S.Various	Lake of the Woods
B. Rainy River	T.162, R.31, S.19 from the U.S. Coast Guard lighthouse at Wheeler's Point upstream to the Boise Cascade Dam in T.71, R.24, S.27	Lake of the Woods, Koochiching
C. Winter Road River	T.161, R.31, S.20 <u>mouth</u> upstream to the <u>headwaters</u> <u>State Highway 172 bridge</u>	Lake of the Woods
D. Baudette River	T.161, R.31, S.35 <u>S.2 mouth</u> upstream to the <u>headwaters</u> <u>State Highway 11 bridge</u>	Lake of the Woods
E. Warroad River	T.163, R.36, S.28 <u>mouth</u> upstream to the <u>headwaters</u> <u>Warroad City Beach</u>	Roseau
F. <u>Hooper Creek</u>	T.161, R.31, S.18 <u>mouth</u> upstream to <u>State Highway 172 bridge</u>	<u>Lake of the Woods</u>
G. <u>Kelly Creek</u>	T.161, R.31, S.28 <u>mouth</u> upstream to <u>State Highway 172 bridge</u>	<u>Lake of the Woods</u>
H. <u>Rapid River</u>	T.160, R.30, S.12 <u>mouth</u> upstream to <u>State Highway 11 bridge</u>	<u>Lake of the Woods</u>
I. <u>Silver Creek</u>	T.160, R.30, S.10 <u>mouth</u> upstream to <u>State Highway 11 bridge</u>	<u>Lake of the Woods</u>
J. <u>Wabanica Creek</u>	T.161, R.32, S.12 <u>mouth</u> upstream to <u>State Highway 172 bridge</u>	<u>Lake of the Woods</u>

[For text of subs 56 to 59, see M.R.]

6266.0100 GENERAL REGULATIONS FOR TAKING FISH ON BOUNDARY WATERS WITH ADJACENT STATES.

[For text of subpart 1, see M.R.]

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Subp. 2. **Possession limits on boundary waters.**

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

C. Fish that are taken by angling on Minnesota boundary waters with South Dakota, Wisconsin, and North Dakota and not released freely into the water immediately after capture are considered to be in possession and part of the bag limit ~~and may not be released after such possession.~~

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

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

Subp. 4. **Designated water bodies.** To the extent that chapter 6264 is inconsistent with parts 6266.0200 to 6266.0600, the provisions of chapter 6264 apply.

6266.0300 TAKING OF FISH ON MINNESOTA-NORTH DAKOTA BOUNDARY WATERS.

[For text of subpart 1, see M.R.]

Subp. 2. **Species, seasons, and limits on Minnesota-North Dakota boundary waters.** The following applies to the species, seasons, and limits for taking fish on Minnesota-North Dakota boundary waters:

Species	Open Season	Daily and Possession Limits
A. Walleye and sauger	First Saturday in May to the last day in February. March 1 to the Friday before the first Saturday in May <u>Continuous.</u>	5 in aggregate. 3 in aggregate. All fish that are from 18 inches to 28 inches in length, inclusive, must be immediately returned to the water. A person's possession limit may not include more than one walleye greater than 28 inches in length or two walleye less than 18 inches in length.
B. Northern pike	First Saturday in May to the last day in February. <u>Continuous.</u> March 1 to the	3 3, except that

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Friday before the
first Saturday
in May.

all northern
pike in
possession
must be
less than
27 inches
in length.
All northern
pike 27
inches or
greater in
length
must be
immediately
returned to
the water.

[For text of items C to L, see M.R.]
[For text of subps 3 to 7, see M.R.]

6266.0400 TAKING OF FISH ON MINNESOTA-SOUTH DAKOTA BOUNDARY WATERS.

[For text of subpart 1, see M.R.]

Subp. 2. **Species, seasons, and limits on Minnesota-South Dakota boundary waters.** Except as provided in part 6264.0400, subpart 29; The following applies to the species, seasons, and limits for taking fish on Minnesota-South Dakota boundary waters:

Species	Open Season	Daily and Possession Limits
A. Walleye and sauger	Last Saturday in April <u>closest to April 21</u> through last day in February.	6 4; with <u>only one walleye</u> <u>over 20</u> <u>inches.</u>
B. Northern pike	Last Saturday in April <u>closest to April 21</u> through last day in February.	6
C. Small and large mouth bass	Last Saturday in April <u>closest to April 21</u> through last day in February.	6
D. Crappie	Continuous.	30 <u>10</u>
E. Sunfish and bluegill	Continuous.	30 <u>10</u>

[For text of items F to K, see M.R.]
[For text of subps 3 to 13, see M.R.]

6266.0500 TAKING OF FISH ON MINNESOTA-WISCONSIN BOUNDARY WATERS.

[For text of subpart 1, see M.R.]

Subp. 2. **Definitions.** The terms used in parts 6266.0500 and 6266.0600 have the following meanings.

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

D. "Minnow" means:

- (1) members of the minnow family (*cyprinidae*), except all species of carp, grass carp, and goldfish;
- (2) shad, mudminnows, willow cat, and all members of the sucker family (*Catostomidai*) not over 12 inches in length; and
- (3) bullheads, ciscoes, herring, whitefish, goldeyes, and mooneyes not over seven inches in length.

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E. "Rough fish" means common carp, bowfin, redhorse, sheepshead suckers, burbot, gar, buffalo, quillback, mooneyes, goldeyes, shad, eels, and bullheads, ~~and grass carp~~. In addition, catfish 15 inches or over in length when taken under commercial license with commercial fishing gear downstream from the Taylors Falls Dam shall be considered rough fish.

Subp. 3. **Species, seasons, and limits on Minnesota-Wisconsin boundary waters.** The following applies to the species, seasons, and limits for taking fish on Minnesota-Wisconsin boundary waters:

Species and Open Season

Daily and Possession Limits

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

E. Lake sturgeon

An angler must have a special fish management tag to harvest lake sturgeon.

(1) All waters below Prescott and above Taylor's Falls Dam. Season is closed.

(2) All waters between Prescott and Taylor's Falls Dam. First Saturday in September through October 15.

(3) St. Louis River. Season is closed.

1 per season (minimum size limit 50 inches.)

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

[For text of subps 4 to 8, see M.R.]

[For text of subp 10, see M.R.]

6266.0700 TAKING OF FISH ON MINNESOTA-CANADA BOUNDARY WATERS.

[For text of subpart 1, see M.R.]

Subp. 2. **Species, seasons, and limits on Minnesota-Canada boundary waters.**

A. To the extent that chapter 6264 is inconsistent with this part, the provisions of chapter 6264 apply.

B. The following border waters and species are designated under chapter 6264:

<u>Name</u>	<u>Chapter 6264 Reference</u>
(1) <u>Lake sturgeon</u>	<u>6264.0400, subpart 32</u>
(2) <u>Lake of the Woods</u>	<u>6264.0400, subparts 33 and 55</u>
(3) <u>Rainy River</u>	<u>6264.0400, subparts 33 and 55</u>
(4) <u>Namakan Reservoir</u>	
<u>Lakes</u>	<u>6264.0300, subpart 56</u>
(5) <u>Basswood Lake</u>	<u>6264.0400, subpart 19</u>
(6) <u>Rainy Lake, including</u>	
<u>Rat Root Lake and</u>	
<u>River</u>	<u>6264.0300, subpart 32</u>

C. Except as provided in parts ~~6264.0300, subpart 56, and 6264.0400, subparts 32 to 34~~ chapter 6264, the following applies to the species, seasons, and limits for taking fish on Minnesota-Canada boundary waters. When the closing date of the season falls on a Saturday, the season will extend to the following Sunday.

Species	Open Season	Daily and Possession Limits
A: Walleye (1) and sauger		
(+) (a) All border	Saturday two weeks prior to the	6 in the aggregate.

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waters not listed <u>in unit</u> <u>(b) or (c)</u> <u>or in</u> <u>subitems</u> <u>2 to 5</u> <u>chapter</u> <u>6264</u>	Saturday of Memorial Day weekend to April 14.	
(2) Lake of the Woods	Saturday two weeks prior to the Saturday of Memorial Day weekend to November 30. December 1 to April 14.	8 in the aggregate, of which not more than 6 may be walleye and not more than 1 walleye over 19.5 inches may be taken daily. 14 in the aggregate, of which not more than 6 may be walleye and not more than 1 walleye over 19.5 inches may be taken daily.
(3) (b) Rainy Lake, including various Minnesota waters of Rainy Lake from the dam in Internat- ional Falls to the dam in Kettle Falls and Black Bay, including Gold Portage <u>and the</u> <u>upper</u> <u>portion of</u> <u>the Rainy</u> <u>River</u> <u>(Boise</u> <u>Cascade Dam</u> <u>upstream to</u> <u>Ranier)</u>	Saturday two weeks prior to the Saturday of Memorial Day Weekend to April 14.	8 in the aggregate, of which not more than 4 may be walleye. <u>See chapter 6264</u> <u>for additional</u> <u>regulations.</u>
Rat Root	Saturday two weeks	8 in the aggregate, of

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River and Rat Root Lake	prior to the Saturday of Memorial Day Weekend to the third last Sunday in February.	which not more than 4 may be walleye. See chapter 6264 for additional regulations.
(4) Rainy River	Saturday two weeks prior to the Saturday of Memorial Day weekend to the last day in February.	6 in the aggregate, with not more than 1 walleye over 19.5 inches.
	March 1 to April 14.	2 in the aggregate, and no walleye over 19.5 inches may be taken.
(5) (c) Saganaga Lake	Saturday two weeks prior to the Saturday of Memorial Day weekend to April 14.	6 walleye, with only 1 walleye over 19.5 inches.
Sea Gull River and Gull Lake	Saturday two weeks prior to the Saturday of Memorial Day weekend to the third Sunday in February.	6 walleye, with only 1 walleye over 19.5 inches.
B: Sturgeon <u>(2) An angler must have a special fish management tag to harvest sturgeon.</u>	July 1 to April 30.	1 per license year. All sturgeon in possession while on or fishing in Minnesota-Canada border waters must be from 45 inches to 55 inches in length, inclusive. All sturgeon that are less than 45 inches or greater than 55 inches in length must be immediately returned to the water.
C: Lake <u>(3) trout</u>	In all bodies of water entirely or partly outside of the Boundary Waters Canoe Area Wilderness and exceptions from the Saturday nearest January 15 through March 15; lakes	2

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	partly outside of the Boundary Waters Canoe Area Wilderness and exceptions include Saganaga Lake; in all bodies of water lying entirely within the Boundary Waters Canoe Area Wilderness from the Saturday nearest January 1 through March 31; and in all waters from the Saturday two weeks prior to Saturday of Memorial Day weekend through September 30.	
<p>Ⓓ: Trout (4) (except lake trout)</p>	<p>Saturday nearest May 1 through September 30.</p>	<p>Same as listed in part 6262.0200.</p>
<p>E: Northern (5) pike</p>		
<p>(a) <u>For all waters not listed in unit (b) or in chapter 6264</u></p>	<p>No closed season <u>Continuous.</u></p>	<p>6, except Rainy Lake 3, with only 1 over 28 <u>30</u> inches.</p>
<p>(b) <u>Basswood Lake</u></p>	<p><u>Saturday two weeks prior to the Saturday of Memorial Day weekend to the last Sunday in February.</u></p>	<p><u>3</u></p>
<p>F: Muskellunge (6) (minimum size 40 inches total length)</p>	<p>Third Saturday in June through November 30.</p>	<p>1</p>
<p>Ⓔ: Large and (7) smallmouth bass</p>	<p>No closed season.</p>	<p>6 in aggregate.</p>

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H: Crappie (8)	No closed season.	10
F: All other (9) species	No closed season. part 6262.0200.	Same as listed in

[For text of subs 3 to 6, see M.R.]

REPEALER. *Minnesota Rules*, parts 6260.1900, subparts 2, 3, and 4; 6260.2400, subparts 26, 27, 28, and 29; 6262.0900; and 6264.0400, subpart 34, are repealed. The expedited emergency amendments to *Minnesota Rules*, parts 6256.0500, subpart 9, published in the *State Register*, volume 30, page 1292, May 30, 2006; 6262.0500, subparts 1, 2, and 3, published in the *State Register*, volume 30, page 1216, May 8, 2006; 6264.0400, subpart 4, items E to K, published in the *State Register*, volume 30, page 1191, May 1, 2006, and subpart 33, published in the *State Register*, volume 31, page 207, August 14, 2006; 6266.0300, subpart 2, published in the *State Register*, volume 30, page 673, December 27, 2005; and 6266.0400, subpart 2, published in the *State Register*, volume 31, page 1139, February 20, 2007, are repealed. *Minnesota Rules*, parts 6262.0550, published in the *State Register*, volume 30, page 1191, May 1, 2006; 6262.1000, published in the *State Register*, volume 30, page 704, January 3, 2006; and 6264.0150, published in the *State Register*, volume 30, page 1216, May 8, 2006, are repealed.

Pollution Control Agency Environmental Analysis & Outcomes Division

Proposed Permanent Rules Relating to Air Quality

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

Proposed Amendments to Rules Governing Air Quality Performance Standards, Air Emissions Permits, Emission Inventory Reporting and Miscellaneous Definitions and Incorporations by Reference to be Codified in *Minnesota Rules* Chapters 7002, 7005, 7007, 7011, 7017 and 7019

Introduction. The Minnesota Pollution Control Agency (MPCA) intends to adopt rules without a public hearing following the procedures set forth in the rules of the Office of Administrative Hearings, *Minnesota Rules*, parts 1400.2300 to 1400.2310, and the Administrative Procedure Act, *Minnesota Statutes*, §§ 14.22 to 14.28. If, however, 25 or more persons submit a written request for a hearing on the rules by 4:30 p.m. on June 6, 2007, the public hearing will be held on June 22, 2007 at the MPCA St. Paul Office, Board Room, 520 Lafayette Road North, St. Paul, MN 55155-4194, starting at 9:00 a.m. and continuing until the hearing is completed. To find out whether the rules will be adopted without a hearing or if the hearing will be held, you should contact the MPCA contact person after June 6, 2007, and before June 22, 2007.

MPCA Contact Person. Comments or questions on the rules and written requests for a public hearing on the rules must be submitted to the MPCA contact person. The MPCA contact person is Mary Jean Fenske, Minnesota Pollution Control Agency, Environmental Analysis and Outcomes Division, 520 Lafayette Road North, St. Paul, MN 55155-4194; telephone number: (651) 297-5472 or toll-free 1-800-657-3864; facsimile number: (651) 297-7709; and e-mail: maryjean.fenske@pca.state.mn.us. TTY users may call the MPCA at TTY (651) 292-5332 or 1-800-657-3864.

Subject of the Rules. The MPCA is proposing to amend several air quality rules with the overall purpose of keeping the air quality rules current with federal rules by removing redundant rule language, clarifying ambiguous language and correcting gaps or errors identified while administering the rules. In general this rulemaking involves updating definitions, incorporating new federal performance standards into state rule, and limited scope changes to state performance standards, emission inventory, performance testing and permitting rules.

The MPCA's proposed changes to the control equipment rules, *Minnesota Rules*, parts 7011.0060 to 7011.0080, represent a rule update with a broader scope. The MPCA's intent is to update an existing elective rule so that it reflects modern day control assumptions and can potentially be utilized by more permittees to help them determine permit applicability.

Additionally the new rules for regional haze, Best Available Retrofit Technology, proposed at *Minnesota Rules* part 7007.5000 represent the initial steps needed for the MPCA to implement the federal regional haze program.

Where applicable, the new and revised rules will be submitted to the EPA for inclusion in the Minnesota State Implementation Plan. This applies to all rules except for the incorporation by reference of New Source Performance Standards and National Emission Standards for Hazardous Air Pollutants in chapter 7011.

Statutory Authority. The statutory authority to adopt these proposed rules is found in *Minnesota Statutes*, § 116.07, subd. 4. Under

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this statute, the MPCA has the necessary statutory authority to adopt the proposed rules.

Availability of Rules. A copy of the proposed rule amendments is published in the *State Register* after this notice, or they can be viewed at the following MPCA Web site: <http://www.pca.state.mn.us/news/data/index.cfm?PN=1>. A free copy of the proposed rules is also available upon request by contacting Mary Jean Fenske at (651) 297-5472. Only one free copy will be sent per request.

You have until 4:30 p.m. on June 6, 2007, to submit written comments in support of or in opposition to the proposed rule amendments. Your comments must be in writing and received by the MPCA contact person by the due date. Written comments may be submitted to the MPCA comment person at the address, facsimile number, or email address listed above. Comments are encouraged.

Your comments should identify the portion of the proposed rules addressed, the reason for the comment, and any change proposed. You are encouraged to propose any change desired. Any comments that you would like to make on the legality of the proposed rules must also be made during this comment period.

Request for a Hearing. In addition to submitting comments, you may also request that a hearing be held on the rules. Your request for a public hearing must be in writing and must be received by the MPCA contact person by 4:30 p.m. on June 6, 2007. Your written request for a public hearing must include your name and address. You must identify the portion of the proposed rules to which you object or state that you oppose the entire set of proposed rule amendments. Any request that does not comply with these requirements is not valid and cannot be counted by the MPCA when determining whether a public hearing must be held. You are also encouraged to state the reason for the request and any changes you want made to the proposed rules.

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

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

Modifications. The proposed rules may be modified, either as a result of public comment or as a result of the rule hearing process. Modifications must be supported by data and views submitted to the MPCA or presented at the hearing and the adopted rules may not be substantially different than these proposed rules, unless the procedure under *Minnesota Rules*, part 1400.2110, has been followed. If the proposed rules affect you in any way, you are encouraged to participate in the rulemaking process.

Cancellation of Hearing. The hearing scheduled for June 22, 2007, as indicated above, will be canceled if the MPCA does not receive timely requests from 25 or more persons that a hearing be held on the rules. If you requested a public hearing, the MPCA will notify you before the scheduled hearing whether or not the hearing will be held. You may also call the MPCA contact person, Mary Jean Fenske, at (651) 297-5472 after June 6, 2007, to find out whether the hearing will be held.

Notice of Hearing. If 25 or more persons submit valid written requests for a public hearing on the rules by 4:30 p.m. on June 6, 2007, a hearing will be held following the procedures in *Minnesota Statutes* §§ 14.131 to 14.20. The hearing will be held on the date and at the time and place listed above. The hearing will continue until all interested persons have been heard. Administrative Law Judge Barbara L. Neilson is assigned to conduct the hearing. Judge Neilson can be reached at the Office of Administrative Hearings, 100 Washington Square, Suite 1700, Minneapolis, MN 55401-2138, telephone number (612) 341-7604, and facsimile (612) 349-2665.

Hearing Procedure. If a hearing is held, you and all interested or affected persons, including representatives of associations or other interested groups, will have an opportunity to participate. You may present your views either orally at the hearing or in writing at any time before the close of the hearing record. All evidence presented should relate to the proposed rules. You may also submit written material to the Administrative Law Judge to be recorded in the hearing record for five working days after the public hearing ends. This five-day comment period may be extended for a longer period not to exceed 20 calendar days, if ordered by the Administrative Law Judge at the hearing. Following the comment period, there is a five-working-day rebuttal period during which the MPCA and any interested person may respond in writing to any new information submitted. No additional evidence may be submitted during the five-day rebuttal period. All comments and responses submitted to the Administrative Law Judge must be received at the Office of Administrative Hearings no later than 4:30 p.m. on the due date. All comments or responses received will be available for review at the Office of Administrative Hearings. This rule hearing procedure is governed by *Minnesota Rules*, parts 1400.2000 to 1400.2240, and *Minnesota Statutes* §§ 14.131 to 14.20. Questions about procedure may be directed to the Administrative Law Judge.

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

Statement of Need and Reasonableness. A statement of need and reasonableness (SONAR) is available from the MPCA by contacting Mary Jean Fenske at (651) 297-5472. This SONAR contains a summary of the justification for the proposed rules, including a description of who will be affected by the proposed rules and an estimate of the probable cost of the proposed rules. Copies of the SONAR may be obtained at the cost of reproduction from the MPCA. In addition, the MPCA has placed a copy of the SONAR on its

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Web site at: <http://www.pca.state.mn.is/news/data/index.cfm?PN=1>.

Lobbyist Registration. *Minnesota Statutes*, Chapter 10A, requires each lobbyist to register with the State Campaign Finance and Public Disclosure Board. Questions regarding this requirement may be directed to the Campaign Finance and Public Disclosure Board at: Suite 190, Centennial Building, 658 Cedar Street, St. Paul, MN 55155, telephone number (651) 296-5148 or 1-800-657-3889.

Request to Have MPCA Citizens' Board Make Decision on Rule if No Hearing is Required. If a hearing is required, the MPCA Citizens' Board will make the final decision on whether to adopt the proposed rules. However, even if a hearing is not required, you may submit a request to the MPCA Commissioner or an MPCA Citizens' Board member to have the MPCA Citizens' Board make the decision on whether to adopt the proposed rule amendments. Your request must be in writing, must state to whom it is directed, and must be received by the MPCA contact person by 4:30 p.m. on June 6, 2007. Under *Minnesota Statutes* § 116.02, when a public hearing is not required, the MPCA Citizens' Board will only make the decision on the rule if the MPCA Commissioner grants your request or if an MPCA Citizens' Board member makes a timely request that the decision be made by the MPCA Citizens' Board.

Adoption Procedure if No Hearing. If no hearing is required, the MPCA may adopt the rules after the end of the 30-day comment period. The rules and supporting documents will then be submitted to the Office of Administrative Hearings for review for legality. You may ask to be notified of the date the rules are submitted to the office. If you want to be so notified, or want to receive a copy of the adopted rules, or want to register with the MPCA to receive notice of future rule proceedings, submit your request to the MPCA contact person listed above.

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

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

Brad Moore, Commissioner
Minnesota Pollution Control Agency

7002.0025 ANNUAL EMISSION FEE RATES.

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

Subp. 3. **Facilities failing to submit emissions inventories.** If an emission reporting facility fails to submit an emissions inventory as required by part 7019.3000, it shall be assessed an annual ~~emission~~ fee for that facility that is \$X times 1-1/2 times the estimated most recent actual emissions as stated in the facility's permit application in tons for which an emissions fee was assessed under part 7019.3000. If the facility has never submitted an emissions inventory as required under part 7019.3000, but has submitted a permit application under chapter 7007, it shall be assessed an annual emission fee for that facility that is \$X times 1-1/2 times the estimated actual emissions as stated in the facility's permit application.

If the owner or operator of a facility that is required to obtain a permit under chapter 7007 has not submitted a permit application which includes an estimate of the actual emissions, it shall be assessed an annual fee that is \$X times 1-1/2 times the estimated potential to emit of that facility, as defined in part 7005.0100, subpart 35a.

If a facility issued an option B registration permit fails to submit an emission inventory, it shall be assessed an annual fee of \$210.

7005.0100 DEFINITIONS.

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

Subp. 9b. **Efficiency factor.** "Efficiency factor" means:

- A. the control efficiency listed in part 7011.0070, subpart 1a, table A;
- B. notwithstanding item A, where no control efficiency is listed for a control equipment type in part 7011.0070, subpart 1a, table A, or where the commissioner has determined that a more representative control efficiency is available under this item, efficiency factor means a control efficiency developed or approved by the commissioner and derived from the following sources:

[For text of subitems (1) to (5), see M.R.]

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

[For text of subp 10, see M.R.]

Subp. 10a. **Emission factor.** "Emission factor" means the most accurate and representative emission data available from one of the following sources:

- A. ~~For criteria pollutants,~~ The emission factor listed in the Compilation of Air Pollutant Emission Factors (AP42), fifth edition, United States Environmental Protection Agency, Technical Support Division, Office of Air Quality Planning and Standards, Research Triangle Park, North Carolina 27711, January 1995, as amended, which is incorporated by reference and is available ~~through the Minitex interli-~~

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brary loan system at the EPA Internet site www.epa.gov/ttn/chief/ap42/index.html. It is not subject to frequent change. Where more than one emission factor is listed in AP-42, “emission factor” means the one approved by the commissioner using best engineering judgment and based on one or more of the considerations in item C, subitem (2).

B. ~~For hazardous air pollutants (HAPs);~~ The emission factor listed in Factor Information Retrieval (FIRE) Data System, EPA-454/C-94-032 Version 6.25, United States Environmental Protection Agency, Technical Support Division, Office of Air Quality Planning and Standards, Research Triangle Park, North Carolina 27111, ~~October 1994~~ as amended, which is incorporated by reference and is available ~~through the Minitex interlibrary loan system at the EPA Internet site www.epa.gov/ttnchie1/software/fire/index.html.~~ Where more than one emission factor is listed, emission factor means the one approved by the commissioner using best engineering judgment and based on one or more of the considerations in item C, subitem (2). It is ~~not~~ subject to frequent change.

C. (1) ~~Where no emission factor is available in one of the documents described in item A or B, or where a more representative emission factor is available under this item, emission factor means~~ An emission factor developed or approved by the commissioner and derived from the following sources:

~~(a) the AIRS Facility Subsystem Source Classification Codes and Emission Factor Listing for Criteria Air Pollutants, EPA, 450/4-90-003, United States Environmental Protection Agency, Technical Support Division, Office of Air Quality Planning and Standards, Research Triangle Park, North Carolina 27711, March 1990, which is incorporated by reference and is available at the Minnesota State Law Library and through the Minitex interlibrary loan system; it is not subject to frequent change;~~

~~(b) (a) other EPA publications including, but not limited to, Locating and Estimating documents, Control Technology Center documents, the preamble and background information documents for New Source Performance Standards or National Emission Standards for Hazardous Air Pollutants;~~

~~(c) (b) EPA databases and computer programs;~~

~~(d) (c) engineering publications;~~

~~(e) (d) performance test data from the same or a similar emission unit at the same or a similar facility;~~

~~(f) (e) manufacturer’s performance tests; or~~

~~(g) (f) emission data developed by the regulated party using the best engineering judgment criteria listed in subitem (2).~~

[For text of subitem (2), see M.R.]

[For text of subs 10b to 45, see M.R.]

7007.0100 DEFINITIONS.

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

Subp. 7. **Applicable requirement.** “Applicable requirement” means all the following as they apply to emissions units in a stationary source (including requirements that have been promulgated or approved by the EPA or the agency commissioner through rulemaking at the time of issuance but have future effective compliance dates):

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

T. any standard or other requirement of the acid deposition control rule under chapter 7021; ~~and~~

U. any standard or other requirement related to noise pollution under chapter 7030;

V. any standard or other requirement established under section 169A (Visibility Protection for Federal Class I Areas) or 169B (Visibility) of the act including emission limits established in the determination of best available retrofit technology; and

W. any standard or other requirement of the federal Clean Air Interstate Rule or a regulation adopted under it.

[For text of subs 7a to 9a, see M.R.]

Subp. 9b. **Environmental management system or EMS.** “Environmental management system” or “EMS” means an ongoing program of planning, implementing, reviewing, and improving the actions at a stationary source that the owner or operator takes to meet its environmental obligations and legal requirements, and to improve environmental performance, as measured by pollutants emitted or discharged, waste generated, or other objective measures. An EMS for a stationary source conforms to the requirements of the ISO 14001 standard, “Environmental management systems - Specification with guidance for use” published by the International Organization for Standardization (ISO), ~~1996~~ 2004. An EMS for a stationary source is either registered to the ISO 14001 EMS standard ~~under the American National Standards Institute Registrar Accreditation Board (ANSI-RAB) National Accreditation Program by a certification body accredited by the ANSI-ASQ National Accreditation Board (ANAB),~~ or is an EMS that conforms to the requirements of the ISO 14001 EMS standard as determined by an EMS auditor.

Subp. 9c. **EMS audit.** “EMS audit” means a systematic, independent, and documented verification process, conducted by an EMS auditor, objectively obtaining and evaluating evidence to determine whether a stationary source’s EMS conforms to the requirements of the ISO 14001 EMS standard. EMS audits meet the requirements of:

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

C. IAF Guidance on the Application of ISO/IEC Guide 66, International Accreditation Forum (IAF), ~~1996~~ 2003; and

D. ~~National Accreditation Program~~ Advisories, Registrar Accreditation Board (RAB) ANSI-ASQ National Accreditation Board

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(ANAB).

The full scope of the stationary source's EMS is audited in a twoyear period.

Subp. 9d. **EMS auditor.** "EMS auditor" means a person certified as an EMS lead auditor by ~~the RAB~~ RABQSA International (RABQSA) to conduct ISO 14001 EMS audits who is not an owner, operator, or employee of the stationary source or a subsidiary, division, or subdivision of an owner, operator, or employee of the stationary source. Other than previous EMS audits, an EMS auditor shall not have provided EMS or other environmental consulting services to the audited stationary source within the two years prior to the EMS audit.

[For text of subps 9e to 24a, see M.R.]

Subp. 25. **Title I condition.** "Title I condition" means one of the following types of permit conditions based on requirements of title I of the act:

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

D. any condition which is part of a plan approved by the EPA or submitted to the EPA and pending approval under section 111(d) (Standards of Performance for New Stationary Sources) or section 129 (Solid Waste Combustion) of the act.

Subp. 26. **Title I modification.** "Title I modification" means any change that constitutes any of the following:

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

C. A new source review major stationary source: a modification at a stationary source that is not an existing major stationary source where the modification by itself would exceed major stationary source thresholds as defined in Code of Federal Regulations, title 40, section 52.21(b)(1)(i).

D. A new source performance standards modification: any modification as defined in *Code of Federal Regulations*, title 40, section 60.14, as amended, or any other rules adopted by the administrator under section 111 of the act.

~~D.~~ E. A hazardous air pollutant modification: any modification as defined in *Code of Federal Regulations*, title 40, section 61.15, as amended, or any other rules adopted by the administrator under section 112 of the act.

E. F. Plantwide applicability limit (PAL) establishment, renewal, or increase: establishment, renewal, or increase in emissions of an actual PAL as defined in Code of Federal Regulations, title 40, section 51.165, paragraph (f), or 52.21, paragraph (aa), as amended, or in any other rules adopted by the administrator under part C or D of the act.

G. Any other change that constitutes a modification under any provision of title I of the act.

[For text of subp 27, see M.R.]

7007.0300 SOURCES NOT REQUIRED TO OBTAIN A PERMIT.

Subpart 1. **No permit required.** The following stationary sources are not required to obtain a permit under parts 7007.0100 to 7007.1850:

A. any stationary source that is not described in part 7007.0200, subparts 2 to 5, or 7007.0250;

B. notwithstanding parts 7007.0200 and 7007.0250, any stationary source that would be required to obtain a permit solely because it is subject to one or more of the following new source performance standards:

[For text of subitems (1) and (2), see M.R.]

(3) *Code of Federal Regulations*, title 40, part 60, subpart Kb, Standards of Performance for Volatile Organic Liquid Storage Vessels (including Petroleum Liquid Storage Vessels) for Which Construction, Reconstruction or Modification Commenced after July 23, 1984 (incorporated by reference at part 7011.1520, item C), if all storage vessels subject to this standard at the stationary source each have a capacity greater than or equal to 40 cubic meters and less than 75 cubic meters; ~~and~~

(4) *Code of Federal Regulations*, title 40, part 60, subpart Dc, Standards of Performance for Small Industrial-Commercial-Institutional Steam Generating Units (incorporated by reference at part 7011.0570), if all steam generating units subject to this standard at the stationary source are only capable of combusting natural gas or propane; ~~and~~

(5) *Code of Federal Regulations*, title 40, part 60, subpart IIII, Standards of Performance for Stationary Compression Ignition Internal Combustion Engines (incorporated by reference at part 7011.3520), if all engines subject to this standard at the stationary source each have a displacement less than 30 liters per cylinder and did not rely on performance testing of the affected unit to demonstrate compliance with the standard;

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

7007.1100 GENERAL PERMITS.

[For text of subpart 1, see M.R.]

Subp. 2. **Public participation.** The agency shall follow the same public participation procedures in part 7007.0850, subparts 2 and 3, for individual permits except as stated otherwise in this subpart. The notice of the agency's intent to publish a general permit need not be published in newspapers of general circulation but shall be published in the *State Register*. The notice need not include any facility specific information. The notice issued by the agency shall identify criteria for stationary sources that qualify for the general permit and identify

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the geographic area in which it applies. If the general permit is sector-based, the notice shall state whether a stationary source holding a registration permit issued under parts 7007.1110 to 7007.1130 or a capped permit issued under parts 7007.1140 to 7007.1148 must apply for the sectorbased general permit. The agency need not comply with part 7007.0850, subpart 2, item A, subitem (4), unless the stationary source category includes stationary sources subject to the requirement to obtain part 70 permits.

[For text of subs 3 to 8, see M.R.]

7007.1102 INCORPORATIONS BY REFERENCE.

For the purpose of parts 7007.0100, subparts 9b, 9c, and 9e; 7007.1105; and 7007.1107, the documents in items A to E are incorporated by reference. These documents are subject to change, including numbering, title, consolidation, reorganization, and minor wording revisions. The ISO documents are published by the International Organization for Standardization (ISO), Geneva, Switzerland. The documents in items A to C are available at the American National Standards Institute (ANSI), New York, New York 10036 (www.ansi.org), or through the Minitex interlibrary loan system.

A. ISO 14001: Environmental management systems Specification with guidance for use, ISO, ~~1996~~ 2004.

B. ISO 19011: Guidelines for quality and/or environmental management systems auditing, ISO, 2002.

C. ISO/International Electrotechnical Commission (IEC) Guide 66: General requirements for bodies operating assessment and certification/registration of environmental management systems, ISO, 1999.

D. ~~IAF~~ Guidance on the Application of ISO/IEC Guide 66, International Accreditation Forum (IAF), ~~1996~~ 2003. This publication is available through IAF (www.iaf.nu).

E. ~~National Accreditation Program Advisories, Registrar Accreditation Board (RAB) Advisories, ANSI-ASQ National Accreditation Board (ANAB)~~. These publications are available through ~~RAB~~ ANAB, P.O. Box 3005, Milwaukee, Wisconsin ~~53201-3005~~ 53201-0586 (~~www.rabnet.com~~ www.anab.org).

7007.1110 REGISTRATION PERMIT GENERAL REQUIREMENTS.

[For text of subpart 1, see M.R.]

Subp. 2. Stationary sources that may not obtain a registration permit.

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

B. A stationary source may not obtain a registration permit if air quality specific conditions or limits not contained in parts 7007.1110 to 7007.1130 were assumed:

- (1) as a mitigation measure in an environmental impact statement; ~~or~~
- (2) in obtaining a negative declaration in an environmental assessment worksheet; ~~or~~
- (3) in demonstrating compliance with any state or national ambient air quality standard.

C. A stationary source may not obtain a registration permit if it is subject to a new source performance standard except when the stationary source is subject only to the notification and record-keeping requirements of that standard, or when the standard is one of the following:

[For text of subitems (1) to (8), see M.R.]

(9) *Code of Federal Regulations*, title 40, part 60, subpart OOO, Standards of Performance for Nonmetallic Mineral Processors (incorporated by reference in part 7011.3350), except that a stationary source subject to this performance standard may not obtain a registration permit if subpart 2b applies;

(10) *Code of Federal Regulations*, title 40, part 60, subpart TTT, Standards of Performance for Industrial Surface Cleaning of Plastic Parts for Business Machines (incorporated by reference in part 7011.2580); ~~and~~

(11) *Code of Federal Regulations*, title 40, part 60, subpart I, Standards of Performance for Hot Mix Asphalt Facilities (incorporated by reference in part 7011.0909);

(12) *Code of Federal Regulations*, title 40, part 60, subpart GG, Standards of Performance for Stationary Gas Turbines (incorporated by reference in part 7011.2350); ~~and~~

(13) *Code of Federal Regulations*, title 40, part 60, subpart IIII, Standards of Performance for Stationary Compression Ignition Internal Combustion Engines (incorporated by reference in part 7011.3520), but only if the compression ignition internal combustion engine has a displacement less than 30 liters per cylinder.

Subp. 2b. Additional limitations on stationary source eligibility for a registration permit. A stationary source may not obtain an option B, C, or D registration permit if:

A. the source qualifies for a sector-based state general permit available under part 7007.1100, unless specifically allowed under the general permit; or

B. the commissioner determines that site-specific permit requirements are needed to ensure compliance with applicable requirements or to protect human health or the environment.

Any owner or operator of a stationary source that holds a registration permit and is eligible for a sector-based general permit that is available on or before January 1, 2007, shall apply for the general permit on or before October 31, 2008.

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[For text of subs 3 and 4, see M.R.]

Subp. 5. **Registration permit issuance, denial, and revocation.** The commissioner shall issue a registration permit to the owner or operator of a stationary source if the owner or operator has submitted a complete application for a registration permit and the commissioner determines that the stationary source qualifies for the registration permit under parts 7007.1110 to 7007.1130 for which the application was submitted, and the commissioner anticipates that the stationary source will comply with the registration permit. The commissioner shall deny an application for a registration permit if the commissioner determines that the stationary source does not qualify for the registration permit under parts 7007.1110 to 7007.1130 for which the application was submitted or that the stationary source will not be able to comply with the registration permit. The grounds for permit denial in part 7007.1000, ~~subpart subparts 1, item H, and 2,~~ items B to G, also constitute grounds for the commissioner to deny a registration permit application. The commissioner may revoke a registration permit, if the commissioner finds that any of the grounds under subpart 16 or under part 7007.1700, subpart 1, exist, by following the procedure in part 7007.1700, subpart 2.

[For text of subs 6 to 15, see M.R.]

Subp. 15a. **Relocation of stationary source issued a registration permit.** ~~This subpart applies only to a stationary source that has been issued a registration permit under parts 7007.1110 to 7007.1130; does not apply if the registration permit already authorizes operation in more than one location under subpart 20 and the proposed relocation is within the scope of that authorization. This subpart applies only to a stationary source that has been issued a registration permit under parts 7007.1110 to 7007.1130 and that:~~

A. is relocating within or to an area that is classified as attainment with respect to the National Ambient Air Quality Standards;

B. does not trigger the need for air dispersion modeling for the relocated source; and

C. will qualify for the same type of registration permit at the new location. ~~Prior to a change in the location of a stationary source that meets the criteria in this subpart, the owner or operator must provide advance written notice to the commissioner, providing the exact location where the source will operate. If the commissioner determines that the new owner or operator meets the requirements of parts 7007.1110 to 7007.1130 for registration permit issuance, then the commissioner shall issue the registration permit for the new location. Issuance of the registration permit for the new location voids and supersedes the registration permit for the previous location.; and~~

D. will not operate a stationary source in both the existing and new locations at the same time for any period of time.

Prior to a change in the location of a stationary source that meets the criteria in items A to D, the owner or operator must provide 45 days advance written notice to the commissioner, stating the exact location where the source will operate. If any of items A to D are not met, the owner or operator must obtain a new permit for the new location prior to operation in the new location.

Subp. 16. **Application Agency request for a different type of permit application.** The owner or operator shall submit an application for a part 70, state, capped, or general permit, or a different registration permit option, within 120 days of the commissioner's written request for the application if the commissioner determines that:

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

C. the stationary source qualifies for a different registration permit option under parts 7007.1110 to 7007.1130; or

D. the applicable requirements to which the stationary source is subject are about to or have changed substantially;

E. the permit application contains material mistakes or inaccurate statements related to establishing eligibility for the emissions standards, limitations, or other terms or conditions of the permit and correction of such mistakes or statements would result in ineligibility for the permit applied for;

F. alterations or modifications to the permitted facility will result in or have the potential to result in alteration in the nature or quantity of regulated air pollutants to be emitted by the permittee such that the permittee is no longer eligible for the permit it holds; or

G. the commissioner receives information previously unavailable to the commissioner that shows that the terms and conditions of the permit do not accurately represent the actual circumstances of the permitted facility.

[For text of subs 17 to 22, see M.R.]

7007.1120 REGISTRATION PERMIT OPTION B.

Subpart 1. **Eligibility.** The owner or operator of a stationary source may apply for a registration permit under this part if:

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

B. the only emissions from the stationary source are from VOC-containing materials, or are from insignificant activities under part 7007.1300, subparts 2 and 3, or are from conditionally insignificant activities meeting the requirements of parts 7008.4000 and 7008.4110; and

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

Subp. 2. **Application content.** An application for a registration permit under this part must contain the following:

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

E. the gallons of VOC-containing materials purchased or used in a calendar year. If the stationary source has not been operated, the owner or operator shall estimate the gallons of VOC-containing materials that will be purchased or used on a calendar year basis during normal operation using a worksheet provided by the commissioner. If the stationary source has been operated less than 12 months or has

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not been operated a full calendar year on the date of application under this part, the owner or operator shall calculate gallons of VOC-containing materials purchased or used by multiplying 12 months by the larger of the two following monthly averages:

- (1) the average monthly gallons purchased or used; or
- (2) the estimated average monthly gallons purchased or used for normal operation.

Insignificant activities at the stationary source listed in part 7007.1300, subparts 2 and 3, and conditionally insignificant activities are not required to be included in the application.

Subp. 3. **Compliance requirements.** The owner or operator of a stationary source issued a registration permit under this part shall:
[For text of items A to C, see M.R.]

D. have emissions from the stationary source only from VOC-containing materials or from insignificant activities under part 7007.1300, subparts 2 and 3, or from conditionally insignificant activities described in and meeting the requirements of parts 7008.4000 and 7008.4110;

E. comply with part 7007.1110; and

F. comply with all applicable requirements, including new source performance standards.

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

7007.1125 REGISTRATION PERMIT OPTION C.

Subpart 1. **Eligibility.** The owner or operator of a stationary source may apply for a registration permit under this part if the stationary source consists of only indirect heating units (boilers), reciprocating internal combustion engines, and/or emissions from use of VOC-containing materials, and meets the following criteria:

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

F. the 12month rolling sum of calculations determined under calculations 1, 2A, 2B, and 3 in subpart 4 is less than ~~100~~ 50; and

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

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

Subp. 3. **Compliance requirements for Option C sources.** Unless a stationary source is eligible under subpart 3a, the owner or operator of a stationary source issued a registration permit under this part shall comply with all of the requirements in items A to J.

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

F. The 12month rolling sum determined by the calculation in item D, the eligibility number, shall not exceed ~~100~~ 50.

[For text of items G to J, see M.R.]

Subp. 3a. **Compliance requirements for low-emitting Option C sources.** If the eligibility number determined by the calculation in item D is less than ~~50~~ 25 for the previous calendar year, the owner or operator of a stationary source issued a registration permit under this part shall comply with all of the requirements in items A to E.

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

D. The owner or operator must add together and record by April 1 of each calendar year the sum of the calculations made in items A to C. This sum, the eligibility number, shall not exceed ~~50~~ 25 to be eligible under this subpart. If the eligibility number exceeds ~~50~~ 25, then the owner or operator must comply with subpart 3 and have an eligibility number of less than ~~50~~ 25 for two consecutive calendar years before eligibility for this subpart is reinstated.

E. The owner or operator must comply with subpart 3, items E and G to J.

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

Subp. 5. **Transition period.** Any owner or operator of a stationary source that holds a registration permit option C and is ineligible for a registration permit option C on or after January 1, 2007, shall apply for another type of permit on or before April 30, 2008.

7007.1130 REGISTRATION PERMIT OPTION D.

[For text of subpart 1, see M.R.]

Subp. 2. **Application content.** An application for a registration permit under this part must contain all of the following requirements:

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

G. if the calculations required by subpart 4 used emission factors established by a performance test approved by the commissioner under parts 7017.2001 to 7017.2060 and reflected use of control equipment that is not listed in part 7011.0070, a copy of the portion of the control equipment manufacturer's specifications which includes the operating parameters. If the emissions are discharged to the control equipment through a hood, then the owner or operator must evaluate, on a form provided by the commissioner, whether the hood conforms to the design and operating practices recommended in "Industrial Ventilation - A Manual of Recommended Practice, American Conference of Governmental Industrial Hygienists," and must include with the permit application the certification required in part ~~7011.0070, subpart 3~~ 7011.0072, subpart 2.

Insignificant activities at the stationary source listed in part 7007.1300, subparts 2 and 3, or conditionally insignificant activities, are not required to be included in the application.

Subp. 3. **Compliance requirements for Option D sources.** Unless a stationary source is eligible under subpart 3a, the owner or

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operator of a stationary source issued a permit under this part shall comply with all of the requirements in items A to J.

A. If the stationary source determined eligibility in the permit application, in whole or in part, by calculating VOC and hazardous air pollutant actual emissions from VOC-containing or hazardous air pollutant-containing materials, purchased or used (whichever was stated in the permit application), the owner or operator must:

[For text of subitem (1), see M.R.]

(2) maintain a record of the material safety data sheet (MSDS), or a signed statement from the supplier stating the maximum VOC or hazardous air pollutant content, for each VOC-containing or hazardous air pollutant-containing material purchased or used (whichever was stated in the permit application); and

(3) recalculate and record by the last day of each month the 12-month rolling sum of actual VOC and hazardous air pollutant emissions from VOC-containing and hazardous air pollutant-containing materials purchased or used (whichever was stated in the permit application) for the previous 12 months, the date the calculation was made, and the calculation itself; and

(4) if the owner or operator assumes a reduction of emissions in using the materials balance method under subpart 4, item D, due to recycling of material off site, keep records of the amount of material shipped off site for recycling and the calculations done to determine the amount to subtract. Acceptable records include the material safety data sheets, invoices, shipping papers, and hazardous waste manifests.

A stationary source in which the only hazardous air pollutant (HAP) emissions are VOC emissions and that has actual VOC emissions less than five tons per year is not required to maintain records and perform the calculations of HAPs emissions under subitems (1) to (3).

[For text of items B to E, see M.R.]

F. If the stationary source qualified in the permit application, in whole or in part, by using control equipment efficiencies for:

[For text of subitems (1) and (2), see M.R.]

[For text of items G to J, see M.R.]

K. If the stationary source determined eligibility in the permit application, in whole or in part, by using fuel sulfur data in the calculations in subpart 4, the owner or operator must:

(1) record by the last day of each month the amount of each fuel burned for each batch of fuel for the previous month;

(2) maintain a record of the fuel sulfur content certified by the supplier or independent laboratory for each batch of fuel received; and

(3) recalculate and record by the last day of each month the 12-month rolling sum of SO₂ emissions for the previous 12 months, the date the calculation was made, and the calculation itself using the calculation method in subpart 4.

L. If the stationary source determined eligibility in the permit application, in whole or in part, by using hours of operation in the calculations in subpart 4, the owner or operator must:

(1) record by the last day of each month the hours operated for each emissions unit, rounded to the nearest hour for the previous month; and

(2) recalculate and record by the last day of each month the 12-month rolling sum of emissions for the previous 12 months, the date the calculation was made, and the calculation itself.

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

Subp. 4. **Calculation of actual emissions.** The owner or operator of a stationary source may use a calculation worksheet provided by the commissioner for calculating actual emissions under this part, or may use the calculation methods under items A to E. The owner or operator must calculate actual emissions for each emissions unit, except that similar emissions units may be aggregated for emission calculation purposes. The owner or operator of a stationary source shall use the calculation method in item B instead of the calculation method in item A if the data described in item B are available for the stationary source. The alternative methods described in items C, D, and E may be used by the owner or operator without advance notification to the commissioner. The commissioner shall reject data submitted using the methods described in items B to E if the conditions set forth for the method are not fully met. To prevent double counting of emissions, the owner or operator must select one calculation method under this subpart for each emissions unit at the stationary source. Fugitive dust emissions must be included in the calculations under this subpart only if the stationary source is in a category listed in part 7007.0200, subpart 2, item B, subitems (1) to (27).

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

C. Emission factors from performance tests may be used for the calculation of actual emissions, provided that:

(1) the emissions unit is either an uncontrolled unit (for the tested pollutant) or is fitted with air pollution control equipment subject to the monitoring and recordkeeping requirements of parts 7011.0060 to 7011.0080 or is fitted with air pollution equipment that has met the requirements of subpart 6; and

(2) the performance tests met all the requirements of parts 7017.2001 to 7017.2060, and all other applicable state rules and federal regulations governing performance tests. The owner or operator of a stationary source that uses an emission factor developed from a performance test shall use the calculation method under item A.

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

E. The owner or operator of a stationary source may determine sulfur dioxide actual emissions by measuring the sulfur content of the

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fuel and assuming that all of the sulfur in the fuel is oxidized to sulfur dioxide. The sulfur content of each batch of fuel received must be measured by an independent laboratory using ASTM methods or verified by vendor certification. The sulfur dioxide actual emissions shall be determined for each batch of fuel received by using the following equation:

$SO_2 = \%S/100 \times F/2,000 \times 2$, where

SO_2 = Sulfur dioxide emissions from a batch of fuel in tons.

%S = Weight percent sulfur in the fuel being burned.

F = Amount of fuel burned by weight in pounds.

2,000 = Pounds per ton.

2 or 64/32 = Pounds of sulfur dioxide per pound of sulfur in one pound-mole.

The total sulfur dioxide emissions for the year shall be the sum total of the individual batch totals.

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

7007.1140 CAPPED PERMIT ELIGIBILITY REQUIREMENTS.

[For text of subpart 1, see M.R.]

Subp. 2. Sources that may not obtain a capped permit.

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

E. No stationary source may obtain a capped permit if it is subject to a new source performance standard other than one of the following:

[For text of subitems (1) to (10), see M.R.]

(11) *Code of Federal Regulations*, title 40, part 60, subpart JJJ, Standards of Performance for Petroleum Dry Cleaners, incorporated by reference in part 7011.3250; ~~and~~

(12) *Code of Federal Regulations*, title 40, part 60, subpart TTT, Standards of Performance for Industrial Surface Cleaning of Plastic Parts for Business Machines, incorporated by reference in part 7011.2580; ~~and~~

(13) *Code of Federal Regulations*, title 40, part 60, subpart IIII, Standards of Performance for Stationary Compression Ignition Internal Combustion Engines, incorporated by reference in part 7011.3520, but only if the compression ignition internal combustion engine has a displacement less than 30 liters per cylinder or is an emergency engine with a displacement greater than 30 liters per cylinder.

7007.1200 CALCULATING EMISSION CHANGES FOR PERMIT AMENDMENTS.

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

Subp. 4. **Record-keeping requirements.** When this part applies and the permittee determines that no permit amendment or agency notification is required prior to making the change, the permittee must retain records of all calculations required under this part. For expiring permits, these records shall be kept for a period of five years from the date the change was made or until permit reissuance, whichever is longer. For nonexpiring permits, these records shall be kept for a period of five years from the date that the change was made. The records shall be kept at the stationary source for the current calendar year of operation and may be kept at the stationary source or office of the stationary source for all other years.

7007.1250 INSIGNIFICANT MODIFICATIONS.

Subpart 1. **When an insignificant modification can be made.** The permittee may make a modification described in either item A or B at a permitted stationary source without getting a permit amendment, unless the modification is prohibited by subpart 2. However, if the modification triggers new monitoring, record keeping, or reporting requirements under applicable requirements or parts 7007.0100 to 7007.1850, the permittee shall initiate an administrative amendment under part 7007.1400 to include the new requirements no more than 30 days after making the modification.

A. Construction or operation of any emissions unit, or undertaking any activity, that is on the insignificant activities list in part 7007.1300, subparts 2 and 3, or that is described as and meets the requirements of a conditionally insignificant activity under parts 7008.4000 and 7008.4110.

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

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

Subp. 3. **Record-keeping requirements.** Except as described in subpart 4, modifications authorized under this part may be made without providing notice to the agency. However, the permittee shall keep a ~~contemporaneous~~ record of the modification for all changes authorized under subpart 1, items A and B, except for those activities described in part 7007.1300, subpart 2. For changes authorized under subpart 1, item B, and part 7007.1300, subpart 3, item I, the permittee shall also keep calculations of the emissions increase as required by part 7007.1200, subpart 4, and a statement of the purpose for making the modification.

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

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7007.1300 INSIGNIFICANT ACTIVITIES LIST.

[For text of subpart 1, see M.R.]

Subp. 2. **Insignificant activities not required to be listed.** The activities described in this subpart are not required to be listed in a permit application under part 7007.0500, subpart 2, item C, subitem (2).

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

C. Fabrication operations:

[For text of subitems (1) to (3), see M.R.]

(4) mixers, blenders, roll mills, or calendars for rubber or plastics for which no materials in powder form are added and in which no organic solvents, diluents, or thinners are used.

[For text of items D to K, see M.R.]

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

7007.3000 PREVENTION OF SIGNIFICANT DETERIORATION OF AIR QUALITY.

Any person who constructs, modifies, reconstructs, or operates an emissions unit, emission facility, or stationary source must meet the requirements of *Code of Federal Regulations*, title 40, part 52.21~~(b)-(f) and (h)-(w)~~, as amended, entitled "Prevention of Significant Deterioration of Air Quality," which is adopted and incorporated by reference. All applications and other information required pursuant to *Code of Federal Regulations*, title 40, part 52.21, from emissions units, emission facilities, and stationary sources located in Minnesota shall be submitted to the commissioner.

7007.5000 BEST AVAILABLE RETROFIT TECHNOLOGY.

Subpart 1. Incorporation by reference. *Code of Federal Regulations*, title 40, part 51.301 (Definitions), as amended, is incorporated by reference. Appendix Y (Guidelines for Best Available Retrofit Technology (BART) Determinations Under the Regional Haze Rule) of Code of Federal Regulations, title 40, part 51, as amended, is incorporated by reference.

Subp. 2. BART determination. The owner or operator of a stationary source shall submit a best available retrofit technology (BART) analysis to the commissioner if the commissioner determines the stationary source is subject to BART according to *Code of Federal Regulations*, title 40, part 51, Appendix Y (Guidelines for BART Determinations Under the Regional Haze Rule). The owner or operator shall prepare the BART analysis according to section IV of Appendix Y of *Code of Federal Regulations*, title 40, part 51, as directed by the commissioner. The owner or operator of a stationary source shall submit the BART analysis 180 days after receipt of written notification by the commissioner that a BART analysis is required. The commissioner shall make the BART determination according to Appendix Y of Code of Federal Regulations, title 40, part 51.

Subp. 3. BART implementation. The owner of each BART-eligible source subject to BART shall install and operate BART no later than five years after the United States Environmental Protection Agency approval of Minnesota's regional haze state implementation plan. The owner or operator of each source subject to BART shall operate and maintain the control equipment or work practices required by this part and shall establish procedures to ensure such equipment or work practices are properly operated and maintained.

7011.0060 DEFINITIONS.

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

Subp. 3e. **Hood.** "Hood" means a shaped inlet to a pollution control system that does not totally surround emissions from an emissions unit, that is designed, used, and maintained to capture and discharge the air emissions through ductwork to control equipment, and that conforms to the design and operating practices recommended in "Industrial Ventilation - A Manual of Recommended Practice, American Conference of Governmental Industrial Hygienists." This document is subject to frequent change. A spray booth can be a hood if it meets the definition in this subpart.

Subp. 4. **Listed control equipment.** "Listed control equipment" means the control equipment at a stationary source listed in part 7011.0070, subpart 4 1a, Table A.

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

7011.0061 INCORPORATION BY REFERENCE.

For the purpose of parts 7011.0060 to 7011.0080, the document, *Industrial Ventilation - A Manual of Recommended Practice*, American Conference of Governmental Industrial Hygienists, ~~6500 Glenway Avenue, Building D7, Cincinnati, OH, 452114438~~ (1984), 1300 Kemper Meadow Drive, Cincinnati, Ohio 45240, is incorporated by reference. American Conference of Governmental Industrial Hygienists is the author and publisher. This document is available through the Minitex interlibrary loan system (University of Minnesota Library). This document is subject to frequent change.

7011.0065 APPLICABILITY.

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Subpart 1. **Applicability.** The owner or operator of a stationary source shall comply with parts 7011.0060 to 7011.0080 if the owner or operator ~~used~~ elects to use the control equipment efficiencies for listed control equipment established pursuant to part 7011.0070 to calculate potential to emit, from emissions units that discharge through the listed control equipment, to:

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

Subp. 2. [See repealer.]

7011.0070 LISTED CONTROL EQUIPMENT AND CONTROL EQUIPMENT EFFICIENCIES.

Subpart 1. **Listed control equipment efficiencies.**

A. Unless a part 70, state, or general permit specifies a different control efficiency, the owner or operator of a stationary source must at all times attain at least the control efficiency listed in Table A for each piece of listed control equipment at the stationary source. The applicable control efficiency for a type of listed control equipment and a given pollutant is determined by whether air emissions are discharged to the control equipment through a hood that is certified as described in part 7011.0072, through a noncertified hood, or through a total enclosure. The control equipment efficiencies in Table A do not apply to any hazardous air pollutant. ~~The owner or operator of a stationary source that is subject to the control efficiencies given for hoods in Table A must have a testing company evaluate, on a form provided by the commissioner, whether the hood conforms to the design and operating practices recommended in "Industrial Ventilation A Manual of Recommended Practice, American Conference of Governmental Industrial Hygienists," and must include with the permit application the certification required in subpart 3, if the hood exists at the time of application. If the hood does not exist at the time of application, then the certification required in subpart 3 shall be sent to the agency within 30 days after startup. The form used to evaluate whether the hood conforms to the design and operating practices shall contain the elements listed in subpart 4. If the hood design does not conform to the recommendations of the manual, the owner or operator shall submit a plan within 60 days of startup describing either change of the hood design so that it does conform or how the hood capture efficiency shall be determined. Nothing in this part shall be construed to allow the owner or operator of an emission facility to violate an applicable requirement or compliance document. Hoods evaluated prior to the effective date of this part using a form whose contents differ from that in subpart 4 are not required to reevaluate their hoods, unless requested by the commissioner to demonstrate continued conformity with the design and operating practices described in the manual. A copy of the hood evaluation form shall be kept on site.~~

B. The use of the control efficiencies listed in Table A under subpart 1a that are associated with a hood that is not certified is limited to the owner or operator of a stationary source that qualifies for a registration permit under parts 7007.1110 to 7007.1130.

Subp. 1a. Exceptions where control efficiency disallowed. The owner or operator may not use a control efficiency listed in Table A if:

A. the commissioner determines that the listed efficiency is inapplicable or is not representative of the source due to complexity of the process or source of emissions, lack of reliable data, presence of a pollutant or constituent such as condensible particulate matter or an organic compound significantly more difficult to control than the overall VOC gas stream that makes the categorical efficiency nonrepresentative, or other site-specific conditions; or

B. the commissioner determines that alternate site-specific requirements are necessary to ensure compliance with applicable requirements or to protect human health or the environment.

CONTROL EQUIPMENT EFFICIENCY - TABLE A

ID#	CONTROL EQUIPMENT DESCRIPTION	POLLUTANT	CONTROL EFFICIENCY		
			TOTAL ENCLOSURE	HOOD: CERTIFIED	HOOD: NOT CERTIFIED
Table A - Section 1 - Equipment Designed Primarily for Particulate Matter Control					
PM CONTROL CATEGORY- CYCLONES means a device where airflow is forced to spin in a vortex through a tube					
007	Centrifugal Collector (cyclone)-high efficiency means: a	PM; PM-10	80% 78%	64% 90% 62%	54% 72% 46%

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	cyclonic device with parameters stated in drawing 1 and table 1				
008	Centrifugal Collector (cyclone)-medium efficiency means: a cyclonic device with parameters stated in drawing 1 and table 1	PM; PM-10	50% <u>60%</u>	40% <u>48%</u>	<u>48%</u> <u>64%</u> <u>36%</u>
009	Centrifugal Collector (cyclone)-low efficiency means: a cyclonic device with parameters stated in drawing 1 and table 1	PM; PM-10	10% <u>25%</u> <u>25%</u>	8% <u>20%</u> <u>20%</u>	<u>15%</u> <u>15%</u>
076	Multiple Cyclone without Fly Ash ReInjection means: a cyclonic device with more than one tube where fly ash is not reInjected	PM; PM-10	80% <u>90%</u> <u>72%</u>	NA <u>72%</u> <u>58%</u>	<u>54%</u> <u>43%</u>
077	Multiple Cyclone with Fly Ash ReInjection means: a cyclonic device with more than one tube where fly ash is reInjected	PM; PM-10	50%	NA	
<u>057</u> 085	Wet Cyclone Separator or Cyclonic Scrubbers means: a cyclonic device that sprays water into a cyclone	PM, PM-10	50% <u>84%</u>	40% <u>68%</u>	<u>51%</u>
<u>010</u> <u>011</u> <u>012</u> <u>128</u> <u>146</u>	PM CONTROL CATEGORY- ELECTROSTATIC PRECIPITATORS means: a control device in which the incoming particulate matter receives an electrical charge and is then collected on a surface with the opposite electrical charge				
	-assumed efficiency for boiler fly ash control	PM-10	40%	NA	<u>NA</u>
	-assumed efficiency for	PM	70%	56%	<u>59%</u>

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	other applications 94% 75%	PM-10	98%	78%	56%
PM CONTROL CATEGORY- OTHER CONTROLS					
016,	Fabric Filter means:	PM;	99%	79%	59%
017,	a control device in	PM-10	93%	74%	56%
018	which the incoming gas stream passes through a porous fabric filter forming a dust cake				
052	Spray Tower means: a control device in which the incoming gas stream passes through a chamber in which it contacts a liquid spray	PM; PM-10	20% 85% 84%	16% 68% 68%	51% 51%
053	Venturi Scrubber means: a control device in which the incoming gas stream passes through a venturi into which a low pressure liquid is introduced	PM; PM-10	90% 94% 84%	72% 76% 68%	57% 51%
055	Impingement Plate Scrubber means: a control device in which the incoming gas stream passes a liquid spray and is then directed at high velocity into a plate	PM; PM-10	25% 77% 77%	20% 62% 62%	46% 46%
056,	<u>Mechanically Aided</u>	<u>PM</u>	<u>64%</u>	<u>52%</u>	<u>39%</u>
113	<u>Separator means: a device that relies on inertia for separating particles from a gas stream</u>	<u>PM-10</u>	<u>5%</u>	<u>4%</u>	<u>3%</u>
058A	HEPA and Wall	PM;	92%	74%	51%
058B	or Panel Filter	PM-10	85%	68%	51%
058	means: a control device in which the exiting gas stream passes through a panel of coarse fibers. Other Wall Filters means removable panels for cleaning and		85%	68%	

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	replacement, or liquid curtains for particulate removal that provide little resistance to air flow				
101	HEPA Filter or ULPA Filter means: a high efficiency wall or panel filter designed for collection of submicron particles	PM PM-10	99.98% 99.98%	80% 80%	60% 60%
503	Charged Scrubber means: a control device in which electric power is used to precharge particulate matter in the gas stream as a means of increasing the scrubber's collection efficiency for fine particles	PM PM-10	94% 84%	76% 68%	57% 51%
517	Condensation Scrubber means: a control device in which steam is injected into a wet scrubber to create supersaturated conditions and promote condensation of water on fine particulate matter in the gas stream	PM PM-10	94% 84%	76% 68%	57% 51%

Table A - Section 2 - Equipment Designed for VOC Control (includes efficiencies for pollutants where there is a co-benefit of control)

VOC CONTROL CATEGORY

019,	Catalytic Afterburners	VOC	95%	57%	57%
020,	(thermal or catalytic	PM	94%	76%	37%
109,	oxidation) means: a	PM-10	62%	50%	38%
116,	device used to reduce	CO	62%	50%	57%
509	VOCs to the products of combustion through thermal (high temperature) oxidation or catalytic (use of a catalyst) oxidation in a combustion chamber		94%	76%	
021,	Thermal Afterburners	VOC	97%	78%	58%
022,	(thermal oxidation)	PM	62%	50%	37%
131,	means: a device used	PM-10	62%	50%	37%

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133, to reduce VOCs to the
510 products of combustion
through thermal (high
temperature) oxidation
in a combustion chamber

CO

97%

78%

58%

023 Flaring or Direct
Combustor means: a
device in which air,
combustible organic
waste gases, and
supplementary fuel
(if needed) react
in the flame zone
(e.g., at the flare
tip) to destroy the
VOCs

VOC

98%

59%

59%

PM

61%

79%

37%

PM-10

61%

50%

37%

CO

98%

50%

59%

79%

Drawing 1:

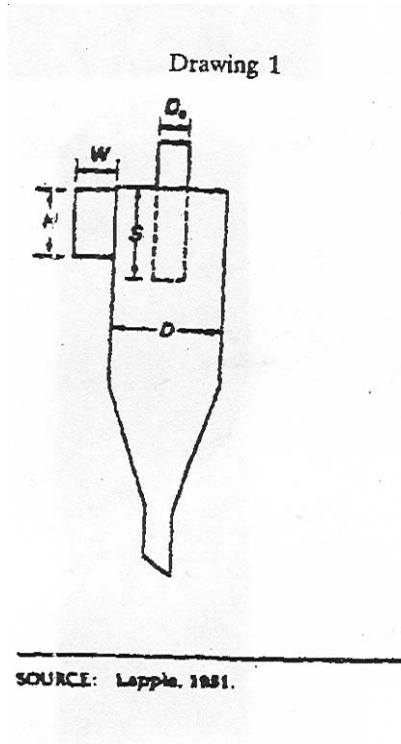


Table 1
Cyclone Type

Ratio Dimensions	High Efficiency	Medium Efficiency	Low Efficiency
Height of inlet, H/D	≥ 0.44	≥ 0.44 and ≤ 0.8	≥ 0.8
Width of inlet, W/D	≥ 0.2	≥ 0.2 and ≤ 0.375	≤ 0.375
Diameter of gas exit, D_g/D	≥ 0.4	≥ 0.4 and ≤ 0.75	≤ 0.75
Length of vortex finder, S/D	≥ 0.5	≥ 0.5 and ≤ 0.875	≤ 0.875

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If one or more of the “ratio dimensions,” as listed in table 1, are in a different efficiency category (high, medium, low), then the lowest efficiency category shall be applied.

Subp. 1b. Transition period. Any owner or operator of a stationary source that used the control efficiencies in part 7011.0070 to qualify for its permit and is ineligible for its permit on or after January 1, 2007, shall apply for another type of permit on or before April 30, 2008.

Subp. 2. Alternative control equipment and capture efficiencies; control efficiencies for hazardous air pollutants. The owner or operator of a stationary source may use an alternative control equipment efficiency or capture efficiency or both for the control equipment listed in subpart 1, if the actual control efficiency or capture efficiency has been verified by a performance test approved by the commissioner under parts 7017.2001 to 7017.2060. The owner or operator of a stationary source may use a control equipment efficiency for listed control equipment for a hazardous air pollutant, if the control efficiency has been verified by a performance test approved by the commissioner under parts 7017.2001 to 7017.2060. The request for the alternative control efficiency or capture efficiency or both may be made through a permit application for a part 70, state, registration, capped, or general permit, or in a required notice or application submitted under parts 7007.1150 to 7007.1500. The owner or operator of a stationary source must attain at all times the alternative control efficiency or capture efficiency or both for a piece of listed control equipment at the stationary source established under this subpart.

Subp. 3. [See repealer.]

Subp. 4. [See repealer.]

7011.0072 REQUIREMENTS FOR CERTIFIED HOODS.

Subpart 1. Applicability. This part applies only to certified hoods and hoods the owner or operator elects to be certified. Nothing in this part shall be construed to allow the owner or operator of an emission facility to violate an applicable requirement or compliance document. Hoods evaluated before June 8, 1999, using a form, the contents of which differ from the content in subpart 3, are not required to be reevaluated, unless requested by the commissioner to demonstrate continued conformity with the design and operating practices described in the manual incorporated by reference under part 7011.0061.

Subp. 2. Certification required. In order to use a certified hood control efficiency value in part 7011.0070, subpart 1a, Table A, the owner or operator of a stationary source must:

A. arrange for a testing company to conduct a hood evaluation;

B. document, on a form provided by the commissioner, that the hood conforms to the design and operating practices recommended in the manual incorporated by reference under part 7011.0061 and must include with the permit application a certification statement as specified in item C, if the hood exists at the time of application. If the hood does not exist at the time of application, then the certification required in item C shall be sent to the commissioner within 30 days after start-up. The form used to demonstrate that the hood conforms to the required design and operating practices shall contain the elements listed in subpart 3; and

C. include on the form required under item B a certification statement signed by the responsible official, stating as follows: “I certify under penalty of law that the aforementioned hood(s) has (have) been evaluated under my direction or supervision by qualified personnel and that, to the best of my knowledge and belief, the (each) hood conforms to the design and operating practices recommended in “Industrial Ventilation - A Manual of Recommended Practice, American Conference of Governmental Industrial Hygienists.””

Subp. 3. Contents of hood evaluation form. The hood evaluation form required in subpart 2 shall include:

A. hood dimensions recommended by the manual incorporated by reference under part 7011.0061;

B. design capture velocity and justification for use of this velocity and a list of the manual pages relied on;

C. minimum recommended air flow into the hood;

D. recommended hood face velocity or slot velocity, and, if applicable, plenum and duct velocity;

E. capture velocity test plan; and

F. actual values of design parameters listed in items A to D, as well as fan rotation speed or fan power draw, as determined through testing.

Subp. 4. Monitoring and record keeping. The owner or operator of a certified hood shall:

A. maintain at the stationary source the most current record of each hood evaluation required by part 7011.0070; and

B. measure the fan rotation speed, fan power draw, face velocity, or other comparable air flow indicator for each hood and maintain a yearly summary of these measurements. Each yearly summary shall be maintained at the stationary source for a minimum of five years.

7011.0075 LISTED CONTROL EQUIPMENT GENERAL REQUIREMENTS.

Subpart 1. Operation of control equipment. The owner or operator of a stationary source shall operate all listed control equipment located at the stationary source whenever operating the emission units controlled by the listed control equipment in compliance with parts 7011.0060 to 7011.0080. Unless specifically allowed by a part 70, state, or general permit, each piece of listed control equipment, with the exception of low-temperature fabric filters (ID #018) using visible emissions as the monitoring parameter under part 7011.0080, shall

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at all times be operated in the range established by the control equipment manufacturer's specifications for each monitoring parameter listed in part 7011.0080, or within the operating parameters set by the commissioner as the result of the most recent performance test conducted to determine control efficiency under parts 7017.2001 to 7017.2060 if those are more restrictive.

The owner or operator with fabric filters (ID #016, #017, #018) using pressure drop as the monitoring parameter under part 7011.0080 and applying for a registration permit or a capped permit, may request an alternative range to the control equipment manufacturer's specifications, if the proposed range is based on two years of compliant monitoring data supplied with the request. The proposed operating range shall be deemed acceptable unless the owner or operator is notified otherwise in writing within 30 days of receipt by the commissioner. The commissioner shall deny a request for an alternative monitoring parameter range if the commissioner finds that:

A. an owner or operator has failed to disclose fully all facts relevant to the proposed monitoring parameter range of the control device or the owner or operator has knowingly submitted false or misleading information to the agency commissioner;

For text of items B and C, see M.R.

For text of subp 2, see M.R.

Subp. 3. **Installation of monitoring equipment.** The owner or operator of a stationary source shall install monitoring equipment to measure the operating parameters of all listed control equipment as specified by ~~part~~ parts 7011.0072 and 7011.0080 or by source specific monitoring requirements specified in a part 70, state, or general permit. The monitoring equipment must be installed prior to operation of any new process equipment controlled by the control equipment or, for stationary sources in operation on December 27, 1994, by the application deadline listed in part 7007.0350, subpart 1, item A. The owner or operator of a stationary source shall operate the monitoring equipment for each piece of listed control equipment at all times the listed control equipment is required to operate in compliance with part 7011.0075.

For text of subs 4 and 5, see M.R.

Subp. 6. **Demonstration of capture and control equipment efficiency.** The owner or operator shall, upon request of the commissioner or the administrator, conduct a performance test under parts 7017.2001 to 7017.2060 to determine the capture efficiency of a hood or other capture device or to determine the efficiency of the control equipment. In addition to the reasons specified in part 7017.2020, subpart 1, the commissioner or the administrator may make such a request to verify that the capture device or control equipment at a stationary source is attaining the efficiency ~~determined in~~ assumed under part 7011.0070.

[For text of subp 7, see M.R.]

7011.0080 MONITORING AND RECORD KEEPING FOR LISTED CONTROL EQUIPMENT.

The owner ~~and~~ or operator of a stationary source shall comply with the monitoring and record keeping required for listed control equipment by the table in this part. The owner or operator shall maintain the records required by this part for a minimum of five years from the date the record was made. Unless a specific format is required, the records may be maintained in either electronic or paper format. For certified hoods, the owner or operator shall maintain at the stationary source the evaluation of each hood required in part 7011.0070, as well as a yearly record of the fan rotation speed, fan power draw, or face velocity of each hood, or other comparable air flow indication method comply with part 7011.0072.

EPA Identifi- cation Number(s)	Pollution Control Equipment Type	Monitoring Parameter(s)	Record-keeping Requirement
<u>A. Equipment designed for particulate matter control</u>			
007, 008, 009, 076, 077	Centrifugal collector (cyclone)	Pressure drop	Record pressure drop every 24 hours if in operation
011A, 011B; 012A, 012B 010, 011, 012, 128, 146	Electrostatic precipitator	<u>Number of fields online Secondary voltage, secondary current, and, if used, conditioning</u>	<u>Record the minimum number of fields online for every 24hour time block, if in operation Continuous readout of flue</u>

Proposed Rules

		<u>agent flow rate</u>	<u>gas temperature, voltage, and current. If used, daily record of conditioning agent flow rate</u>
016, 017	Fabric filter (bag house), high temperature (T\Af\250\A:\aF), medium temperature (180\A:\aF\Af\T\AF\250\A:\aF)	Pressure drop	Record pressure drop every 24 hours if in operation
018	Fabric filter (bag house), low temperature (T\AF\180\A:\aF)	Pressure drop or visible emissions observation from filter outlet during an entire cleaning cycle; unless the commissioner specifies pressure drop and/or visible emissions as the indicator(s) of fabric filter performance	Record pressure drop every 24 hours if in operation; or Record whether any visible emissions are observed and the time period of observation every 24 hours if in operation; or record both if the commissioner requires monitoring of both parameters
052	Spray tower	Liquid flow rate and pressure drop in operation	Record each parameter every 24 hours if
053, 055	Venturi scrubber, impingement plate scrubber	Pressure drop and liquid flow rate in operation	Record each parameter every 24 hours if
<u>056, 113</u>	<u>Mechanically aided separator</u>	<u>Pressure drop</u>	<u>Record every 24 hours if in operation</u>
<u>058A, 058B</u> <u>058, 101</u>	HEPA and other wall filters	Condition of the filters,	Record of filter(s)

Proposed Rules

		including, but not limited to, alignment, saturation, and tears and holes	condition every 24 hours if in operation
<u>057, 085</u>	Wet cyclone separator	Pressure drop; and water pressure	Record each parameter every 24 hours if in operation
<u>503</u>	<u>Charged scrubber</u>	<u>Pressure drop and liquid flow rate</u>	<u>Record each parameter every 24 hours if in operation</u>
<u>517</u>	<u>Condensation scrubber</u>	<u>Pressure drop and either steam supply rate or blowdown rate</u>	<u>Record each parameter every 24 hours if in operation</u>
<u>B. Equipment designed for volatile organic compound control</u>			
<u>019, 021, 022, 131, 133, 510</u>	<u>Thermal incinerator afterburner</u>	Combustion temperature or inlet and outlet temperatures	Continuous hard copy readout of <u>Record temperatures or manual readings at least once every 15 minutes</u>
<u>019, 020, 109, 116, 509</u>	<u>Catalytic incinerator afterburner</u>	Inlet and outlet temperatures; and catalyst bed reactivity as per manufacturer's specifications	Continuous hard copy readout of <u>Record temperatures or manual readings at least once every 15 minutes; and record results of catalyst bed reactivity</u>
<u>023</u>	Flaring	Temperature indicating presence of a flame	Continuous hard copy readout of <u>Record temperatures or manual readings at least once every 15 minutes</u>

Proposed Rules

7011.0730 TABLE 1.

Process Weight Rate (pounds/hour)	Emission Rate (pounds/hour)
50	0.08
100	0.55
500	1.53
1,000	2.25
5,000	6.34
10,000	9.73
20,000	14.99
60,000	29.60
80,000	31.19
120,000	33.28
160,000	34.85
200,000	36.11
400,000	40.35
1,000,000	46.72

Interpolation of the data in this part for the process weight rates up to 60,000 pounds/hour shall be accomplished by the use of the equation:

$$E = 3.59P^{0.62}$$

$P \geq 30$ tons/hour

$$P = 30 \text{ tons/hour}$$

and interpolation and extrapolation of the data for process weight rates in excess of 60,000 pounds/hour shall be accomplished by use of the equation:

$$E = 17.31P^{0.16}$$

$$P \geq 30 \text{ tons/hour}$$

where:

E = emissions in pounds per hour;

P = process weight rate in tons per hour.

7011.1005 STANDARDS OF PERFORMANCE FOR DRY BULK AGRICULTURAL COMMODITY FACILITIES.

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

Subp. 3. **Prohibited discharges.** A commodity facility that is not required to be controlled under subpart 2 must be controlled if the facility meets one of the descriptions listed in part 7011.1015 where the table indicates "control required." For a facility where control is required under this section part 7011.1015, no owner, operator, or other person who conducts activities at the facility may allow:

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

[For text of subs 4 and 5, see M.R.]

INCINERATORS

7011.1299 STANDARDS OF PERFORMANCE FOR INCINERATORS.

Code of Federal Regulations, title 40, part 60, subpart E, as amended, entitled "Standards of Performance for Incinerators," is incorporated by reference.

VOC EMISSIONS FROM SOCMI REACTOR PROCESSES

7011.3430 STANDARDS OF PERFORMANCE FOR VOC EMISSIONS FROM SOCMI REACTOR PROCESSES.

Code of Federal Regulations, title 40, part 60, subpart RRR, as amended, entitled "Standard of Performance for Volatile Organic Compound Emissions From Synthetic Organic Chemical Manufacturing Industry (SOCMI) Reactor Processes," is incorporated by reference, except that the authorities identified in section 60.718, paragraph (b), are not delegated to the commissioner and are retained by the administrator.

7011.3520 STANDARDS OF PERFORMANCE FOR STATIONARY COMPRESSION IGNITION INTERNAL COMBUSTION ENGINES.

Code of Federal Regulations, title 40, part 60, subpart IIII, as amended, entitled “Standards of Performance for Stationary Compression Ignition Internal Combustion Engines,” is incorporated by reference.

7011.8010 SITE REMEDIATION.

Code of Federal Regulations, title 40, part 63, subpart GGGGG, as amended, entitled “National Emission Standards for Hazardous Air Pollutants: Site Remediation,” is incorporated by reference, except that the authorities identified in section 63.7956, paragraph (c), are not delegated to the commissioner and are retained by the administrator.

7011.8020 PRIMARY MAGNESIUM REFINING.

Code of Federal Regulations, title 40, part 63, subpart TTTTT, as amended, entitled “National Emission Standards for Hazardous Air Pollutants for Primary Magnesium Refining,” is incorporated by reference, except that the authorities identified in section 63.9941, paragraph (c), are not delegated to the commissioner and are retained by the administrator.

7011.8030 TACONITE IRON ORE PROCESSING.

Code of Federal Regulations, title 40, part 63, subpart RRRRR, as amended, entitled “National Emission Standards for Hazardous Air Pollutants: Taconite Iron Ore Processing,” is incorporated by reference, except that the authorities identified in section 63.9651, paragraph (c), are not delegated to the commissioner and are retained by the administrator.

7011.8040 IRON AND STEEL FOUNDRIES.

Code of Federal Regulations, title 40, part 63, subpart EEEEE, as amended, entitled “National Emission Standards for Hazardous Air Pollutants for Iron and Steel Foundries,” is incorporated by reference, except that the authorities identified in section 63.7761, paragraph (c), are not delegated to the commissioner and are retained by the administrator.

7011.8050 MISCELLANEOUS ORGANIC CHEMICAL MANUFACTURING.

Code of Federal Regulations, title 40, part 63, subpart FFFF, as amended, entitled “National Emission Standards for Hazardous Air Pollutants: Miscellaneous Organic Chemical Manufacturing,” is incorporated by reference, except that the authorities identified in section 63.2545, paragraph (b), are not delegated to the commissioner and are retained by the administrator.

7011.8060 SURFACE COATING OF METAL CANS.

Code of Federal Regulations, title 40, part 63, subpart KKKK, as amended, entitled “National Emission Standards for Hazardous Air Pollutants: Surface Coating of Metal Cans,” is incorporated by reference, except that the authorities identified in section 63.3560, paragraph (c), are not delegated to the commissioner and are retained by the administrator.

7011.8070 MISCELLANEOUS COATING MANUFACTURING.

Code of Federal Regulations, title 40, part 63, subpart HHHHH, as amended, entitled “National Emission Standards for Hazardous Air Pollutants: Miscellaneous Coating Manufacturing,” is incorporated by reference, except that the authorities identified in section 63.8100, paragraph (b), are not delegated to the commissioner and are retained by the administrator.

7011.8080 MERCURY EMISSIONS FROM MERCURY CELL CHLOR-ALKALI PLANTS.

Code of Federal Regulations, title 40, part 63, subpart IIIII, as amended, entitled “National Emission Standards for Hazardous Air Pollutants: Mercury Emissions from Mercury Cell Chlor-Alkali Plants,” is incorporated by reference, except that the authorities identified in section 63.8264, paragraph (c), are not delegated to the commissioner and are retained by the administrator.

7011.8090 SURFACE COATING OF MISCELLANEOUS METAL PARTS AND PRODUCTS.

Code of Federal Regulations, title 40, part 63, subpart MMMM, as amended, entitled “National Emission Standards for Hazardous Air Pollutants for Surface Coating of Miscellaneous Metal Parts and Products,” is incorporated by reference, except that the authorities identified in section 63.3980, paragraph (c), are not delegated to the commissioner and are retained by the administrator.

7011.8100 LIME MANUFACTURING PLANTS.

Code of Federal Regulations, title 40, part 63, subpart AAAAA, as amended, entitled “National Emission Standards for Hazardous Air Pollutants for Lime Manufacturing Plants,” is incorporated by reference, except that the authorities identified in section 63.7141, paragraph (c), are not delegated to the commissioner and are retained by the administrator.

Proposed Rules

7011.8110 ORGANIC LIQUIDS DISTRIBUTION (NONGASOLINE).

Code of Federal Regulations, title 40, part 63, subpart EEEE, as amended, entitled “National Emission Standards for Hazardous Air Pollutants: Organic Liquids Distribution (Nongasoline),” is incorporated by reference, except that the authorities identified in section 63.2402, paragraph (b), are not delegated to the commissioner and are retained by the administrator.

7011.8120 STATIONARY COMBUSTION TURBINES.

Code of Federal Regulations, title 40, part 63, subpart YYYY, as amended, entitled “National Emission Standards for Hazardous Air Pollutants for Stationary Combustion Turbines,” is incorporated by reference, except that the authorities identified in section 63.6170, paragraph (c), are not delegated to the commissioner and are retained by the administrator.

7011.8130 SURFACE COATING OF PLASTIC PARTS AND PRODUCTS.

Code of Federal Regulations, title 40, part 63, subpart PPPP, as amended, entitled “National Emission Standards for Hazardous Air Pollutants for Surface Coating of Plastic Parts and Products,” is incorporated by reference, except that the authorities identified in section 63.4580, paragraph (c), are not delegated to the commissioner and are retained by the administrator.

7011.8140 SURFACE COATING OF AUTOMOBILES AND LIGHT-DUTY TRUCKS.

Code of Federal Regulations, title 40, part 63, subpart IIII, as amended, entitled “National Emission Standards for Hazardous Air Pollutants: Surface Coating of Automobiles and Light-Duty Trucks,” is incorporated by reference, except that the authorities identified in section 63.3175, paragraph (c), are not delegated to the commissioner and are retained by the administrator.

7011.8150 STATIONARY RECIPROCATING INTERNAL COMBUSTION ENGINES.

Code of Federal Regulations, title 40, part 63, subpart ZZZZ, as amended, entitled “National Emission Standards for Hazardous Air Pollutants for Stationary Reciprocating Internal Combustion Engines,” is incorporated by reference, except that the authorities identified in section 63.6670, paragraph (c), are not delegated to the commissioner and are retained by the administrator.

7011.8160 PLYWOOD AND COMPOSITE WOOD PRODUCTS.

Code of Federal Regulations, title 40, part 63, subpart DDDD, as amended, entitled “National Emission Standards for Hazardous Air Pollutants: Plywood and Composite Wood Products,” is incorporated by reference, except that the authorities identified in section 63.2291, paragraph (c), are not delegated to the commissioner and are retained by the administrator.

7011.8170 INDUSTRIAL PROCESS COOLING TOWERS.

Code of Federal Regulations, title 40, part 63, subpart Q, as amended, entitled “National Emission Standards for Hazardous Air Pollutants for Industrial Process Cooling Towers,” is incorporated by reference, except that the authorities identified in section 63.407, paragraph (c), are not delegated to the commissioner and are retained by the administrator.

7017.2005 DEFINITIONS.

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

Subp. 4. **Performance test.** “Performance test” means the quantification of emissions or determination of the physical, chemical, or aesthetic properties of those emissions from an emissions unit by means of conducting one or more test runs at an emission facility. When requested or approved by the commissioner, a performance test includes the determination of capture efficiency, collection efficiency, control efficiency, or destruction efficiency associated with a hood or emissions unit or control device. The terms “capture efficiency,” “collection efficiency,” “control efficiency,” “destruction efficiency,” and “hood” have the meanings given in part 7011.0060.

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

Subp. 6. **Test run.** “Test run” means the procedure for sampling or analyzing emissions during a performance test at or before the emission point of an emissions unit over a defined length of time at specified operating conditions.

[For text of subs 7 and 8, see M.R.]

7017.2020 PERFORMANCE TESTS GENERAL REQUIREMENTS.

Subpart 1. **Testing required.** The owner or operator of an emission facility shall arrange to conduct a performance test ~~to determine the characteristics and amount of emissions of air pollutants from~~ at any emission facility at the times required by an applicable requirement or compliance document and at additional times if the commissioner requests a performance test in order to:

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

[For text of subs 2 to 6, see M.R.]

7019.3000 EMISSION INVENTORY.

Subpart 1. Emission inventory required.

A. All owners or operators of emission reporting facilities, as defined in part 7002.0015, subpart 3a, shall submit an annual emission inventory report to the agency, in a format specified by the commissioner, relating to ammonia, carbon monoxide, particulate matter, and all chargeable pollutants as defined in part 7002.0015, subpart 2a. The report shall be submitted on or before April 1 of the year following the year being reported. The responsible official, as defined in part 7007.0100, subpart 21, must sign the report and shall make the following certification:

“I certify under penalty of law that this document and all attachments were prepared under my direction or supervision by qualified personnel. The information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I understand that the data provided in this document will be used by the MPCA to calculate a fee, which the facility will be required to pay under Minnesota Rules, part 7002.0065, based on the tons of pollution emitted by the facility.”

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

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

7019.3020 CALCULATION OF ACTUAL EMISSIONS FOR EMISSION INVENTORY.

A. Emissions from all emissions units shall be reported in the annual emissions inventory report in a format specified by the commissioner. Emissions from insignificant activities listed in part 7007.1300, subpart 2, shall not be reported. Emissions from insignificant activities listed in part 7007.1300, subparts 3 and 4, and conditionally insignificant activities listed in part 7008.4000 shall be reported if the commissioner or owner or operator has determined that emissions from those activities are not insignificant for purposes of permitting under parts 7007.0100 to 7007.1850 or for those activities required to be quantified by a facility issued a capped permit option 1. Notwithstanding the previous sentence, the commissioner may request an inventory of fugitive emissions from roads and parking lots, defined as insignificant under part 7007.1300, subpart 3, item J, upon determining that emissions from these sources represent a substantial portion of the facility’s total emissions.

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

D. All owners or operators of emission reporting facilities which have obtained an air emission permit under part 7007.1130, registration permit option D, shall report the actual emissions calculated for purposes of compliance demonstration required in part 7007.1130, subpart 3, item E, for the calendar year for which emissions are being reported in a format specified by the commissioner.

[For text of E to G, see M.R.]

7019.3030 METHOD OF CALCULATION.

A. The owner or operator of an emission reporting facility, except one issued an option C or D registration permit under part 7007.1125 or 7007.1130 or a capped permit under parts 7007.1140 to 7007.1148, shall calculate the facility’s actual emissions using the methods listed in subitems (1) to (4). The methods are listed in a hierarchy of the most preferred method to the least preferred method. The most preferred method available shall be used. Where more than one method is listed in the subitem, they are considered to be equal in the hierarchy and any can be used.

(1) part 7019.3040 (continuous emission monitor data);

(2) part 7019.3050, item B (performance test data);

(3) part 7019.3060 (VOC material balance, 7019.3070 (SO₂ material balance), 7019.3080 (emission factor), or 7019.3090 (enforceable limitations), as applicable; or

(4) part 7019.3100 (facility proposal).

B. The owner or operator of a facility issued an option B registration permit under part 7007.1120 that chooses to be assessed a fee under part 7002.0025, subpart 1, item C, subitem (1), shall calculate the facility’s actual emissions using the methods listed in ~~subitems (1) to (3)~~ part 7019.3060. ~~The methods are listed in a hierarchy of the most preferred method to the least preferred method. The most preferred method available shall be used. Where more than one method is listed in the subitem, they are considered to be equal in the hierarchy and any may be used.~~

~~(1) part 7019.3040;~~

~~(2) part 7019.3050; or~~

~~(3) part 7019.3060, 7019.3080, or 7019.3090, as applicable.~~

The owner or operator of a facility issued an option B registration permit under part 7007.1120 that chooses to be assessed a fee under part 7002.0025, subpart 1, item C, subitem (1), shall not consider the effects of pollution control equipment on emissions from the use of VOC-containing materials when calculating actual emissions for an emissions inventory.

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

Proposed Rules

7019.3050 PERFORMANCE TEST DATA.

A. If an emission reporting facility or a facility issued an option B registration permit under part 7007.1120 that chooses to be assessed a fee under part 7002.0025, subpart 1, item C, subitem (1); has collected representative emission data through the use of performance tests in compliance with the preconditions in items B and C, and if CEM data under part 7019.3040 is not available, the facility shall calculate its emissions based on performance tests. If the emission data is unrepresentative because fuel or material feed used under the test conditions is substantially different than the conditions under which the emissions unit is normally operated or because the emissions unit has been modified, the facility shall calculate its emissions based on the next highest available method. Emissions unit operating load variation from test load does not make the data unrepresentative. In the event that the facility has collected emission data through the use of performance tests and determines that the data is unrepresentative for any reason, the facility shall submit an explanation of why the data is unrepresentative with the emissions calculated using the next highest available method. The commissioner shall determine if the conditions of the performance test were representative based upon the operating data supplied by the facility for the year of the inventory.

B. All the requirements of parts 7017.2001 to 7017.2060, including the requirement to notify the agency commissioner prior to conducting performance tests as required in part 7017.2030, subpart 1, all other applicable state and federal laws, and all applicable air emission permit conditions relating to performance testing have been complied with.

C. For facilities that are required to conduct annual performance testing, the test was performed during the calendar year for which the emissions are being calculated. If the agency commissioner granted the facility an extension to a testing deadline that resulted in the test being performed after the calendar year but prior to the emissions inventory submittal deadline, the data from that test may be used. For facilities that are not required to conduct annual performance testing, the emission factors used are derived from the most recently conducted performance test. Unless required under item D, performance test data may not be more than five ten years older than the last date of the emission inventory period and must be representative of operating conditions during the calendar year for which the emission inventory is being submitted.

D. If the most recently conducted performance test data is more than ten years older than the last date of the emission inventory period, then the emission factor derived from the performance test shall be used if it results in higher calculated emissions than any default emission factor allowed under part 7019.3060, 7019.3070, or 7019.3080, as applicable, unless an alternative factor is approved by the commissioner under part 7019.3100 (facility proposal) or unless continuous emission monitor data that satisfies the conditions of part 7019.3040 is available. The performance test data must be representative of operating conditions during the calendar year for which the emission inventory is being submitted.

7019.3080 EMISSION FACTORS.

If the methods in parts 7019.3040 and 7019.3050 are unavailable to an emission reporting facility or a facility issued an option B registration permit under part 7007.1120 that chooses to be assessed a fee under part 7002.0025, subpart 1, item C, subitem (1), the facility may calculate its emissions using emission factors as defined in part 7005.0100, subpart 10a, and as described in this part. This method may be used in conjunction with or instead of material balance and enforceable limitations methods described in parts 7019.3060, 7019.3070, and 7019.3090, where applicable. Calculations of actual emissions shall be based on operating data multiplied by an emission factor. Operating data necessary to apply the emission factor used in the calculation of emissions in this method shall be included in the emission inventory. Operating data means the data necessary to apply the emission factor to calculate emissions. For example, tons of material handled is the necessary operating data for an emissions factor expressed as “tons of pollutant/ton of material handled.”

Control equipment efficiency shall be based on efficiency factors as defined in part 7005.0100, subpart 9b, or shall be based on the efficiency verified by a performance test conducted according to parts 7017.2001 to 7017.2060 and 7019.3050. Calculations of actual emissions from an emission unit through a pollution control system that uses a hood, as defined in part 7011.0060, subpart 2, as the emission capture device shall be based on a capture efficiency of 80 percent, ~~except those systems that control VOC emissions which shall be based on a capture efficiency of 60 percent.~~ If an alternative capture efficiency has been determined by a performance test conducted according to parts 7017.2001 to 7017.2060 and 7019.3050, that capture efficiency shall be used in the calculation of actual emissions.

REPEALER. Minnesota Rules, parts 7011.0065, subpart 2; and 7011.0070, subparts 3 and 4, are repealed.

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Adopted Rules

A rule becomes effective after the requirements of *Minnesota Statutes* §§ 14.05-14.28 have been met and five working days after the rule is published in the *State Register*, unless a later date is required by statutes or specified in the rule. If an adopted rule is identical to its proposed form as previously published, a notice of adoption and a citation to its previous *State Register* publication will be printed. If an adopted rule differs from its proposed form, language which has been deleted will be printed with strikeouts and new language will be underlined. The rule's previous *State Register* publication will be cited.

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.

Department of Commerce

Adopted Permanent Rules Relating to Institutional Energy Conservation Financing

The rules proposed and published at *State Register*, Volume 31, Number 30, pages 931-935, January 22, 2007 (31 SR 931), are adopted with the following modifications:

7606.0020 DEFINITIONS.

Subp. 2. **Applicant.** "Applicant" means the state of Minnesota, a statutory or home rule charter city, county, or town, or a school or hospital as defined in this part, located in Minnesota, or joint power entity consisting of these units, that is making application for financing participation under this program.

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.

Department of Natural Resources

Adopted Expedited Emergency Game and Fish Rules: 2007 Moose Season Quota and Zones

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.431 and 97B.505.

The emergency conditions that do not allow compliance with *Minnesota Statutes*, sections 97A.0451 to 97A.0459, are that population and harvest data needed prior to setting quotas and bag limits for moose are not available until late February. Quota numbers, bag limits, and zones are necessary so that harvests and populations can be managed and to allow applicants to evaluate where they want to apply.

Expedited Emergency Rules

Modifying the zone boundaries will help distribute the moose harvest across the moose range.

Dated: March 7, 2007

Mark Holsten, Commissioner
Department of Natural Resources

6232.3700 GENERAL REGULATIONS FOR TAKING MOOSE.

[For text of subs 1 to 8, see M.R.]

Subp. 9. **Bag limit.** The bag limit of moose is one ~~of any age or sex~~ antlered moose per licensed party of hunters. Only one moose may be taken by a party.

6232.3800 APPLICATION PROCEDURES FOR A MOOSE LICENSE.

Subpart 1. **General procedures.** The provisions in this part apply to applications for moose licenses.

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

F. The application deadline is the Friday nearest ~~June 15~~ May 1.

[For text of items G and H, see M.R.]

6232.3855 QUOTAS FOR TAKING MOOSE.

The number of available licenses for the 2007 moose hunting season is 233. Licenses are distributed by zone as follows:

- A. Moose Zone 20: 12;
- B. Moose Zone 21: 10;
- C. Moose Zone 22: 7;
- D. Moose Zone 23: 5;
- E. Moose Zone 24: 6;
- F. Moose Zone 25: 8;
- G. Moose Zone 26: 4;
- H. Moose Zone 27: 4;
- I. Moose Zone 28: 9;
- J. Moose Zone 29: 5;
- K. Moose Zone 30: 10;
- L. Moose Zone 31: 16;
- M. Moose Zone 32: 5;
- N. Moose Zone 33: 7;
- O. Moose Zone 34: 6;
- P. Moose Zone 36: 13;
- Q. Moose Zone 37: 3;
- R. Moose Zone 60: 7;
- S. Moose Zone 61: 10;
- T. Moose Zone 62: 22;
- U. Moose Zone 63: 5;
- V. Moose Zone 64: 8;
- W. Moose Zone 70: 5;
- X. Moose Zone 72: 12;
- Y. Moose Zone 73: 5;
- Z. Moose Zone 74: 4;
- AA. Moose Zone 76: 6;
- BB. Moose Zone 77: 10;
- CC. Moose Zone 79: 5; and
- DD. Moose Zone 80: 4.

6232.4100 MOOSE ZONES.

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

Subp. 19. **Moose Zone 20.** Moose Zone 20 consists of that portion of the state lying within the following described boundary:

Beginning at the campground on Kawishiwi Lake; thence in a southerly direction along Forest Road 354 to Hog Creek;

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thence downstream in a southwesterly direction along Hog Creek to Perent Lake; thence in a westerly direction through the center of Perent Lake to the outlet of the Perent River; thence in a westerly direction along the Perent River to Isabella Lake; thence in a westerly direction along the south shore of Isabella Lake to the Isabella River; thence in a westerly direction along the Isabella River to Bald Eagle Lake; thence in a northwesterly direction through the center of Bald Eagle, Gabbro and Little Gabbro Lakes to the westernmost outlet of Little Gabbro Lake; thence downstream in a northerly direction to the South Kawishiwi River; thence in a northeasterly direction along the South Kawishiwi River to the Kawishiwi River; thence in an easterly direction along the Kawishiwi River to County State Aid Highway (CSAH) 18 (Fernberg Road), Lake County; thence in a northerly direction along CSAH 18 to Forest Trail 147 (Kekekabic Trail); thence in a northeasterly direction along Forest Trail 147 to intersection of Forest Trail 147 and portage to an unnamed lake in Section 29 of Township 64 North, Range 7 West; thence southeast along said portage to an unnamed lake; thence across middle of unnamed lake to portage to Thomas Lake; thence southeast across said portage to Thomas Lake; thence south along the west shore of Thomas Lake to portage to Kiana Lake; thence south across said portage to Kiana Lake; thence south along east shore of Kiana Lake to portage to Insula Lake; thence south on portage to Insula Lake; thence south on Insula Lake (east shore) then east (north shore) to the Kawishiwi River portage; thence southeast on said portage to Kawishiwi River; thence southeast (west shore) and then northeast (south shore) including a small segment of the south shore of Alice Lake and two (2) portages back to the Kawishiwi River in Section 22 of Township 63 North, Range 7 West; thence northeast on Kawishiwi River along west shore to portage to River Lake; thence northeast across said portage to River Lake; thence northeast on River Lake (west shore) to drainage in Southeast Quarter of Section 14 of Township 63 North, Range 7 West; thence easterly along south shore of said drainage to Record Lake; thence northeast on west shore of Record Lake to northeast corner of lake; thence overland approximately 1300 feet at a northeast bearing to south shore of Malberg Lake; thence northeast then south along south shore of Malberg Lake; thence through Koma Lake, and along the Kawishiwi River to Lake Polly; thence in a southwesterly direction through the center of Lake Polly to the Kawishiwi River; thence upstream in a southerly direction along the Kawishiwi River, through Kawasachong and Square Lakes to Kawishiwi Lake; thence in a southeasterly direction through the center of Kawishiwi Lake to the point of beginning; Beginning at the public water access on Kawishiwi Lake; thence northerly along the northeast shore of Kawishiwi Lake to the stream to Square Lake; thence northerly along said stream and along the

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eastern shoreline of Square Lake to the stream connecting to Kawasachong Lake; thence along said stream and along the western shore of said lake to the portage to Townline Lake; thence across said portage and through said lake to the portage to Polly Lake; thence across said portage and northerly through said lake to the outlet of the Kawishiwi River; thence downstream northerly on said river to Koma Lake; thence along the eastern shore of said lake to the Kawishiwi River connecting to Malberg Lake; thence along said river and along the west shore of said lake to the northwest corner of Malberg Lake; thence northwesterly across a portage to Record River; thence northerly along said river to Kawishiwi River; thence westerly downstream on the Kawishiwi River to the portages to Alice Lake; thence across said portages to Alice Lake; thence along the southerly shore of Alice Lake to the Kawishiwi River; thence downstream on the Kawishiwi River to the portage to Insula Lake; thence across said portage to Insula Lake; thence along the easterly shoreline of Insula Lake to the portage to Kiana Lake; thence across said portage to Kiana Lake; thence along the easterly shoreline of Kiana Lake to the portage to Thomas Lake; thence across said portage to Thomas Lake; thence along the westerly shoreline of Thomas Lake to the portages to the Kekekabic Trail; thence across said portages to the Kekekabic Trail; thence westerly on the Kekekabic Trail to the Boundary Waters Canoe Area Wilderness boundary; thence southerly, westerly, and easterly along said boundary to the point of beginning.

Subp. 20. **Moose Zone 21.** Moose Zone 21 consists of that portion of the state lying within the following described boundary:

Beginning at the junction of State Trunk Highway (STH) 169 and the Superior National Forest boundary in Township 62 North, Range 13 West, Sections 3 and 4; thence south along said boundary to Muckwa Lake; thence along the west shore of Muckwa Lake to the Superior National Forest boundary; thence along said boundary to Bear Island Lake; thence along the west shore of Bear Island Lake to the public access on the south shore; thence southerly along County State Aid Highway (CSAH) 490, St. Louis County; thence along CSAH 490 to CSAH 904, St. Louis County; thence along CSAH 904 to CSAH 21, St. Louis County; thence along CSAH 21 to CSAH 70, St. Louis County; thence along CSAH 70 to Forest Road (FR) 112; thence along FR 112 to FR 424; thence along FR 424 to the Erie Mining Company Railroad; thence along said railroad to FR 116; thence along FR 116 to FR 114; thence along FR 114 to FR 112; thence along FR 112 to FR 1431; thence along FR 1431 to FR 424; thence along FR 424 to FR 178; thence along FR 178 to FR 1860; thence along FR 1860 to the shore of Birch Lake; thence along the east shore of Birch Lake to the South Kawishiwi River; thence along the east and south shore of said river to the Kawishiwi River; thence westerly along the southerly shores of said river to Farm Lake; thence along the east and south shores of Farm Lake to the boat ramp on the west shore of Farm Lake; thence along the boat ramp road to Section

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Thirty Road; thence along said road to STH 169; thence along STH 169 to the point of beginning. Beginning at the junction of State Trunk Highway (STH) 169 and STH 135; thence northeasterly on STH 169 to the intersection with County State-Aid Highway (CSAH) 16; thence southerly and easterly on CSAH 16 to the Silver Rapids bridge; thence along the westerly and southerly shore of Farm Lake to the Boundary Waters Canoe Area Wilderness (BWCA) border; thence southerly along the BWCA border to the South Kawishiwi River; thence southerly along the easterly shoreline of said river to Birch Lake; thence along the easterly shoreline of Birch Lake to Forest Road (FR) 178; thence southerly along FR 178 to FR 424; thence westerly along FR 424 to FR 1431; thence southerly along FR 1431 to FR 112; thence southerly along FR 112 to FR 113; thence southerly along FR 113 to the Cliffs Erie Railroad; thence westerly along said railroad to the intersection with the Dunka Spur of the Cliffs Erie Railroad in Section 11, Township 59 North, Range 13 West; thence easterly and northerly along said railroad spur to CSAH 623; thence northerly and westerly along CSAH 623 to CSAH 70; thence westerly along CSAH 70 to CSAH 21; thence westerly on CSAH 21 to CSAH 26; thence westerly and northerly on CSAH 26 to STH 135; thence northerly on STH 135 to the point of beginning.

Subp. 21. **Moose Zone 22.** Moose Zone 22 consists of that portion of the state lying within the following described boundary:

Beginning at the intersection of State Trunk Highway (STH) 1 and County State Aid Highway (CSAH) 2, Lake County; thence in a southerly direction along CSAH 2 to the Erie Mining Company Railroad; thence in a westerly direction along the Erie Mining Company Railroad to the Reserve Mining Company Railroad; thence in a northerly direction along the Reserve Mining Company Railroad to Forest Road (FR) 116; thence along FR 116 to FR 114; thence along FR 114 to FR 112; thence along FR 112 to FR 1431; thence along FR 1431 to FR 424; thence along FR 424 to FR 178; thence along FR 178 to FR 1860; thence along FR 1860 to the shore of Birch Lake; thence in a northerly direction along the east shore of Birch Lake to the South Kawishiwi River; thence upstream in a northeasterly direction along the east and south shore of the South Kawishiwi River to the westernmost outlet of Little Gabbro Lake; thence upstream in a southerly direction to Little Gabbro Lake; thence in an easterly direction through the center of Little Gabbro Lake to Gabbro Lake; thence in an easterly and southeasterly direction through the center of Gabbro Lake to Bald Eagle Lake; thence in a southeasterly direction through the center of Bald Eagle Lake to the southernmost portion of Bald Eagle Lake at the inlet of the Snake River; thence upstream in a southerly direction along the Snake River to FR 173; thence along FR 173 to STH 1; thence along STH 1 to the point of beginning. Beginning at the junction of State Trunk Highway (STH) 1 and County State Aid Highway (CSAH) 2; thence southerly on CSAH 2 to the Cliffs Erie Railroad; thence westerly along said railroad to the

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intersection with the Northshore Mining Company Railroad; thence northerly along said railroad to Forest Road (FR) 113; thence northerly along FR 113 to FR 112; thence northerly along FR 112 to FR 1431; thence northerly along FR 1431 to FR 424; thence easterly along FR 424 to FR 178; thence northerly along FR 178 to Birch Lake; thence northerly along the easterly shoreline of Birch Lake to the South Kawishiwi River; thence along the easterly shoreline of said river to the Boundary Waters Canoe Area Wilderness (BWCA) border; thence southerly and easterly along the BWCA border to the Snake River; thence southerly along said river to FR 377; thence westerly along FR 377 to STH 1; thence southerly along STH 1 to the point of beginning.

Subp. 22. **Moose Zone 23.** Moose Zone 23 consists of that portion of the state lying within the following described boundary:

Beginning at the intersection of State Trunk Highway (STH) 1 and Forest Road (FR) 173; thence in an easterly direction along FR 173 to the Snake River; thence in a northerly direction along the Snake River to Bald Eagle Lake; thence in a northerly direction along the east shore of Bald Eagle Lake to the Isabella River; thence upstream in an easterly direction along the Isabella River to Isabella Lake; thence in an easterly direction along the southwest shore of Isabella Lake to Forest Center Landing and FR 377; thence along FR 377 to FR 373; thence along FR 373 to FR 173; thence along FR 173 to FR 369; thence along FR 369 to FR 172; thence along FR 172 to STH 1; thence along STH 1 to the point of beginning. Beginning at the junction of State Trunk Highway (STH) 1 and Forest Road (FR) 377; thence easterly on FR 377 to the Snake River; thence northerly on the Snake River to the Boundary Waters Canoe Area Wilderness border; thence easterly along said border to the Island River at Forest Center; thence southerly along said river to FR 377; thence southwesterly along FR 377 to FR 373; thence southerly along FR 373 to FR 369; thence southerly along FR 369 to FR 172; thence westerly along FR 172 to STH 1; thence westerly along STH 1 to the point of beginning.

Subp. 23. **Moose Zone 24.** Moose Zone 24 consists of that portion of the state lying within the following described boundary:

Beginning at the Forest Center Landing on the south shore of Isabella Lake; thence in an easterly direction along the south shore of Isabella Lake to the Perent River; thence upstream in an easterly direction along the Perent River to Perent Lake; thence in an easterly direction through the center of Perent Lake to the east shore of Perent Lake at Hog Creek; thence upstream in a northeasterly direction along Hog Creek to Forest Road (FR) 354; thence along Forest Road 354 to County State-Aid Highway (CSAH) 7, Lake County; thence along CSAH 7 to FR 172; thence along FR 172 to FR 369; thence along FR 369 to FR 173; thence along FR 173 to FR 373; thence along FR 373 to FR 377; thence along FR 377 to the point of beginning. Beginning at the junction of Forest Road (FR) 377 and the Island River; thence northerly along said river to the Boundary Waters Canoe Area Wilderness border; thence northerly and easterly

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along said border to Hog Creek; thence upstream in a northeasterly direction along said creek to FR 354; thence southerly along FR 354 to County State-Aid Highway (CSAH) 7; thence southerly along CSAH 7 to FR 172; thence westerly along FR 172 to FR 369; thence northerly along FR 369 to FR 373; thence northwesterly along FR 373 to FR 377; thence northeasterly along FR 377 to the point of beginning.

Subp. 24. **Moose Zone 25.** Moose Zone 25 consists of that portion of the state lying within the following described boundary:

Beginning at the intersection of County State Aid Highway (CSAH) 2, Cook County, and Forest Road (FR) 166; thence along FR 166 to CSAH 7, Lake County; thence along CSAH 7 to FR 354; thence along FR 354 to the south shore of Kawishiwi Lake; thence in a northeasterly direction along the shore of Kawishiwi Lake to the easternmost point on Kawishiwi Lake; thence overland in a northeasterly direction to a small bay on the southwestern shore of Watonwan Lake in the Northeast Quarter of the Northeast quarter of Section 21, Township 62 North, Range 6 West; thence in a southeasterly direction along the southwest shore of said lake to its southeasternmost point; thence overland in a northeasterly direction to Cat Eyes Lake; thence in an easterly direction through Cat Eyes Lake to the stream at the easternmost point on the lake; thence in an easterly direction along said stream to Phoebe Lake; thence along the west and north shore of Phoebe Lake to the unnamed flowage which enters Phoebe Lake from Grace Lake; thence upstream in an easterly direction along the unnamed flowage to Grace Lake; thence along the southwest shore of Grace Lake to the portage connecting Grace and Beth Lakes; thence in an easterly direction along said portage to Beth Lake; thence in an easterly direction through the center of Beth Lake to the east shore and the portage connecting Beth and Alton Lakes; thence in an easterly direction along said portage to Alton Lake; thence in an easterly and northerly direction along the south and east shores of Alton Lake to the portage connecting Alton and Sawbill Lakes; thence in an easterly direction along said portage to Sawbill Lake; thence in a southerly direction along the west shore of Sawbill Lake to the Sawbill Campground and CSAH 2, Cook County; thence along CSAH 2 to the point of beginning. Beginning at the intersection of County State-Aid Highway (CSAH) 2, Cook County, and Forest Road (FR) 166; thence along FR 166 to CSAH 7, Lake County; thence along CSAH 7 to FR 354; thence along FR 354 to Hog Creek; thence southwestwesterly along said creek to the Boundary Waters Canoe Area Wilderness boundary; thence northerly, westerly, and easterly along said boundary to the small stream on Sawbill Lake which connects to the portage to Alton Lake; thence southeasterly across Sawbill Lake to the public water access and CSAH 2, Cook County; thence along CSAH 2 to the point of beginning.

Subp. 24a. **Moose Zone 26.** Moose Zone 26 consists of that portion of the state lying within the following described boundary:

Beginning where the Horse River meets the Canadian border near the southeastern tip of Crooked Lake; thence southwestwesterly along the Horse River to Horse Lake; thence

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along the east shore of Horse Lake to the portage to Tin Can Mike Lake; thence along the portage and streams connecting Tin Can Mike, Sandpit, and Range Lakes to the access trail on the south shore of Range Lake; thence southerly along the access trail to the Range Lake access road; thence along the Range Lake access road to Forest Road (FR) 1036; thence along FR 1036 to FR 459; thence along FR 459 to County State Aid Highway (CSAH) 116 (Echo Trail), St. Louis County; thence along CSAH 116 to CSAH 88, St. Louis County; thence along CSAH 88 to State Trunk Highway (STH) 169; thence along STH 169 to CSAH 58, St. Louis County; thence along CSAH 58 to CSAH 16, Lake County (Section Thirty Road); thence along CSAH 16 to the public access on Farm Lake; thence along the east shore of Farm Lake to the North Kawishiwi River; thence easterly along the North Kawishiwi River to the public access on Lake One and the junction with CSAH 18, Lake County (Fernberg Road); thence along CSAH 18 to the former access point for Forest Trail (FT) 147 (Kekekabic Trail); thence northeasterly along the Kekekabic Trail to the Snowbank Trail junction; thence northerly on the Snowbank Trail (paralleling the east shore of Parent Lake) to the Parent Lake Disappointment Lake portage; thence easterly on said portage to Disappointment Lake; thence northwesterly on portage to Snowbank Lake; thence northerly along shoreline of Snowbank Lake to Boot Lake portage; thence easterly on Boot Lake portage to Boot Lake; thence following the west shore of Boot Lake to Ensign Lake portage; thence northerly on said portage to Ensign Lake; thence westerly along south shore of Ensign Lake to Splash Lake portage; thence west on Splash Lake portage to Splash Lake; thence along south shore of Splash Lake to Newfound Lake portage; thence along portage to Newfound Lake; thence follow the north shore of bay (Newfound L.) into Sucker Lake; thence follow southeast shoreline and north shoreline of Sucker Lake to the Canada United States international boundary; thence follow said border westerly to Prairie Portage; thence along portage (U.S. side of falls) to Basswood Lake; thence westerly along the United States Canada international boundary to point of origin. Beginning at the mouth of the Horse River; thence southwesterly along the Horse River to Horse Lake; thence along the easterly shore of Horse Lake to the portage to Tin Can Mike Lake; thence across said portage to Tin Can Mike Lake; thence along the easterly shore of Tin Can Mike Lake to the portage to Sandpit Lake; thence across said portage to Sandpit Lake; thence along the easterly shore of Sandpit Lake to the portage to Range Lake; thence across said portage to Range Lake; thence along the easterly shore of Range Lake to the Range River; thence up the Range River to the intersection with Boundary Waters Canoe Area Wilderness (BWCA) border; thence following the BWCA border southerly and easterly to Snowbank Lake; thence continuing southerly on the BWCA border to its intersection with the Kekekabic Trail; thence

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easterly on Kekekabic Trail to the portage to Hatchet Lake; thence across said portage to Hatchet Lake; thence northerly along flowage to the portage to Ima Lake; thence across said portage to Ima Lake; thence along the northerly shoreline of Ima Lake to the portage to Jordan Lake; thence across said portage to Jordan Lake; thence along the northerly shoreline of Jordan Lake to the portage to Adventure Lake; thence across said portage to Adventure Lake; thence along the northerly shoreline of Adventure Lake to the portage to Gibson Lake; thence across said portage to Gibson Lake; thence following the easterly shoreline of Gibson Lake to the portage to Ashigan Lake; thence across said portage to Ashigan Lake; thence following the easterly shoreline of Ashigan Lake to the portage to Ensign Lake; thence across said portage to Ensign Lake; thence following the northerly shoreline of Ensign Lake to the portage to Trident Lake; thence across said portage to Trident Lake; thence following the easterly shoreline of Trident Lake to the portage to Frog Lake; thence across said portage to Frog Lake; thence following the westerly shoreline of Frog Lake to the portage to Birch Lake; thence across said portage to Birch Lake; thence northeasterly along southerly shoreline of Birch Lake to the United States-Canada international border; thence westerly and southerly along said border to Lower Basswood Falls; thence southerly along the shoreline of the Basswood River to the point of beginning.

Subp. 24b. **Moose Zone 27.** Moose Zone 27 consists of that portion of the state lying within the following described Boundary: Waters Canoe Area Wilderness Trout Lake Unit northeast of Lake Vermillion.

Beginning at the junction of County State Aid Highway (CSAH) 116, St. Louis County (Echo Trail) and Forest Road (FR) 459; thence along CSAH 116 to CSAH 88, St. Louis County; thence along CSAH 88 to State Trunk Highway (STH) 169; thence along STH 169 to Old STH 169; thence northwesterly along Old STH 169 for 0.7 miles to a point south of Armstrong Bay of Lake Vermillion; thence north to said bay; thence along the east and north shore of Lake Vermillion to the portage to Trout Lake; thence along the portage and the east shore of Trout and Little Trout Lakes to the portage to the Little Indian Sioux River; thence along the portage and the Little Indian Sioux River to Otter Lake; thence through Otter and Cummings Lakes to Forest Trail (FT) 163; thence easterly along FT 163 to CSAH 644, St. Louis County; thence along CSAH 644 to CSAH 116, St. Louis County; thence along CSAH 116 to the point of beginning.

[For text of subs 24c to 27, see M.R.]

Subp. 28. **Moose Zone 32.** Moose Zone 32 consists of that portion of the state lying within the following described boundary:

Beginning on the Little Indian Sioux River at its intersection with County State Aid Highway (CSAH) 116 (Echo Trail) St. Louis County; thence in a northerly direction along the Little Indian Sioux River to Lower Pauness Lake; thence along the east shore of Lower Pauness Lake to the portage to Shell Lake; thence along said portage and the south shore of Shell Lake to the portage to Little Shell

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Lake; thence through Little Shell Lake to the portage to Lynx Lake; thence along the portage and through Lynx Lake to the portage to Ruby Lake; thence along the portage and east and north along the south shore of Ruby Lake to the portage to Hustler Lake; thence along the portage and the south shore of Hustler Lake to the portage to Oyster Lake; thence along the portage and the south shore of Oyster Lake to the portage to Oyster River; thence along the portage and southerly along the Oyster River to its junction with the Nina Moose River; thence east along the Nina Moose River to its confluence with Lake Agnes; thence along the south shore of Lake Agnes to the portage to Boulder River; thence along the portage to and easterly along the Boulder River to its confluence with the Dahlgren River; thence southerly along the Dahlgren River to its confluence with Stuart Lake; thence along the south shore of Stuart Lake to the portage to Nibin Lake; thence along the portage and along the south shore of Nibin and Bibon Lakes to the portage to Sterling Lake; thence along the portage and the south shore of Sterling Lake to Sterling Creek; thence easterly along Sterling Creek to its confluence with the Beartrap River; thence easterly and southerly along the Beartrap River through Sunday Lake to Beartrap Lake; thence along the south shore of Beartrap Lake to Thunder Lake; thence south along the west shore of Thunder Lake to the portage to Mud Hole Lake; thence along the portage and through Mud Hole Lake to the portage to Gull Lake; thence along the portage and the north shore of Gull Lake to the portage to Gun Lake; thence along the portage and the west shore of Gun Lake to the portage to Fairy Lake; thence along the portage and the west shore of Fairy Lake to the portage to Boot Lake; thence along the portage and the west and south shores of Boot Lake to the portage to Fourtown Lake; thence along the portage and the west, south, and east shores of Fourtown Lake to the portage to Horse Lake; thence along the portage and the west shore of Horse Lake to the portage to Tin Can Mike Lake; thence along the portage to Tin Can Mike Lake; thence in a southwesterly direction across all portages and along all streams connecting Tin Can Mike, Sandpit, and Range Lakes; thence to the access trail on the south shore of Range Lake; thence in a southerly direction along the access trail to the Range Lake access road; thence along said road in a southwesterly direction to Forest Road (FR) 1036; thence along FR 1036 to FR 459; thence along FR 459 to CSAH 116 (Echo Trail), St. Louis County; thence along CSAH 116 to the point of beginning: Beginning at the intersection of the Little Indian Sioux River and the Boundary Waters Canoe Area Wilderness (BWCA) boundary north of County State-Aid Highway (CSAH) 116; thence in a northerly and westerly direction along the BWCA boundary to the United States-Canada international border at Sand Point Lake; thence following the international border south and east to Loon Lake; thence along the southerly shoreline of Loon

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Lake to the Little Indian Sioux River; thence upstream on the Little Indian Sioux River to Lower Pauness Lake; thence along the easterly shoreline of Lower Pauness Lake to the portage to Shell Lake; thence along the portage to Shell Lake; thence along the southerly shoreline of Shell Lake to the portage to Little Shell Lake; thence along the southerly shoreline of Little Shell Lake to the portage to Lynx Lake; thence along the portage to Lynx Lake; thence along the southerly and easterly shoreline of Lynx Lake to the portage to Ruby Lake; thence along the portage to Ruby Lake; thence along the southerly shoreline of Ruby Lake to the portage to Hustler Lake; thence along the portage to Hustler Lake; thence along the southerly shoreline of Hustler Lake to the portage to Oyster Lake; thence along the portage to Oyster Lake; thence along the southerly shoreline of Oyster Lake to the portage to Oyster River; thence along the portage to Oyster River; thence along the Oyster River to its junction with the Nina Moose River; thence easterly along the Nina Moose River to its confluence with Lake Agnes; thence along the southerly shoreline of Lake Agnes to the portage to Boulder River; thence along the portage to Boulder River; thence easterly along the Boulder River to its confluence with the Dahlgren River; thence southerly along the Dahlgren River to its confluence with Stuart Lake; thence along the southerly shoreline of Stuart Lake to the portage to Nibin Lake; thence along the portage to Nibin Lake; thence along the southerly shoreline of Nibin and Bibon Lakes to the portage to Sterling Lake; thence along the portage to Sterling Lake; thence along the southerly shoreline of Sterling Lake to Sterling Creek; thence easterly along Sterling Creek to its confluence with the Beartrap River; thence easterly and southerly along the Beartrap River to the portage to Sunday Lake; thence along the portage to Sunday Lake; thence along the westerly shoreline of Sunday Lake to the Beartrap River; thence southerly along the Beartrap River to Beartrap Lake; thence along the southerly shore of Beartrap Lake to the portage to Thunder Lake; thence along the portage to Thunder Lake; thence along the westerly shoreline of Thunder Lake to the portage to Mud Hole Lake; thence along the portage to Mud Hole Lake; thence through Mud Hole Lake to the portage to Gull Lake; thence along the portage to Gull Lake; thence along the northerly shoreline of Gull Lake to the portage to Gun Lake; thence along the portage to Gun Lake; thence along the westerly shoreline of Gun Lake to the portage to Fairy Lake; thence along the portage to Fairy Lake; thence along the westerly shoreline of Fairy Lake to the portage to Boot Lake; thence along the portage to Boot Lake; thence along the westerly and southerly shores of Boot Lake to the portage to Fourtown Lake; thence along the portage to Fourtown Lake; thence along the westerly, southerly, and easterly shorelines of Fourtown Lake to the portage to Horse Lake; thence along the portage to Horse Lake; thence along the westerly and

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southerly shoreline of Horse Lake to the portage to Tin Can Mike Lake; thence along the portage to Tin Can Mike Lake; thence along the easterly shoreline of Tin Can Mike Lake to the portage to Sandpit Lake; thence along the portage to Sandpit Lake; thence along the easterly shoreline of Sandpit Lake to the portage to Range Lake; thence along the portage to Range Lake; thence along the easterly shoreline of Range Lake to the Range River; thence up the Range River to the intersection with the BWCA boundary; thence along the BWCA boundary northerly and westerly to the point of beginning.

Subp. 29. **Moose Zone 33.** Moose Zone 33 consists of that portion of the state lying within the following described boundary:

Beginning at the junction of County State Aid Highway (CSAH) 116 (Echo Trail), St. Louis County, and Forest Road 200; thence in a southerly direction along Forest Road 200 to Hilda Creek; thence upstream in an easterly and southerly direction along Hilda Creek to Oriniack Lake; thence in a southerly direction along the north and east shore of Oriniack Lake to the portage connecting Oriniack and Trout Lakes; thence in a southeasterly direction across said portage to Trout Lake; thence in an easterly direction along the north shore of Trout Lake to the portage connecting the north arm of Trout Lake to Little Trout Lake; thence in a southeasterly direction across said portage to Little Trout Lake; thence in an easterly direction along the north shore of Little Trout Lake to the portage connecting Little Trout Lake and the Little Indian Sioux River; thence in an easterly direction across said portage to the Little Indian Sioux River; thence upstream in an easterly direction along the Little Indian Sioux River to Otter Lake; thence in an easterly direction through Otter and Cummings Lake to Forest Trail 163; thence in an easterly direction along Forest Trail 163 to CSAH 644, St. Louis County; thence along CSAH 644 to CSAH 116, St. Louis County; thence along CSAH 116 to the point of beginning. Beginning at the junction of County State-Aid Highway (CSAH) 116 and Forest Road (FR) 200; thence in a southerly direction along FR 200 to Hilda Creek; thence upstream in an easterly and southerly direction to the intersection with the Boundary Waters Canoe Area Wilderness (BWCA) boundary; thence following the BWCA boundary in an easterly, northerly, and southerly direction to where it intersects Slim Creek; thence northeasterly along Slim Creek to Hunch Lake; thence across Hunch Lake; thence continuing northeasterly along Spring Creek to the BWCA boundary line north of CSAH 116; thence follow said boundary back in a northerly and westerly direction to an unnamed creek in the Northeast Quarter of Section 23, Township 66 North, Range 16 West; thence follow said flowage westerly to FR 199; thence follow FR 199 southerly to CSAH 116; thence follow CSAH 116 to the point of beginning.

Subp. 29a. **Moose Zone 34.** Moose Zone 34 consists of that portion of the state lying within the following described boundaries: Beginning at the intersection of County State Aid Highway

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(CSAH) 116 (Echo Trail), St. Louis County and Forest Road (FR) 200; thence along FR 200 to Hilda Creek; thence along Hilda Creek to Oriniack Lake; thence along the north and east shore of Oriniack Lake to the portage connecting Oriniack Lake and Trout Lake; thence along said portage to Trout Lake; thence along the north and east shores of Trout Lake to the portage connecting Trout Lake and Vermilion Lake; thence along said portage to Vermilion Lake; thence along the north shore of Vermilion Lake to the Vermilion River; thence along the Vermilion River to CSAH 24, St. Louis County; thence along CSAH 24 to CSAH 116; St. Louis County; thence along CSAH 116 to the point of beginning: Beginning at the junction of County State-Aid Highway (CSAH) 116 and Forest Road (FR) 200; thence in a southerly direction along FR 200 to Hilda Creek; thence upstream in an easterly and southerly direction to the intersection with the Boundary Waters Canoe Area Wilderness (BWCA) boundary; thence following the BWCA boundary in a westerly, southerly, and easterly direction to where it intersects Vermilion Lake; thence westerly along the north shore of Vermilion Lake to the Vermilion River; thence along the Vermilion River to Crane Lake; thence along the south and east shore of Crane Lake to King William Narrows; thence through King William Narrows to the south shore of Sand Point Lake; thence easterly along the south shore of Sand Point Lake to the boundary of the Kabetogama State Forest; thence from said boundary easterly across Sand Point Lake to the Canadian border; thence along the Canadian border in a southeasterly direction to the intersection of the BWCA boundary; thence following the BWCA boundary in a westerly, southerly, and easterly direction to an unnamed creek in the Northeast Quarter of Section 23, Township 66 North, Range 16 West; thence follow said flowage westerly to FR 199; thence follow FR 199 southerly to CSAH 116; thence follow CSAH 116 easterly to the point of beginning.

[For text of subp 29b, see M.R.]

Subp. 29c. **Moose Zone 36.** Moose Zone 36 consists of that portion of the state lying within the following described boundary:

Beginning at the south tip of Horse Lake, St. Louis County; thence along the east shore of Horse Lake to the Horse River; thence along the Horse River to the Canadian border; thence along the Canadian border through Crooked, Iron, Bottle, Lac La Croix, and Loon Lakes to the confluence with the Little Indian Sioux River; thence along the Little Indian Sioux River to Lower Pauness Lake; thence along the east shore of Lower Pauness Lake to the portage to Shell Lake; thence along said portage and the south shore of Shell Lake to the portage to Little Shell Lake; thence through Little Shell Lake to the portage to Lynx Lake; thence along the portage and through Lynx Lake to the portage to Ruby Lake; thence along the portage and east and north along the south shore of Ruby Lake to the portage to Hustler Lake; thence along the portage and the south shore of Hustler Lake to the portage to Oyster Lake; thence along

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the portage and the south shore of Oyster Lake to the portage to Oyster River; thence along the portage and southerly along the Oyster River to its junction with the Nina Moose River; thence east along the Nina Moose River to its confluence with Lake Agnes; thence along the south shore of Lake Agnes to the portage to Boulder River; thence along the portage to and easterly along the Boulder River to its confluence with the Dahlgren River; thence southerly along the Dahlgren River to its confluence with Stuart Lake; thence along the south shore of Stuart Lake to the portage to Nibin Lake; thence along the portage and along the south shore of Nibin and Bibon Lakes to the portage to Sterling Lake; thence along the portage and the south shore of Sterling Lake to Sterling Creek; thence easterly along Sterling Creek to its confluence with the Beartrap River; thence easterly and southerly along the Beartrap River through Sunday Lake to Beartrap Lake; thence along the south shore of Beartrap Lake to Thunder Lake; thence south along the west shore of Thunder Lake to the portage to Mud Hole Lake; thence along the portage and through Mud Hole Lake to the portage to Gull Lake; thence along the portage and the north shore of Gull Lake to the portage to Gun Lake; thence along the portage and the west shore of Gun Lake to the portage to Fairy Lake; thence along the portage and the west shore of Fairy Lake to the portage to Boot Lake; thence along the portage and the west and south shores of Boot Lake to the portage to Fourtown Lake; thence along the portage and the west, south, and east shores of Fourtown Lake to the point of beginning: Beginning at the intersection of the United States-Canada international border and the westernmost point of Loon Lake; thence following said border in a northerly and easterly direction to Lower Basswood Falls; thence along the southerly shoreline of the Basswood River to the mouth of the Horse River; thence southwesterly along the Horse River to Horse Lake; thence along the easterly and southerly shore of Horse Lake to the portages to Fourtown Lake; thence along the portages to Fourtown Lake; thence along the easterly, southerly, and westerly shorelines of Fourtown Lake to the portage to Boot Lake; thence along the portage to Boot Lake; thence along the southerly and westerly shores of Boot Lake to the portage to Fairy Lake; thence along the portage to Fairy Lake; thence along the westerly shoreline of Fairy Lake to the portage to Gun Lake; thence along the portage to Gun Lake; thence along the westerly shoreline of Gun Lake to the portage to Gull Lake; thence along the portage to Gull Lake; thence along the northerly shoreline of Gull Lake to the portage to Mud Hole Lake; thence along the portage to Mud Hole Lake; thence through Mud Hole Lake to the portage to Thunder Lake; thence along the portage to Thunder Lake; thence along the westerly shoreline of Thunder Lake to the portage to Beartrap Lake; thence along the portage to Beartrap Lake; thence along the southerly shore of Beartrap Lake to the Beartrap River; thence

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northerly along the Beartrap River to the portage to Sunday Lake; thence along the portage to Sunday Lake; thence along the westerly shoreline of Sunday Lake to the Beartrap River; thence westerly along the Beartrap River to its confluence with Sterling Creek; thence westerly along Sterling Creek to Sterling Lake; thence along the southerly shoreline of Sterling Lake to the portage to Bibon Lake; thence along the portage to Bibon Lake; thence along the southerly shoreline of Bibon and Nibin Lakes to the portage to Stuart Lake; thence along the portage to Stuart Lake; thence along the southerly shoreline of Stuart Lake to its confluence with the Dahlgren River; thence northerly along the Dahlgren River to its confluence with the Boulder River; thence westerly along the Boulder River to the portage to Lake Agnes; thence along the portage to Lake Agnes; thence along the southerly shoreline of Lake Agnes to its confluence with Nina Moose River; thence westerly along the Nina Moose River to its confluence with the Oyster River; thence along the Oyster River to the portage to Oyster Lake; thence along the portage to Oyster Lake; thence along the southerly shoreline of Oyster Lake to the portage to Hustler Lake; thence along the portage to Hustler Lake; thence along the southerly shoreline of Hustler Lake to the portage to Ruby Lake; thence along the portage to Ruby Lake; thence along the southerly shoreline of Ruby Lake to the portage to Lynx Lake; thence along the portage to Lynx Lake; thence along the easterly and southerly shoreline of Lynx Lake to the portage to Little Shell Lake; thence along the portage to Little Shell Lake; thence along the southerly shoreline of Little Shell Lake to the portage to Shell Lake; thence along the portage to Shell Lake; thence along the southerly shoreline of Shell Lake to the portage to Lower Pauness Lake; thence along the portage to Lower Pauness Lake; thence along the easterly shoreline of Lower Pauness Lake to the Little Indian Sioux River; thence downstream on the Little Indian Sioux River to Loon Lake; thence along the southerly shoreline of Loon Lake to the point of beginning.

Subp. 29d. **Moose Zone 37.** Moose Zone 37 consists of that portion of the state lying within the following described boundary:

Beginning where the Trout Lake portage intersects the Boundary Waters Canoe Area Wilderness (BWCA) border; thence proceeding southerly and easterly along the north shore of Lake Vermilion to Armstrong Bay; thence westerly to the Soudan Underground Mine State Park boundary; thence southerly along the eastern boundary of said park to State Trunk Highway (STH) 169; thence northeasterly on STH 169 to the intersection with County State-Aid Highway (CSAH) 16; thence southerly and easterly on CSAH 16 to the Silver Rapids bridge; thence along the westerly and southerly shore of Farm Lake to the BWCA border; thence northerly and easterly along said BWCA border to Snowbank Lake; thence westerly along said border to the intersection of Spring Creek and the BWCA border; thence southwesterly on Spring Creek to Hunch Lake; thence southwesterly from Hunch Lake

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along Slim Creek to its intersection with the BWCA border;
thence following the southern BWCA border to the point of
beginning.

Subp. 30. **Moose Zone 60.** Moose Zone 60 consists of that portion of the state lying within the following described boundary:

Beginning at McFarland Lake north of Hovland; thence in a westerly direction to Pine Lake; thence in a westerly direction through Pine Lake to the range line between Range 2 East and Range 3 East; thence in a southerly direction along said range line across land and the waters of Long Lake and Stump Lake to Fault Lake; thence in a westerly direction through all streams and swamps connecting Fault, Bronco, Shelf, Kiowa, Crocodile, and East Bearskin Lakes; thence northeasterly across East Bearskin Lake to the portage trail to Flour Lake; thence in a northerly direction across said portage trail to Flour Lake; thence along the eastern shore of Flour Lake to the stream to Moon Lake; thence along said stream to Moon Lake; thence along the western shore of Moon Lake to the northwest corner of Moon Lake; thence overland in a northwesterly direction approximately 1,000 feet to Deer Lake; thence in a northerly direction across Deer Lake to the portage trail to Caribou Lake; thence in a northerly direction along said portage trail to Caribou Lake; thence along the western shore of Caribou Lake to the portage trail to Clearwater Lake; thence in a westerly direction across the portage trail to Clearwater Lake; thence in a westerly direction through Clearwater Lake to the western end of the lake; thence overland in a westerly direction approximately 100 yards (crossing CSAH 66, Cook County) to an unnumbered road bed leading to Daniels Lake; thence in a westerly direction along said road bed to Daniels Lake; thence in a westerly direction along the south shore of Daniels Lake to the portage trail to West Bearskin Lake; thence in a southerly direction across said portage trail to West Bearskin Lake; thence in a westerly direction along the north shore of West Bearskin Lake to the portage trail to Duncan Lake; thence in a northwesterly direction across said portage trail to Duncan Lake; thence in a westerly direction along the south shore of Duncan Lake to a stream connecting to East Otter Lake; thence along said stream in a westerly direction to East Otter Lake; thence in a westerly direction through East Otter Lake and a stream to Hoat Lake; thence in a northwesterly direction through Hoat Lake to the stream to Mucker Lake; thence northeasterly through said stream to Mucker Lake; thence in a northerly direction across Mucker Lake to the outlet stream which drains into South Lake; thence in a southerly direction through said stream to South Lake; thence in a northerly direction to the United States/Canada international boundary; thence in an easterly direction along said boundary through South, Rat, Rose, Rove, Watap, Mountain, Fan, Lily, Moose, and North Fowl Lakes to Royal River; thence in a westerly direction along Royal River to John Lake; thence in a westerly direction along the south shore of John Lake to

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the outlet of Little John Lake; thence in a southerly direction through Little John Lake to McFarland Lake, the point of beginning; Beginning where the Boundary Waters Canoe Area Wilderness (BWCA) boundary intersects the stream between Little John and John Lakes; thence westerly, northerly, southerly, and easterly along said boundary to the point said boundary intersects with the United States-Canada international boundary at the Height of Land portage between North Lake and South Lake; thence southwesterly along the Height of Land portage; thence easterly and southerly along the United States-Canada international boundary through South, Rat, Rose, Rove, Watap, Mountain, Fan, Lily, Moose, and North Fowl Lakes to a point due north of the mouth of the Royal River in South Fowl Lake; thence southerly approximately one mile through said lake to the BWCA boundary; thence westerly, southerly, and northerly along said boundary to the point of beginning.

Subp. 31. **Moose Zone 61.** Moose Zone 61 consists of that portion of the state lying within the following described boundary:

Beginning at the westernmost point on Round Lake in Section 33, Township 65 North, Range 4 West, Cook County, and the portage trail to West Round Lake; thence in a westerly direction along said portage trail to West Round Lake; thence in a northwesterly direction through West Round Lake to the portage trail to Edith Lake; thence in a westerly direction along said portage trail to Edith Lake; thence in a westerly direction through Edith Lake to the portage trail to Brant Lake; thence in a westerly direction along said portage trail to Brant Lake; thence in a northwesterly direction through Brant Lake to the portage trail to Gotter Lake; thence in a westerly direction through Gotter Lake to the portage trail to Flying Lake; thence along said portage trail to Flying Lake; thence in a northwesterly direction through Flying Lake to the portage trail to Green Lake; thence in a southeasterly direction along said portage trail to Green Lake; thence in a westerly direction through Green Lake to the portage trail to Bat Lake; thence along said portage trail to Bat Lake; thence in a southwesterly direction through Bat Lake to the portage trail to Gillis Lake; thence in a southerly direction across said portage to Gillis Lake; thence along the northern, eastern and southern shores of Gillis Lake to the stream to Crooked Lake; thence in a southeasterly direction along said stream to Crooked Lake; thence along the eastern shore of Crooked Lake to the stream to Tarry Lake; thence in a southerly direction along said stream to Tarry Lake; thence along the northern, eastern and southern shores of Tarry Lake to the stream to Mora Lake; thence in a southerly direction along said stream to Mora Lake; thence along the eastern and southern shores of Mora Lake to the stream to Time Lake; thence in a southeasterly direction along all streams and through Time, Whipped, Fente, and Afton Lakes to Frost River; thence in an easterly direction along Frost River, through Pencil, Chase, and Octopus Lakes to the eastern end of Octopus

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Lake; thence in a southeasterly direction along an unnamed flowage to Noodle Lake; thence in a southwesterly direction along an unnamed flowage to Wing Lake; thence in a southeasterly direction through Wing Lake to its easternmost tip; thence overland and across Guard Lake for approximately 1,800 feet total in an easterly direction to Ranger Lake; thence in a southeasterly direction through Ranger Lake to its outlet to Cherokee Lake, thence in an easterly direction along said outlet to Cherokee Lake; thence in a northeasterly direction through Cherokee Lake and along all streams through Town and Cash Lakes to the southeast corner of Cash Lake; thence in an easterly direction along an unnamed flowage to the center of the South Half of Section 32 of T. 64N, R. 3W; thence overland for approximately 0.6 miles in an easterly direction to the unnamed lake in the Southwest Quarter of Section 33, T. 64N, R. 3W; thence in an easterly direction through said unnamed lake and along its outlet stream to Davis Lake; thence in an easterly direction and along all streams and portages through Davis, Pup, Winchell, Gaskin, and Ieiele Lakes to the east end of Ieiele Lake; thence overland approximately 0.1 mile in an easterly direction to Snack Lake; thence in an easterly direction through Snack Lake and its outlet stream to Vista Lake; thence in a northerly direction along all streams and portages between Vista, Horseshoe, Caribou, and Lizz Lakes to Poplar Lake; thence in a westerly direction along the southern and western shores of Poplar Lake to the stream to Skipper Lake; thence in a westerly direction along said stream and other streams or swamps through Skipper, Little Rush, Rush, Banadad, Sebek, Ross, George, Lower George, Rib, Cross Bay, and Snipe Lakes to the northwest corner of Snipe Lake; thence overland approximately 0.4 miles in a northwesterly direction to the northeast corner of Missing Link Lake; thence in a westerly direction along the northern shore of Missing Link Lake to the portage to Round Lake; thence in a northeasterly direction along said portage to Round Lake; thence in a northwesterly direction along the southwest shore of Round Lake to the point of beginning: Beginning at the junction of the portage trail connecting Round Lake in Section 33, Township 65 North, Range 4 West, to Missing Link Lake and the Boundary Waters Canoe Area Wilderness (BWCA) boundary; thence westerly and northerly along said boundary to Edith Lake; thence westerly along the southern shoreline of said lake to the stream connecting to Brant Lake; thence westerly along said stream and northwesterly through said lake to the portage trail to Gotter Lake; thence westerly along said portage trail and through said lake to the portage trail to Flying Lake; thence along said portage trail and northwesterly through said lake to the portage trail to Green Lake; thence southeasterly along said portage trail and through said lake to the portage trail to Bat Lake; thence along said portage trail and southwesterly through said lake to the portage trail to

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Gillis Lake; thence southerly across said portage and along the eastern and southern shores of Gillis Lake to the stream connecting to Crooked Lake; thence southeasterly along said stream and along the eastern shoreline of Crooked Lake to the stream to Tarry Lake; thence southerly along said stream and along the western shore of said lake to the stream to Mora Lake; thence southerly along said stream and along the eastern and southern shores of said lake to the stream connecting to Time Lake; thence southeasterly along all streams and through Time, Whipped, Fente, and Afton Lakes to Frost River; thence easterly along Frost River, through Pencil and Chase Lakes; thence along the south shoreline of Octopus Lake to the eastern end of Octopus Lake; thence southeasterly along an unnamed flowage to Noodle Lake; thence southwesterly along an unnamed flowage to Wing Lake; thence southeasterly along the eastern shoreline of said lake to the portage connecting to Guard Lake; thence across said portage and across said lake to the portage to Ranger Lake; thence easterly across said portage and along the western and southern shoreline of said lake to a stream connecting to Cherokee Lake; thence easterly along said stream and northeasterly along the north shoreline of said lake and along all streams through Town and Cash Lakes to the southeast corner of Cash Lake; thence easterly along an unnamed flowage to the unnamed lake in the Northwest Quarter of the Southwest Quarter of Section 32, Township 64 North, Range 3 West; thence overland for approximately 0.5 miles easterly to an unnamed lake in the North Half of the Southeast Quarter of Section 32, Township 64 North, Range 3 West; thence easterly through said unnamed lake and along its outlet stream to Davis Lake; thence easterly along the southern shoreline of Davis Lake and along all streams and portages through Pup Lake to the portage to Winchell Lake; thence easterly across said portage and through said lake to the portage to Gaskin Lake; thence northerly over said portage to said lake; thence along the southern shoreline of Gaskin Lake and along all portages and through Icicle and Snack Lakes to Vista Lake; thence along the northern shoreline of Vista Lake to the portage to Jake Lake; thence across said portage and across Jake Lake to the stream to Morgan Lake; thence along said stream and across Morgan Lake to the portage connecting Morgan Lake to United States Forest Service Road 315; thence along said portage to the BWCA boundary; thence northerly and westerly along said boundary to the point of beginning.

- Subp. 32. **Moose Zone 62.** Moose Zone 62 consists of that portion of the state lying within the following described boundary: Beginning at the Sawbill Campground at the southern end of Sawbill Lake; thence in a westerly direction across Sawbill Lake to the portage connecting Sawbill and Alton Lakes; thence in a westerly direction along said portage to Alton Lake; thence in a southwesterly direction through Alton Lake to the portage to Beth Lake; thence along all portage trails and through Beth and Grace Lakes to Phoebe Lake;

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thence along the north and west shores of Phoebe Lake to an unnamed flowage in Section 13 of Township 62 North, Range 6 West entering Phoebe Lake from the south; thence in southerly and westerly directions along said flowage to Cat Eyes Lake; thence in a westerly direction through Cat Eyes Lake to its westernmost point; thence overland in a southwesterly direction to the southeastern end of Watonwan Lake; thence in a northwesterly direction along the southwestern shore of Watonwan Lake to a bay in the Northeast Quarter of the Northeast Quarter of Section 21 of Township 62 North, Range 6 West; thence overland in a southwesterly direction to the easternmost point on Kawishiwi Lake; thence in a southwesterly direction along the shore of Kawishiwi Lake to the public access at the south end of Kawishiwi Lake; thence in a northwesterly direction through the center of Kawishiwi Lake to its outlet, the Kawishiwi River; thence in a northerly direction along the Kawishiwi River through Square and Kawasachong Lakes to Lake Polly; thence in a northwesterly direction through Lake Polly to the Kawishiwi River; thence in a northerly direction along the Kawishiwi River, through Koma Lake, to Malberg Lake; thence in a northwesterly direction through Malberg Lake to the portage trail in the northwest corner of Malberg Lake leading to Kawishiwi River; thence in a northwesterly direction along said portage to Kawishiwi River; thence in a northeasterly direction along Kawishiwi River through Kivaniva, Kivandeaba, and John Ek Lakes to the south end of John Ek Lake; thence overland for approximately 100 feet in an easterly direction to an unnamed flowage; thence in an easterly direction along said unnamed flowage across the South Half of the North Half of Section 31 of Township 64 North, Range 5 West (T. 64N, R. 5W) to an unnamed lake in the Northeast Quarter of the Northeast Quarter of said Section 31, T. 64N, R. 5W; thence overland for approximately 600 feet in a southeasterly direction to an unnamed pond in the Southwest Quarter of the Northwest Quarter of Section 32, T. 64N, R. 5W; thence overland for approximately 0.3 miles in an easterly direction to an unnamed flowage leading to Teat Lake; thence in an easterly direction along said unnamed flowage through Teat and Lawless Lakes to the eastern end of Lawless Lake; thence overland and all waters for approximately 0.8 miles in a southeasterly direction to Mesaba Lake; thence in a northeasterly direction through Mesaba Lake to an unnamed stream to Hub Lake; thence in a northerly direction along said unnamed stream to Hub Lake; thence along the east and south shores of Hub Lake to the stream leading to Chuck Lake; thence in an easterly direction along said stream, through Chuck and Florence Lakes to the northeast tip of Florence Lake; thence overland for approximately 100 feet in a northeasterly direction to Caper Lake; thence in a northerly direction through Caper Lake and along the unnamed flowage to the north to Frost River; thence in an

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easterly direction along Frost River, through Pencil, Chase and Octopus Lakes to the eastern end of Octopus Lake; thence in a southeasterly direction along an unnamed flowage to Noodle Lake; thence in a southwesterly direction along an unnamed flowage to Wing Lake; thence in a southeasterly direction through Wing Lake to its easternmost tip; thence overland and across Guard Lake for approximately 1,800 feet total in an easterly direction to Ranger Lake; thence in a southeasterly direction through Ranger Lake to its outlet to Cherokee Lake; thence in an easterly direction along said outlet to Cherokee Lake; thence in a northeasterly direction through Cherokee Lake and along all streams through Town and Cash Lakes to the southeast corner of Cash Lake; thence in an easterly direction along an unnamed flowage to the center of the South Half of Section 32 of T. 64N, R. 3W; thence overland for approximately 0.6 miles in an easterly direction to the unnamed lake in the Southwest Quarter of Section 33, T. 64N, R. 3W; thence in an easterly direction through said unnamed lake and along its outlet stream to Davis Lake; thence in an easterly direction and along all streams and portages through Davis, Pup, Winchell, Gaskin, and Icele Lakes to the east end of Icele Lake; thence overland approximately 0.1 mile in an easterly direction to Snack Lake; thence in an easterly direction through Snack Lake and its outlet stream to Vista Lake; thence in a southerly direction through Vista Lake, along its inlet from Misquah Lake, and through Misquah Lake to its southern tip; thence overland approximately 0.6 miles in a southerly direction to Little Trout Lake; thence in a southerly direction and along all streams through Little Trout, Slough, Iota, Dugout, Swede, and Dane Lakes to the southern tip of Dane Lake; thence overland approximately 800 feet in a southerly direction to Ball Club Lake; thence in a westerly direction through Ball Club Lake and along Ball Club Creek through Cleaver Lake to the unnamed lake in the West Half of Section 27 of T. 63N, R. 2W; thence in a northwesterly direction along the north shore of said lake to its inlet stream at the northern extremity of the lake; thence upstream in a northwesterly direction along said stream to Fishhook Lake; thence in a westerly direction to the westernmost point of Fishhook Lake; thence overland for approximately onetenth mile in a southwesterly direction to the unnamed lake in the Southeast Quarter of Section 20, T. 63N, R. 2W; thence in a westerly direction through said unnamed lake to its outlet stream; thence in a westerly direction along said outlet stream to Brule Lake; thence in a westerly direction along the south shore of Brule Lake to Jock Mock Bay of Brule Lake; thence in a westerly direction along the south shore of Jock Mock Bay to the portage trail to Juno Lake; thence in a southerly direction across said portage to Juno Lake; thence in a westerly direction through Juno Lake to the portage to Vern Lake; thence in a southeasterly direction through Vern Lake to East Pipe

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Lake; thence in a westerly direction across all portages and through Pipe Lake to Pipe Creek; thence in a westerly direction along Pipe Creek to Temperance River (Kelly Lake); thence in a southwesterly direction along Temperance River to the portage to Burnt Lake; thence in a northwesterly direction across said portage to Burnt Lake; thence in a northwesterly direction through Burnt Lake; across all portages and through Smoke Lake to the east shore of Sawbill Lake; thence in a southerly direction along the east shore of Sawbill Lake to Sawbill Campground; to the point of beginning. Beginning at the public water access on Kawishiwi Lake; thence northerly along the northeast shore of Kawishiwi Lake to the stream to Square Lake; thence northerly along said stream and along the eastern shoreline of Square Lake to the stream connecting to Kawasachong Lake; thence along said stream and along the western shore of said lake to the portage to Townline Lake; thence across said portage and through said lake to the portage to Polly Lake; thence across said portage and northerly through said lake to the outlet of the Kawishiwi River; thence downstream northerly on said river to Koma Lake; thence along the eastern shore of said lake to the Kawishiwi River connecting to Malberg Lake; thence along said river and along the west shore of said lake to the northwest corner of Malberg Lake; thence northwesterly across a portage to Record River; thence northerly along said river to Kawishiwi River; thence northeasterly upstream along Kawishiwi River to the stream connecting to Kivaniva Lake; thence northerly along said stream and along the southeastern shore of said lake to drainage from Kivandeba Lake; thence along the drainage and southerly shoreline of said lake to the drainage from John Ek Lake; thence easterly along said drainage and along the southerly and westerly shorelines of said lake to the south end of said lake; thence overland for approximately 100 feet easterly to an unnamed flowage; thence easterly along said unnamed flowage across the South Half of the North Half of Section 31, Township 64 North, Range 5 West, and the South Half of the North Half of Section 32, Township 64 North, Range 5 West, to Teat Lake; thence easterly along said unnamed flowage through Teat and Lawless Lakes to the southern end of Lawless Lake; thence over land and all waters for approximately 0.8 miles southeasterly to the western end of Mesaba Lake; thence northeasterly on the north and west shoreline of said lake to an unnamed stream connecting to Hub Lake; thence northerly along said unnamed stream and along the east and south shores of Hub Lake to the stream connecting to Chuck Lake; thence easterly along said stream and along the south shoreline of Chuck Lake to the stream connecting to Florence Lake; thence along said stream and along the north shoreline of said lake to its northeast tip; thence overland for approximately 1,000 feet northeasterly to an unnamed lake in the Southwest Quarter of the Northwest Quarter of Section 36, Township 64 North,

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Range 5 West; thence through said lake to the stream connecting to Frost River; thence northeasterly along said stream; thence easterly along Frost River through Pencil and Chase Lakes; thence along the south shoreline of Octopus Lake to the eastern end of Octopus Lake; thence southeasterly along an unnamed flowage to Noodle Lake; thence southwesterly along an unnamed flowage to Wing Lake; thence along the eastern shoreline of said lake to its easternmost tip; thence across the portage to Guard Lake; thence across said lake to the portage to Ranger Lake; thence easterly across said portage and along the western and southern shoreline of said lake to a stream connecting to Cherokee Lake; thence easterly along said stream and northeasterly along the north shoreline of said lake and along all streams through Town and Cash Lakes to the southeast corner of Cash Lake; thence easterly along an unnamed flowage to the unnamed lake in the Northwest Quarter of the Southwest Quarter of Section 32, Township 64 North, Range 3 West; thence overland for approximately 0.5 miles easterly to an unnamed lake in the North Half of the Southeast Quarter of Section 32, Township 64 North, Range 3 West; thence easterly through said unnamed lake and along its outlet stream to Davis Lake; thence easterly along the southern shoreline of Davis Lake and along all streams and portages through Pup Lake to the portage to Winchell Lake; thence easterly across said portage and through said lake to the portage to Gaskin Lake; thence northerly over said portage to said lake; thence along the southern shoreline of Gaskin Lake and over all portages and through Icicle and Snack Lakes to Vista Lake; thence along the northern shoreline of Vista Lake to the portage to Jake Lake; thence across said portage and across Jake Lake to the stream to Morgan Lake; thence along said stream and across Morgan Lake to the portage connecting Morgan Lake to United States Forest Service Road 315; thence along said portage to the Boundary Waters Canoe Area Wilderness boundary; thence southerly, westerly, and northerly along said boundary to the point of beginning.

Subp. 33. **Moose Zone 63.** Moose Zone 63 consists of that portion of the state lying within the following described boundary:

Beginning at the point where the Cook and Lake county boundaries meet the United States/Canada international boundary; thence in a southwesterly direction along the U.S./Canada international boundary through Swamp and part of Cypress Lakes to the Gijikiki Lake portage in Section 32 of Township 66 North, Range 6 West; proceed south along said portage to Gijikiki Lake; thence south along west shore of said lake to portage to Rivalry Lake; thence south along said portage to Rivalry Lake; thence south on Rivalry Lake to portage to Lake of the Clouds; thence south along the east shoreline of Lake of the Clouds to Lunar Lake portage; thence follow the west and south shorelines of Lunar Lake to the Cherry Lake portage; thence south on said portage to Cherry Lake; thence northeast along shore of Cherry Lake to Hanson Lake portage; thence south along west

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shoreline of Hanson Lake to portage to South Arm of Knife Lake; thence south on portage to South Arm of Knife Lake; thence follow the east and south shores of the South Arm of Knife Lake to the Eddy Lake portage; take said portage south to Eddy Lake; thence follow north shore of lake southeasterly to Jenny Lake portage; thence take said portage south to Jenny Lake; thence follow the west and south shorelines of Jenny Lake to Annie Lake portage; thence take said portage south to Annie Lake; thence follow north shore of Annie Lake to Ogishkemuncie portage; thence follow south shoreline of Ogishkemuncie Lake; thence follow south shoreline of Ogishkemuncie Lake to Mueller Lake portage; thence follow portage southeast to Mueller Lake; thence follow north shore of Mueller Lake to the east end of lake then proceed west along the south shore a very short distance to the Agamok portage; thence follow said portage south to Agamok Lake; thence follow the north and east shorelines of said lake to portage to Gabimichigami Lake; thence follow said portage south to Gabimichigami Lake; thence follow west and south shorelines of said lake to Rattle Lake portage; thence follow said portage south to Rattle Lake; thence follow said portage south to Little Saganaga Lake; thence follow west and south shoreline of Little Saganaga Lake to portage to Mora Lake; thence along the southern and eastern shores of Mora Lake to the stream to Tarry Lake; thence in a northerly direction along said stream to Tarry Lake; thence along the eastern shore of Tarry Lake to the stream to Crooked Lake; thence in a northerly direction along said stream to Crooked Lake; thence along the eastern shore of Crooked Lake to the stream to Gillis Lake; thence in a northwesterly direction along said stream to Gillis Lake; thence along the southern and eastern shores of Gillis Lake to the portage trail to Bat Lake; thence in a northerly direction along said portage trail to Bat Lake; thence in a northeasterly direction, and along all portage trails, through Bat and Green Lakes to Flying Lake; thence in a northerly direction, and along all streams, through Flying, Bingshack, and Honker Lakes to the center of the north shore of Honker Lake; thence overland for approximately 0.3 miles in a northerly direction to a swamp flowing northerly to Squat Lake; thence in a northerly direction through said swamp to Squat Lake; thence in a northeasterly direction through Squat Lake to the outlet to the unnamed lake in the Northeast Quarter of Section 19 of Township 65 North, Range 4 West; thence in a northerly direction along said outlet to said unnamed lake; thence in a northerly direction through said unnamed lake and along all streams and ponds to the north shore of an unnamed pond in the Northwest Quarter of the Southwest Quarter of Section 18 of Township 65 North, Range 4 West; thence overland for approximately 200 feet in a northerly direction to Arc Lake; thence in a northeasterly direction to the northern end of Arc Lake; thence overland for approximately 0.3 miles in a northerly

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direction to an unnamed stream to Sea Gull Lake; thence in a northerly direction along said stream to the southeastern shore of Sea Gull Lake; thence along the southeastern, eastern, and northeastern shores of Sea Gull Lake to Gull Lake; thence in a northerly direction through Gull Lake and along the Sea Gull River to Saganaga Lake; thence along the east shore of Saganaga Lake to Saganaga Falls in Section 4 of Township 66 North, Range 4 West; thence easterly to the United States-Canada international boundary; thence in a southwesterly direction along the international boundary through Saganaga and Swamp Lakes to the point of beginning: Beginning at the point where the Cook and Lake County boundaries meet the United States-Canada international boundary; thence southwesterly along said international boundary through Swamp Lake and to the portage connecting to Ashdick Lake; thence across said portage and southerly through said lake to a drainage from Chaco Lake; thence southerly approximately 1,000 feet along said drainage; thence southerly through Chaco Lake; thence along a drainage approximately 750 feet to an unnamed lake in the Northeast Quarter of Section 35, Township 66 North, Range 6 West; thence southerly through said lake and southerly through drainage for approximately 2,200 feet to an unnamed lake in the Southeast Quarter of Section 35, Township 66 North, Range 6 West; thence easterly through said lake to a drainage from an unnamed lake in the Northeast Quarter of the Southeast Quarter and the Southeast Quarter of the Northeast Quarter of Section 35, Township 66 North, Range 6 West; thence through said lake to a stream connecting to Nawakwa Lake; thence southeasterly along said stream and southerly through said lake to a stream connecting to Fish Lake; thence southerly along said stream and through said lake to a drainage connecting to the south end of Fish Lake; thence southeasterly about 1.2 miles in Section 12, Township 65 North, Range 6 West, through said drainage to Nectar Lake; thence across said lake to the southern shore; thence southerly approximately 1,300 feet to Kingfisher Lake; thence southeasterly across said lake to the stream to Jasper Lake; thence southeasterly through said stream and along the north shoreline of said lake to the portage to Tern Lake on the east shore of Jasper Lake; thence easterly along said portage and southeasterly through said lake to the easternmost point where a stream enters the lake; thence easterly and southerly along said stream and small unnamed lakes to the northeastern shore of an unnamed lake in the Southeast Quarter of the Northwest Quarter of Section 21, Township 65 North, Range 5 West; thence easterly approximately 3,800 feet over land and water to Rumpus Lake; thence easterly across said lake to the eastern shore; thence southeasterly approximately 1,000 feet to Acorn Lake; thence easterly across said lake to the eastern shore; thence easterly approximately 5,000 feet over land and water to the northernmost shoreline of Loop

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Lake; thence easterly approximately 1,300 feet to the northernmost shoreline of an unnamed lake lying partially in the Southwest Quarter of the Northwest Quarter of Section 24, Township 65 North, Range 5 West; thence easterly approximately 1,500 feet to the western shore of Jap Lake; thence along the north shoreline of said lake to the stream connecting to Rally Lake; thence northeasterly along said stream and easterly through said lake to a stream to Squat Lake; thence along said stream and southerly through said lake to a stream connecting to a pond approximately 250 feet south of said lake; thence along said stream and through said pond to the south shore of said pond; thence south approximately 1,400 feet across land to Honker Lake; thence across said lake to the stream connecting to Bingshick Lake; thence southerly along said stream and southerly across said lake to the portages and stream connecting to Flying Lake; thence southerly across said stream, said portages, and said lake to the portage to Gotter Lake; thence across said portage and through said lake to the portage to Brant Lake; thence across said portage and through said lake to the stream connecting to Edith Lake; thence along said stream and along the southern shoreline of said lake to the Boundary Waters Canoe Area Wilderness boundary; thence northerly, westerly, easterly, and southerly along said boundary to the United States-Canada international boundary at the outlet from Magnetic Lake; thence northerly and westerly along said international boundary through Pine River, Granite River, Saganaga Lake, and Swamp Lake to the point of beginning.

Subp. 33a. **Moose Zone 64.** Moose Zone 64 consists of that portion of the state lying within the following described boundary:

Beginning at the junction of the Forest Trail (FT) 147 (Kekekabic Trail) and the Snowbank Trail (just south of Parent Lake); thence northerly on the Snowbank Trail (paralleling the east shore of Parent Lake) to the Parent Lake Disappointment Lake portage; thence easterly on said portage to Disappointment Lake; thence northwesterly on portage to Snowbank Lake; thence northerly along shoreline of Snowbank Lake to Boot Lake portage; thence easterly on Boot Lake portage to Boot Lake; thence following the west shore of Boot Lake to Ensign Lake portage; thence northerly on said portage to Ensign Lake; thence westerly along south shore of Ensign Lake to Splash Lake portage; thence west on Splash Lake portage to Splash Lake; thence along south shore of Splash Lake to Newfound Lake portage; thence along portage to Newfound Lake; thence follow the north shore of bay (Newfound L.) into Sucker Lake; thence follow southeast shoreline and north shoreline of Sucker Lake to the United States-Canada international boundary; thence follow said border westerly to Prairie portage; thence along the United States-Canada international boundary in a northeasterly direction to the Gijikiki Lake portage on Cypress Lake; thence south along portage to Gijikiki Lake; thence south along west shore of said lake to portage to Rivalry Lake; thence south along said portage to Rivalry Lake; thence

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south on south shore of Rivalry Lake to portage to Lake of the Clouds; thence east on said portage to Lake of the Clouds; thence south along the east shoreline of Lake of the Clouds to Lunar Lake portage; thence follow the west and south shorelines of Lunar Lake to the Cherry Lake portage; thence south on said portage to Cherry Lake; thence northeast along shore of Cherry Lake to Hanson Lake portage; thence east across said portage to Hanson Lake; thence south along west shoreline of Hanson Lake to portage to South Arm of Knife Lake; thence south on portage to South Arm of Knife Lake; thence follow the east and south shores of the South Arm of Knife Lake to the Eddy Lake portage; take said portage south to Eddy Lake; thence follow north shore of Eddy Lake southeasterly to Jenny Lake portage; thence take said portage south to Jenny Lake; thence follow the west and south shorelines of Jenny Lake to Annie Lake portage; thence take said portage south to Annie Lake; thence follow north shore of Annie Lake to Ogishkemuncie portage; thence follow south shoreline of Ogishkemuncie Lake to Mueller Lake portage; thence follow portage southeast to Mueller Lake; thence follow north shore of Mueller Lake to the east end of lake then proceed west along the south shore a very short distance to the Agamok portage; thence follow said portage south to Agamok Lake; thence follow the north and east shorelines of said lake to portage to Gabimichigami Lake; thence follow said portage south to Gabimichigami Lake; thence follow west and south shorelines of said lake to Rattle Lake portage; thence follow said portage south to Rattle Lake; thence follow northwest and south shoreline of Rattle Lake to portage to Little Saganaga Lake; thence follow said portage south to Little Saganaga Lake; thence follow west and south shoreline of Little Saganaga Lake to portage to Mora Lake; thence follow said portage to Mora Lake; thence southeasterly along the west shore of Mora Lake to drainage to Time Lake; thence in a southeasterly direction follow along all streams and portages through Time, Whipped, Fente, and Afton Lakes to Frost River; thence southeast on Frost River approximately 1/4 mile; thence southwest overland approximately 1/8 mile to a chain of small lakes; follow these small lakes south to Caper Lake; thence overland in a southwesterly direction to Florence Lake; thence south on west shoreline of Florence Lake to the drainage into Chuck Lake; thence follow the south shoreline of Chuck Lake; thence follow south shore of all drainages in a northwesterly direction to Hub Lake; thence follow south shoreline of Hub Lake to Mesaba Lake portage; thence follow said portage south to Mesaba Lake; thence follow west and north shoreline of Mesaba Lake to Chaser Lake portage; thence northwest overland and all waters for approximately 0.8 of a mile to eastern side of Lawless Lake; then northwesterly and westerly along the north shore of said lake to Teat Lake; thence westerly along the north shore of Teat Lake to an unnamed flowage; thence westerly

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on said flowage for approximately 0.3 miles; thence northwesterly overland approximately 1/4 mile to an unnamed pond in the Northwest Quarter of Section 32 of Township 64 North, Range 5 West; thence northwesterly approximately 700 feet overland to an unnamed lake in the Northeast Quarter of Section 31 of Township 64 North, Range 5 West; thence westerly following an unnamed drainage to another unnamed drainage; thence southerly along said drainage to where drainage turns sharply to west; thence westerly along said drainage across the southern onehalf of the north onehalf of Section 31 of Township 64 North, Range 5 West; continuing westerly to source of drainage (small pond) in Section 36 of Township 64 North, Range 6 West; thence westerly overland approximately 100 feet to south end of John Ek Lake; thence through John Ek Lake in a north and westerly bearing along west and south shorelines to drainage to Kivandeba Lake; thence west on said drainage to Kivandeba Lake; then southwest through Kivandeba Lake along southeast shore to drainage to Kivaniva Lake; thence south and west on said drainage to Kivaniva Lake; thence south a short distance on east shore of said lake to Kawishiwi River portage; thence south on said portage to Kawishiwi River; thence southwest along the south shore of the Kawishiwi River to portage to Kawishiwi River in the Southeast Quarter of the Southeast Quarter of Section 6 of Township 63 North, Range 6 West; thence south on said portage; thence southwest along the south shore of the Kawishiwi River; thence south into the bay in the Northwest Quarter of Section 7 of Township 63 North, Range 6 West; thence south along drainage to Record Lake; thence southwest on west shore of Record Lake to the unnamed drainage in the middle of Section 18 of Township 63 North, Range 6 West; thence west on said drainage following the south shore of all unnamed lakes, drainages, and lowlands through part of Section 18 of Township 63 North, Range 6 West; all of Section 13 of Township 63 North, Range 7 West; and part of Section 14 of Township 63 North, Range 7 West into River Lake; thence southwest on River Lake (west shore) to portage in southwest corner of lake; thence southwest along said portage to Kawishiwi River; thence southwest along the northwest shore to portage to Kawishiwi River in Section 22 of Township 63 North, Range 7 West; thence southwest along said portage to Kawishiwi River; thence west and northwest along south shore of Kawishiwi River including two (2) short portages and a small segment of the south shore of Alice Lake to Insula Lake; thence along the north shore of Insula Lake in a westerly then northerly direction (east shore) to the portage to Kiana Lake; thence north on said portage to Kiana Lake; thence north along east shore of Kiana Lake to portage to Thomas Lake; thence north on said portage to Thomas Lake; thence north along the west shore of Thomas Lake to portage to unnamed lake in Section 29 of Township 64 North, Range 7 West; thence northwest on said portage to

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unnamed lake; thence northwest across middle of unnamed lake to portage to Hatchet Lake drainage; thence across said portage to intersection of portage and the Kekekabic Trail (Forest Trail 147); thence southwesterly along said trail to point of origin. Beginning at the United States-Canada international border on the east end of Birch Lake; thence proceeding northeasterly along said border to Swamp Lake and the portage connecting to Ashdick Lake; thence southerly across said portage and southerly through said lake to a drainage from Chaco Lake; thence southerly approximately 1,000 feet along said drainage; thence southerly through Chaco Lake; thence along a drainage approximately 750 feet to an unnamed lake in the Northeast Quarter of Section 35, Township 66 North, Range 6 West; thence southerly through said lake and southerly through a drainage for approximately 2,200 feet to an unnamed lake in the Southeast Quarter of Section 35, Township 66 North, Range 6 West; thence easterly through said lake to a drainage from an unnamed lake in the Northeast Quarter of the Southeast Quarter and the Southeast Quarter of the Northeast Quarter of Section 35, Township 66 North, Range 6 West; thence through said lake to a stream connecting to Nawakwa Lake; thence southeasterly along said stream and southerly through said lake to a stream connecting to Fish Lake; thence southerly along said stream and through said lake to a drainage connecting to the south end of Fish Lake; thence southeasterly about 1.2 miles in Section 12, Township 65 North, Range 6 West, through said drainage to Nectar Lake and to the southern shore of said lake; thence southerly overland approximately 1,300 feet to Kingfisher Lake; thence southeasterly through said lake to the stream to Jasper Lake; thence southeasterly through said stream and along the north shoreline of said lake to the portage to Tern Lake on the east shore of Jasper Lake; thence easterly along said portage and southeasterly through said lake to the easternmost point where a stream enters the lake; thence easterly and southerly along said stream and small unnamed lakes to the northeastern shore of an unnamed lake in the Southeast Quarter of the Northwest Quarter of Section 21, Township 65 North, Range 5 West; thence easterly approximately 3,800 feet over land and water to Rumpus Lake; thence easterly across said lake to the eastern shore; thence southeasterly approximately 1,000 feet to Acorn Lake; thence easterly across said lake to the eastern shore; thence easterly approximately one mile over land and water to the northernmost shoreline of Loop Lake; thence easterly approximately 1,300 feet to the northernmost shoreline of an unnamed lake lying partially in the Southwest Quarter of the Northwest Quarter of Section 24, Township 65 North, Range 5 West; thence easterly approximately 1,500 feet to the western shore of Jap Lake; thence along the north shoreline of said lake to the stream connecting to Rally Lake; thence northeasterly along said stream and easterly through said lake to a

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stream to Squat Lake; thence along said stream and southerly through said lake to a stream connecting to a pond approximately 250 feet south of said lake; thence along said stream and through said pond to the south shore of said pond; thence south approximately 1,400 feet across land to Honker Lake; thence across said lake to the stream connecting to Bingshick Lake; thence southerly along said stream and southerly across said lake to the portages and stream connecting to Flying Lake; thence southerly across said stream, said portages, and said lake to the portage to Green Lake; thence westerly across said portage and through said lake to the portage to Bat Lake; thence westerly across said portage and through said lake to the portage to Gillis Lake; thence along the eastern and southern shoreline of said lake to the portage to Crooked Lake; thence southeasterly across said portage and along the eastern shoreline of said lake to the portage to Tarry Lake; thence southerly across said portage and along the western shoreline of said lake to the portage to Mora Lake; thence southerly across said portage and along the western and southern shoreline of said lake to the stream to Time Lake; thence southeasterly along all streams and through Time, Whipped, Fente, and Afton Lakes to Frost River; thence southeasterly along said river .25 mile; thence southwesterly through a stream and through an unnamed lake in the Southwest Quarter of the Northwest Quarter of Section 36, Township 64 North, Range 5 West; thence southwest overland approximately 1,000 feet to Florence Lake; thence along the westerly shoreline of said lake; thence along the southerly shoreline of Chuck Lake; thence follow southerly shore of all drainages northwesterly to Hub Lake; thence along the southerly shoreline of Hub Lake to the stream connecting to Mesaba Lake; thence along said stream and along the westerly and northerly shoreline of said lake to the portage to Chaser Lake; thence northwesterly over land and all waters for approximately .8 mile to the southerly side of Lawless Lake; thence through said lake to a stream connecting to Teat Lake; thence along said stream and through said lake to the western shore; thence westerly along unnamed flowages across the South Half of the North Half of Section 32, Township 64 North, Range 5 West, and the South Half of the North Half of Section 31, Township 64 North, Range 5 West, to the southern end of John Ek Lake; thence along the westerly and southerly shorelines of John Ek Lake to the drainage to Kivandeba Lake; thence westerly along said drainage and along the southern shoreline of said lake to the drainage to Kivaniva Lake; thence southerly and westerly along said drainage and southerly along the eastern shore of said lake to the portage to the Kawishiwi River; thence across said portage and downstream on the Kawishiwi River to the portages to Alice Lake; thence across said portages to Alice Lake; thence along the southerly shore of Alice Lake to the Kawishiwi River; thence downstream on the Kawishiwi

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River to the portage to Insula Lake; thence across said portage to Insula Lake; thence along the easterly shoreline of Insula Lake to the portage to Kiana Lake; thence across said portage to Kiana Lake; thence along the easterly shoreline of Kiana Lake to the portage to Thomas Lake; thence across said portage to Thomas Lake; thence along the westerly shoreline of Thomas Lake to the portages to Hatchet Lake; thence across said portages to Hatchet Lake; thence northerly along flowage to the portage to Ima Lake; thence across said portage to Ima Lake; thence along the northerly shoreline of Ima Lake to the portage to Jordan Lake; thence across said portage to Jordan Lake; thence along the northerly shoreline of Jordan Lake to the portage to Adventure Lake; thence across said portage to Adventure Lake; thence along the northerly shoreline of Adventure Lake to the portage to Gibson Lake; thence across said portage to Gibson Lake; thence following the easterly shoreline of Gibson Lake to the portage to Ashigan Lake; thence across said portage to Ashigan Lake; thence following the easterly shoreline of Ashigan Lake to the portage to Ensign Lake; thence across said portage to Ensign Lake; thence following the northerly shoreline of Ensign Lake to the portage to Trident Lake; thence across said portage to Trident Lake; thence following the easterly shoreline of Trident Lake to the portage to Frog Lake; thence across said portage to Frog Lake; thence following the westerly shoreline of Frog Lake to the portage to Birch Lake; thence across said portage to Birch Lake; thence northeasterly along southerly shoreline of Birch Lake to the point of beginning.

Subp. 34. **Moose Zone 70.** Moose Zone 70 consists of that portion of the state lying within the following described boundary:

Beginning at the point where the Brule River crosses Minnesota Highway 61; thence northeasterly along Minnesota Highway 61 to the Grand Portage Indian Reservation boundary at the Range line between Ranges 4 and 5 East; thence in a northerly direction along the Grand Portage Indian Reservation boundary to Swamp Lake; thence in a northwesterly direction along the Grand Portage Indian Reservation Boundary to Pigeon River and the United States/Canada international boundary; thence in a northwesterly direction along the United States/Canada international boundary on the Pigeon River and South Fowl Lake to North Fowl Lake and Royal River; thence in a westerly direction along Royal River to John Lake; thence in a westerly direction along the south shore of John Lake to the outlet of Little John Lake; thence in a southerly direction through Little John Lake to McFarland Lake; thence in a westerly direction through McFarland Lake to Pine Lake; thence in a westerly direction through Pine Lake to the range line between Range 2 East and Range 3 East; thence in a southerly direction along said range line across land and the waters of Long Lake and Stump Lake to Fault Lake; thence in a westerly direction through Fault Lake, Bronco Lake, and the stream flowing into Bronco Lake

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from the west to Puff Creek; thence in a southwesterly direction along Puff Creek to its junction with an unnamed creek on the section line between Sections 14 and 15 of Township 64N, Range 2 East (T. 64N, R. 2E); thence in a southeasterly direction along said unnamed creek to Tittle Lake; thence in a southeasterly direction through swamp for approximately one-half mile to the unnamed lake in the Southwest Quarter of Section 13 of T. 64N, R. 2E; thence in a southwesterly direction through approximately one-half mile of swamp to Greenwood Lake at a location in the Southeast Quarter of the Northeast Quarter of Section 23, T. 64N, R. 2E; thence in a southwesterly direction through Greenwood Lake to its outlet at Greenwood River; thence in a southerly direction along Greenwood River to its junction with Brule River; thence in a southeasterly direction along Brule River to the point of beginning. Beginning at the point where the Brule River crosses Minnesota Highway 61; thence northeasterly along Minnesota Highway 61 to the Grand Portage Indian Reservation boundary at the range line between Ranges 4 and 5 East; thence northerly along the Grand Portage Indian Reservation boundary to Swamp Lake; thence northwesterly along the Grand Portage Indian Reservation boundary to Pigeon River and the United States-Canada international boundary; thence northwesterly along said international boundary on the Pigeon River and South Fowl Lake to a point due north of the mouth of Royal River; thence southerly approximately one mile to the Boundary Waters Canoe Area Wilderness boundary; thence westerly, southerly, and northerly along said boundary to Puff Creek; thence southwesterly approximately 900 feet along said creek to its junction with an unnamed creek on the section line between Sections 14 and 15, Township 64 North, Range 2 East; thence southeasterly along said unnamed creek to Tittle Lake; thence southeasterly through swamp for approximately one-half mile to the unnamed lake in the Southwest Quarter of Section 13, Township 64 North, Range 2 East; thence southwesterly through approximately one-half mile of swamp and upland to Greenwood Lake at a location in the Southeast Quarter of the Northeast Quarter of Section 23, Township 64 North, Range 2 East; thence southwesterly through Greenwood Lake to its outlet at Greenwood River; thence southerly along Greenwood River to its junction with Brule River; thence southeasterly along Brule River to the point of beginning.

[For text of subp 35, see M.R.]

Subp. 36. **Moose Zone 72.** Moose Zone 72 consists of that portion of the state lying within the following described boundary:

Beginning at the intersection of County State Aid Highway (CSAH) 12, Cook County, and Forest Road 146; thence in a northerly direction along Forest Road 146 to the access on East Bearskin Lake; thence in an easterly direction through East Bearskin Lake to the stream to Crocodile Lake; thence in a southeasterly direction along said stream to Crocodile Lake; thence in an easterly direction through Crocodile Lake, along Crocodile River, through Kiowa Lake, to the

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east end of Kiowa Lake; thence in an easterly direction from the east end of Kiowa Lake through the swamp connecting it to Shelf Lake; thence in an easterly direction through Shelf Lake; thence in an easterly direction along the stream from Shelf Lake to its junction with Puff Creek; thence in a southwesterly direction along Puff Creek to its junction with an unnamed creek on the section line between Sections 14 and 15 of Township 64N, Range 2E (T. 64N, R. 2E); thence in a southeasterly direction along said unnamed creek to Tittle Lake; thence in a southeasterly direction through swamp for approximately one-half mile to the unnamed lake in the Southwest Quarter of Section 13 of T. 64N, R. 2E; thence in a southwesterly direction through approximately one-half mile of swamp to Greenwood Lake at a location in the Southeast Quarter of the Northeast Quarter of Section 23, T. 64N, R. 2E; thence in a southwesterly direction through Greenwood Lake to its outlet at Greenwood River; thence in a southerly direction along Greenwood River to its junction with Brule River; thence in a westerly direction along Brule River to South Brule River; thence in an easterly direction along South Brule River through Bower Trout and Marshall Lakes to Dugout Lake; thence in a northwesterly direction through Dugout Lake to the stream connecting it to Iota Lake; thence in a northerly direction along said stream and through Iota, Slough, and Little Trout Lakes; thence in a westerly direction across Little Trout Lake to the northwest corner of the lake; thence in a northerly direction overland approximately 0.6 miles to Misquah Lake; thence in a northerly direction along all streams and portages between Misquah, Vista, Horseshoe, Caribou, and Lizz Lakes to Poplar Lake; thence in an easterly direction through Poplar Lake to the stream to Road Lake; thence in an easterly direction along the stream to Road Lake to CSAH 12, Cook County; thence along CSAH 12 to the point of beginning. Beginning at the intersection of Cook County State-Aid Highway (CSAH) 12 and United States Forest Service Road 146; thence northerly and easterly along said road to the stream connecting Aspen and East Bearskin Lakes; thence easterly along said stream to East Bearskin Lake; thence easterly through East Bearskin Lake to the Boundary Waters Canoe Area Wilderness (BWCA) boundary on the southern shore of said lake at the section line between Section 12, Township 64 North, Range 1 West, and Section 7, Township 64 North, Range 1 East; thence southerly, easterly, and northerly along said boundary to Puff Creek; thence southwesterly approximately 900 feet along said creek to its junction with an unnamed creek on the section line between Sections 14 and 15, Township 64 North, Range 2 East; thence southeasterly along said unnamed creek to Tittle Lake; thence southeasterly through swamp for approximately one-half mile to the unnamed lake in the Southwest Quarter of Section 13, Township 64 North, Range 2 East; thence southwesterly through approximately one-half

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mile of swamp and upland to Greenwood Lake at a location in the Southeast Quarter of the Northeast Quarter of Section 23, Township 64 North, Range 2 East; thence southwesterly through Greenwood Lake to its outlet at Greenwood River; thence southerly along Greenwood River to its junction with Brule River; thence westerly upstream along Brule River to Northern Light Lake; thence along the northern shoreline of said lake to the inlet of the Brule River; thence upstream along said river to the junction with South Brule River; thence easterly upstream along South Brule River to the BWCA boundary; thence westerly, northerly, and easterly along said boundary to Lizz Lake; thence northerly through said lake to the portage to Poplar Lake; thence northerly along said portage and along the southern shoreline of said lake to the line between the Northwest and the Southwest Quarters of Section 8, Township 64 North, Range 1 West; thence easterly across said lake to the stream connecting to Road Lake; thence northeasterly along said stream to CSAH 12, Cook County; thence along CSAH 12 to the point of beginning.

Subp. 37. **Moose Zone 73.** Moose Zone 73 consists of that portion of the state lying within the following described boundary:

Beginning at the intersection of County State Aid Highway (CSAH) 12, Cook County, and CSAH 8, Cook County; thence along CSAH 8 to CSAH 27, Cook County; thence along CSAH 27 to Forest Road (FR) 323; thence along FR 323 to Ball Club Lake; thence in a northeasterly direction across Ball Club Lake to the opposite shore; thence northwesterly and westerly along said shore to the easterly tip of the bay; thence in a northerly direction overland from the tip of said bay for approximately 800 feet to Dane Lake; thence in a northerly direction through Dane Lake to its outlet stream; thence in a northwesterly direction along said stream to Swede Lake; thence in northeasterly and easterly directions through Swede Lake to its outlet stream; thence in easterly and northerly directions along said outlet streams to South Brule River at Dugout Lake; thence in an easterly direction along South Brule River through Dugout, Marshall and Bower Trout Lakes to its junction with the North Brule River to form Brule River; thence in a southeasterly direction along the Brule River and through Northern Light Lake to Minnesota Highway 61; thence in a southwesterly direction along Minnesota Highway 61 to Devil Track River; thence northeasterly along Devil Track River to CSAH 60, Cook County; thence along CSAH 60 to CSAH 12, Cook County; thence along CSAH 12 to the point of beginning. Beginning at the intersection of County State-Aid Highway (CSAH) 12, Cook County, and CSAH 8, Cook County; thence along CSAH 8 to CSAH 27, Cook County; thence along CSAH 27 to Forest Road (FR) 323; thence along FR 323 to Ball Club Lake; thence northeasterly across said lake to the opposite shore; thence northwesterly and easterly along said shore to the easterly tip of the bay where it intersects with the Boundary Waters Canoe Area Wilderness boundary; thence easterly and northerly along said boundary

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to the South Brule River; thence downstream through said river to the confluence with the Brule River; thence southeasterly along the Brule River to Northern Light Lake; thence along the northern shoreline of said lake to the outlet to Brule River; thence downstream along said river to Minnesota Highway 61; thence southwesterly along Minnesota Highway 61 to Devil Track River; thence northeasterly along Devil Track River to CSAH 60, Cook County; thence along CSAH 60 to CSAH 12, Cook County; thence along CSAH 12 to the point of beginning.

Subp. 38. **Moose Zone 74.** Moose Zone 74 consists of that portion of the state lying within the following described boundary:

Beginning at the intersection of County State Aid Highway (CSAH) 12, Cook County, and Forest Road 146; thence in a northerly direction along CSAH 12 to the stream connecting Road Lake to Poplar Lake; thence in a westerly direction along said stream to Poplar Lake; thence in a westerly direction along the southern and western shores of Poplar Lake to the stream to Skipper Lake; thence in a westerly direction along said stream and other streams or swamps through Skipper, Little Rush, Rush, Banadad, Sebeka, Ross, Seal, George, Lower George, Rib, Cross Bay, and Snipe Lakes to the northwest corner of Snipe Lake; thence overland approximately 0.4 miles in a northwesterly direction to the northeast corner of Missing Link Lake; thence in a westerly direction along the northern shore of Missing Link Lake to the portage to Round Lake; thence in a northeasterly direction along said portage to Round Lake; thence in a northwesterly direction along the southwest shore of Round Lake to the flowage to West Round Lake; thence in a westerly direction across said flowage, along all streams, and through West Round, Edith, Brant, then in a northerly direction through Gotter, Flying, Bingshack, and Honker Lakes to the center of the north shore of Honker Lake; thence overland for approximately 0.3 miles in a northerly direction to a swamp flowing northerly to Squat Lake; thence in a northerly direction through said swamp to Squat Lake; thence in a northeasterly direction through Squat Lake to the outlet to the unnamed lake in the Northeast Quarter of Section 19 of Township 65 North, Range 4 West (T. 65N, R. 4W); thence in a northerly direction along said outlet to said unnamed lake; thence in a northerly direction through said unnamed lake and along all streams and ponds to the north shore of the unnamed pond in the Northwest Quarter of the Southwest Quarter of Section 18, T. 65N, R. 4W; thence overland for approximately 200 feet in a northerly direction to Arc Lake; thence in a northeasterly direction to the northern end of Arc Lake; thence overland for approximately 0.3 miles in a northerly direction to an unnamed stream to Sea Gull Lake; thence in a northerly direction along said stream to the south shore of Sea Gull Lake; thence along the southeastern, eastern, and northeastern shores of Sea Gull Lake to Gull Lake; thence in a northerly direction through Gull Lake and along Sea Gull River to Saganaga Lake; thence along the east

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shore of Saganaga Lake to Saganaga Falls in section 4 of Township 66 North, Range 4 West; thence in an easterly direction to the United States-Canada international boundary; thence in easterly and southerly directions along the international boundary through Saganaga, Maraboeuf, Gneiss, Granite, Clove, Magnetic, Gunflint, Little Gunflint, North, and South Lakes to the point in South Lake north of the stream connecting to Mucker Lake; thence south to said stream; thence in a southerly direction through said stream to Mucker Lake; thence in a southerly direction across Mucker Lake to the stream connecting to Hoat Lake; thence in a southerly direction through said stream to Hoat Lake; thence southeasterly across Hoat Lake to a swamp and stream connecting to East Otter Lake; thence in an easterly direction through said swamp and stream to East Otter Lake; thence in an easterly direction across East Otter Lake to a stream connecting to Duncan Lake; thence in an easterly direction through said stream to Duncan Lake; thence in an easterly direction along the south shore of Duncan Lake to the portage to West Bearskin Lake; thence in a southeasterly direction across said portage to West Bearskin Lake; thence in an easterly direction along the north shore of West Bearskin Lake to the portage to Daniels Lake; thence in a northerly direction across said portage to Daniels Lake; thence in an easterly direction along the south shore of Daniels Lake to an unnumbered road bed in the Northwest Quarter of the Northwest Quarter of Section 35, T. 65N, R. 1W; thence in an easterly direction along said unnumbered road bed to CSAH 66, Cook County; thence overland in an easterly direction across CSAH 66, Cook County, for approximately 100 yards to Clearwater Lake; thence in an easterly direction through Clearwater Lake to the portage to Caribou Lake; thence along the southwest shore of Caribou Lake to the portage to Deer Lake; thence in a southerly direction along said portage to Deer Lake; thence in a southwesterly direction to the south shore of Deer Lake; thence in a southeasterly direction overland approximately 1,000 feet to Moon Lake; thence along the western shore of Moon Lake to the stream to Flour Lake; thence in a westerly direction along said stream to Flour Lake; thence along the eastern shore of Flour Lake to the portage trail to East Bearskin Lake; thence in a southerly direction along said portage to East Bearskin Lake; thence in a westerly direction through East Bearskin Lake to the public access and Forest Road 146; thence along Forest Road 146 to the point of beginning. Beginning at the intersection of County State-Aid Highway (CSAH) 12, Cook County, and Forest Road (FR) 146; thence northerly along CSAH 12 to the stream connecting Road Lake to Poplar Lake; thence southwesterly along said stream and westerly across said Poplar Lake along the line between the North Half and the South Half of Section 8, Township 64 North, Range 1 West to the shore of said lake; thence along the southern and western shorelines of said lake to the portage to Lizz

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Lake; thence southeasterly across said portage to Lizz Lake; thence across Lizz Lake to the Boundary Waters Canoe Area Wilderness (BWCA) boundary; thence westerly, northerly, easterly, and southerly to the United States-Canada international boundary at the outlet of Magnetic Lake; thence southerly and easterly along said international boundary through Gunflint, North, and South Lakes to its junction with the BWCA boundary at the Height of Land portage; thence westerly, southerly, and easterly along the BWCA boundary to the westernmost extent of said boundary on East Bearskin Lake; thence westerly through East Bearskin Lake to the stream connecting to Aspen Lake; thence westerly along said stream to FR 146; thence along FR 146 to the point of beginning.

[For text of subp 39, see M.R.]

Subp. 40. **Moose Zone 76.** Moose Zone 76 consists of that portion of the state lying within the following described boundary:

Beginning at the intersection of County State Aid Highway (CSAH) 6, Cook County, and CSAH 8, Cook County; thence along CSAH 8 to CSAH 27, Cook County; thence along CSAH 27 to Forest Road (FR) 323; thence along FR 323 to Ball Club Lake; thence in a northwesterly direction along the south shore of Ball Club Lake to Ball Club Creek; thence in a westerly direction along Ball Club Creek through Cleaver Lake to the unnamed lake in the West Half of Section 27 of Township 63 North, Range 2 West (T. 63N, R. 2W); thence in a northwesterly direction along the north shore of said lake to its inlet stream at the northern extremity of the lake; thence upstream in a northwesterly direction along said stream to Fishhook Lake; thence in a westerly direction to the westernmost point of Fishhook Lake; thence overland for approximately onetenth mile in a southwesterly direction to the unnamed lake in the Southeast Quarter of Section 20, T. 63N, R. 2W; thence in a westerly direction through said unnamed lake to its outlet stream; thence in a westerly direction along said outlet stream to Brule Lake; thence in a westerly direction along the south shore of Brule Lake to the Brule Lake access and FR 326; thence along FR 326 to FR 165; thence along FR 165 to FR 153; thence along FR 153 to CSAH 4, Cook County; thence along CSAH 4 to Caribou Creek; thence in a northeasterly direction along Caribou Creek to Caribou Lake; thence in a northeasterly direction along the northwest shores of Caribou Lake and Bigsby Lake to Murmur Creek; thence in a northeasterly direction along Murmur Creek to FR 332; thence along FR 332 to CSAH 45, Cook County; thence along CSAH 45 to the Cascade River; thence in a northerly direction along the Cascade River to the unnamed creek near the center of Section 24 of T. 61N, R. 2W; thence in an easterly direction along said unnamed creek to its headwaters swamp on the section line between Sections 16 and 21, T. 61N, R. 2W; thence in an easterly direction along said section line for approximately one mile through said swamp and upland to CSAH 48, Cook County; thence along CSAH 48 to CSAH 7, Cook County; thence along

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CSAH 7 to CSAH 6, Cook County; thence along CSAH 6 to the point of beginning; Beginning at the intersection of County State-Aid Highway (CSAH) 6, Cook County, and CSAH 8, Cook County; thence along CSAH 8 to CSAH 27, Cook County; thence along CSAH 27 to Forest Road (FR) 323; thence along FR 323 to Ball Club Lake; thence northeasterly across Ball Club Lake to the opposite shore; thence northwesterly and easterly along said shore to the easterly tip of the bay to a point where it intersects with the Boundary Waters Canoe Area Wilderness boundary; thence westerly, southerly, northerly, and easterly along said boundary to the Brule Lake public water access and FR 326; thence along FR 326 to FR 170; thence easterly along FR 170 to CSAH 4, Cook County; thence southerly along CSAH 4 to Caribou Creek; thence northeasterly along Caribou Creek to Caribou Lake; thence northeasterly through Caribou Lake and Bigsby Lake to Murrum Creek; thence northeasterly along Murrum Creek to FR 332; thence easterly along FR 332 to CSAH 45, Cook County; thence easterly along CSAH 45 to the Cascade River; thence northerly along the Cascade River to the unnamed creek flowing from the Southwest, Northwest, and Northeast Quarters of the Southeast Quarter, Section 24, Township 61 North, Range 2 West; thence easterly along said unnamed creek to its headwaters swamp on the section line between Sections 16 and 21, Township 61 North, Range 1 West; thence easterly along said section line for approximately one mile through said swamp and upland to FR 158; thence easterly on said road to CSAH 48, Cook County; thence easterly along CSAH 48 to CSAH 7, Cook County; thence along CSAH 7 to CSAH 6, Cook County; thence along CSAH 6 to the point of beginning.

Subp. 41. **Moose Zone 77.** Moose Zone 77 consists of that portion of the state lying within the following described boundary:

Beginning at the Sawbill Campground at the southern end of Sawbill Lake; thence in a northerly direction along the east shore of Sawbill Lake to the portage connecting Sawbill and Smoke Lakes; thence in an easterly direction along said portage to Smoke Lake; thence in an easterly direction through Smoke Lake to the portage connecting Smoke and Burnt Lakes; thence along said portage to Burnt Lake; thence in a southeasterly direction through Burnt Lake to the portage connecting Burnt Lake and the Temperance River (Kelly Lake); thence in a southeasterly direction along said portage to the Temperance River; thence upstream in a northerly direction along the Temperance River (Kelly Lake) to Pipe Creek; thence upstream in an easterly direction along Pipe Creek, across all portages and through Pipe Lake to East Pipe Lake; thence in a northerly direction along the west shore of East Pipe Lake to the outlet of East Pipe Lake; thence in a northwesterly direction through Vern Lake to the north end of Vern Lake; thence across the portage connecting Vern Lake to Juno Lake; thence in an easterly direction through Juno Lake to the east end of Juno Lake; thence in a northerly direction across the portage connecting Juno Lake

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and Jock Mock Bay of Brule Lake, to Brule Lake; thence in an easterly direction along the south shore of Brule Lake to the Brule Lake access and Forest Road (FR) 326; thence along FR 326 to FR 165; thence along FR 165 to FR 153; thence along FR 153 to County State Aid Highway (CSAH) 4, Cook County; thence along CSAH 4 to Caribou Creek; thence in a southwesterly direction along Caribou Creek to the Poplar River; thence in a southwesterly direction along the Poplar River to an unnamed creek in Section 20 of Township 60 North, Range 3 West; thence in a westerly direction along said unnamed creek to the Range Line between Range 3 West and Range 4 West of Township 60 North; thence in a northerly direction along said Range Line to Six Mile Creek; thence in a southwesterly direction along Six Mile Creek to CSAH 2, Cook County; thence along CSAH 2 to the point of beginning. Beginning at Sawbill Lake at the small stream which connects to the portage to Alton Lake; thence northerly, easterly, and southerly along the Boundary Waters Canoe Area Wilderness boundary to the Brule Lake public water access and Forest Road (FR) 326; thence along FR 326 to FR 170; thence east along FR 170 to County State-Aid Highway (CSAH) 4, Cook County; thence along CSAH 4 to Caribou Creek; thence southwesterly along Caribou Creek to the Poplar River; thence southwesterly along the Poplar River to an unnamed creek in the North Half of the Northeast Quarter of Section 20, Township 60 North, Range 3 West; thence westerly along said creek and overland to the range line between Range 3 West and Range 4 West of Township 60 North; thence northerly along said range line to Six Mile Creek; thence southwesterly along said creek to CSAH 2, Cook County; thence along CSAH 2 to the point of beginning.

[For text of subs 42 to 44, see M.R.]

EFFECTIVE PERIOD. The expedited emergency amendments to *Minnesota Rules*, parts 6232.3700, 6232.3800, and 6232.4100, expire December 31, 2007. After the emergency amendments expire, the permanent rules as they read prior to the amendments again take effect, except as they may be amended by permanent rule. *Minnesota Rules*, part 6232.3855, expires December 31, 2007.

Department of Natural Resources

Adopted Expedited Emergency Game and Fish Rules: Waters with Restrictions on Taking Fish and Designated Special Management Waters

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 rules is *Minnesota Statutes*, sections 97A.045, subd. 2, 97C.005, and 97C.401.

The emergency conditions that do not allow compliance with *Minnesota Statutes*, sections 97A.0451 to 97A.0459, are that under the terms of the Federal District Court the Mille Lacs Band, Fond Du Lac Band, and six Wisconsin Bands of Chippewa are not required to declare their harvest intentions on inland waters until mid-March. The Mille Lacs proposed regulations are based on a safe harvest level determined for 2007. Final harvest threshold levels to be included in the proposed rules were not available until March, and the new regulations need to be in place by the May 12, 2007 fishing opener.

Several changes in this rule that are intended to be ongoing are in the process of being incorporated into a permanent rule that will not be done by the May 2007 opener.

Dated: April 4, 2007

Mark Holsten, Commissioner
Department of Natural Resources

Expedited Emergency Rules

6262.0550 WATERS WITH RESTRICTIONS ON TAKING FISH.

Subpart 1. Modifying seasons and limits. The commissioner may modify seasons and limits under *Minnesota Statutes*, section 84.027, subdivision 13, or sections 97A.0451 to 97A.0459, to accommodate tribal declarations for fish harvest in the 1837 Ceded Territory in compliance with the court ruling in *Mille Lacs Band of Chippewa v. Minnesota*, 119 S. Ct. 1187 (1999). Changes shall be posted at water access sites and the Department of Natural Resources Web site. The waters under this part have restrictions on the possession of fish.

Subp. 2. Northern pike; Ogechie Lake. While a person is on or fishing in the following waters, all northern pike in possession must be less than 24 inches in length or greater than 36 inches in length. All northern pike that are 24 to 36 inches in length, inclusive, must be immediately returned to the water. A person's possession limit may not include more than one northern pike over 36 inches in length.

<u>Name</u>	<u>Location</u>	<u>County</u>
<u>Ogechie Lake</u>	<u>T.42, R.27, S.4,5,8</u> <u>T.43, R.27, S.33</u>	<u>Mille Lacs</u>

6264.0400 DESIGNATED SPECIAL MANAGEMENT WATERS.

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

Subp. 4. Mille Lacs Lake and associated tributaries special management regulations.

A. While a person is on or fishing in Mille Lacs Lake or its associated tributaries to the posted boundaries, the daily and possession limit for walleye is four. Except as provided in ~~item items~~ B, C, and D, while a person is on or fishing in Mille Lacs Lake or its associated tributaries to the posted boundaries, all walleye in possession must be ~~from 14 inches to less than 20 inches in length or greater than 28 inches in length, inclusive.~~ All walleye that are ~~less than 14 inches or greater than 20 inches~~ 20 to 28 inches in length, inclusive, must be immediately returned to the water.

B. Notwithstanding item A and except as provided in items C and D, from July 15 to November 30, while a person is on or fishing in Mille Lacs Lake or its associated tributaries to the posted boundaries, all walleye in possession must be less than 22 inches in length or greater than 28 inches in length. All walleye that are 22 to 28 inches in length, inclusive, must be immediately returned to the water.

C. If walleye kill estimates for winter and open water fishing exceed 365,000 pounds any time prior to July 1, or exceed 449,000 pounds any time prior to August 16, then the size limit changes according to this item: While a person is on or fishing in Mille Lacs Lake and its associated tributaries to the posted boundaries, all walleye in possession must be 14 inches or greater in length or 16 inches or less in length. All walleye that are less than 14 inches or greater than 16 inches in length must be immediately returned to the water. If this regulation is implemented, it is effective from five days after notice of the change is posted on the Department of Natural Resources Web site until November 30.

~~B, D.~~ Notwithstanding ~~item items~~ A, B, and C, a person's possession limit may include one walleye over ~~26~~ 28 inches in length.

~~C.~~ All northern pike in possession E. While a person is on or fishing in Mille Lacs Lake or its associated tributaries to the posted boundaries, all northern pike in possession must be less than ~~26~~ 24 inches in length or greater than 36 inches in length. All northern pike that are ~~from 26~~ 24 to 36 inches in length, inclusive, must be immediately returned to the water. A person's possession limit may not include more than one northern pike over 36 inches in length.

~~D, E.~~ The possession limit for smallmouth bass is one. ~~All smallmouth bass in possession~~ While a person is on or fishing in Mille Lacs Lake or its associated tributaries to the posted boundaries, all smallmouth bass in possession must be 21 inches or greater in length. All smallmouth bass less than 21 inches in length must be immediately returned to the water.

G. Mille Lacs Lake is closed to the taking of fish between the hours of 10 p.m. and 6 a.m. daily during the period commencing at 10 p.m. on the Monday following the Saturday two weeks prior to the Saturday of Memorial Day weekend and ending at 12:01 a.m. on Monday, four weeks after the date of commencement. During the closure, no person shall be on the waters of Mille Lacs Lake while having in possession any equipment whereby fish may be taken. Spearing is prohibited from December 1 through April 30. A person may not have a spear in possession while on or fishing in Mille Lacs Lake during this period.

H. The commissioner may modify seasons and limits under *Minnesota Statutes*, section 84.027, subdivision 13, or sections 97A.0451 to 97A.0459, to accommodate tribal declarations for fish harvest in the 1837 Ceded Territory in compliance with the court ruling in *Mille Lacs Band of Chippewa v. Minnesota*, 119 S. Ct. 1187 (1999). Changes shall be posted at water access sites and the Department of Natural Resources Web site.

I. While a person is on or fishing in Mille Lacs Lake or its associated tributaries to the posted boundaries, all muskellunge in possession must be 48 inches or greater in length. All muskellunge less than 48 inches in length must be immediately returned to the water.

J. While a person is on or fishing in Mille Lacs Lake or its associated tributaries to the posted boundaries, the possession and daily limit for northern cisco (tullibee) is ten fish.

K. Fish that are taken by angling and not immediately released into the water after capture are considered to be in possession and part of the bag limit. Once a fish has been reduced to possession, culling or livewell sorting (the act of exchanging one fish for another) is not allowed.

L. This subpart applies to the following waters:

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Name	Location	County
Mille Lacs	T.42-45, R.25-28, S. Various	Aitkin, Mille Lacs
Borden Creek	T.44, R.25, S.5	Aitkin
Seastade Creek	T.45, R.26, S.22	Aitkin
Marmon (Twenty) Creek	T.45, R.25, S.32	Aitkin
Grave Creek	T.45, R.25, S.8	Aitkin
Peterson Creek	T.43, R.25, S.5	Mille Lacs
Thains River (Malone Creek)	T.42, R.25, S.2	Mille Lacs
West Sucker Creek	T.42, R.25, S.18	Mille Lacs
South Sucker Creek	T.42, R.25, S.18	Mille Lacs
Garrison (Borden) Creek	T.44, R.28, S.12	Crow Wing
Seguchie Creek	T.44, R.28, S.36	Crow Wing
Reddy Creek	T.45, R.26, S.23	Aitkin
Whitefish Creek	T.43, R.27, S.7	Mille Lacs
Seventeen Creek	T.44, R.25, S.17,18,29	Aitkin
Cedar Creek	T.43, R.25, S.15	Mille Lacs
McCleans Creek	T.45, R.27, S.34	Aitkin
Unnamed	T.43, R.25, S.8	Mille Lacs
Unnamed	T.42, R.26, S.11	Mille Lacs
Unnamed	T.42, R.26, S.22	Mille Lacs
Unnamed	T.43, R.27, S.8	Mille Lacs
Unnamed	T.43, R.27, S.6	Mille Lacs
Unnamed	T.43, R.27, S.21	Mille Lacs
Unnamed	T.44, R.27, S.31	Crow Wing
Unnamed	T.44, R.28, S.36	Crow Wing
Unnamed	T.44, R.27, S.4	Aitkin
Unnamed	T.45, R.27, S.25	Aitkin
Unnamed	T.44, R.25, S.29	Aitkin
Unnamed	T.44, R.25, S.31,32	Aitkin
Unnamed	T.44, R.28, S.24	Crow Wing
Unnamed	T.44, R.28, S.13	Crow Wing
Rum River Outlet	T.43, R.27, S.33	Mille Lacs

[For text of subs 6 to 76, see M.R.]

REPEALER. Minnesota Rules, part 6262.0550, published in the State Register, volume 30, page 1191, May 1, 2006, is repealed.

EFFECTIVE DATE. Minnesota Rules, part 6262.0550, the emergency amendments to Minnesota Rules, part 6264.0400, subpart 4, and the repealer, are effective May 11, 2007.

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Withdrawn Rules

An agency may choose to withdraw rules it has proposed, thus cancelling any time-sensitive schedule for public comment, hearing, or further movement toward the rules' adoption. These rules will be listed as withdrawn by their individual rule numbers in the *State Register's* index to rulemaking activity, *Minnesota Rules: Amendments and Additions*. An agency that so chooses to withdraw proposed rules, may reintroduce those same rules at a later date.

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

Minnesota Department of Labor and Industry Construction Codes and Licensing Division NOTICE OF WITHDRAWAL OF PUBLICATION

The publication of the following notices of adoption in the *State Register* is withdrawn:

1. The February 26, 2007 publication of Adopted Permanent Rules Relating to International Building Code, 31 SR 1165;
2. The February 26, 2007 publication of Adopted Permanent Rules Relating to Minnesota Accessibility Code, 31 SR 1167; and
3. The April 16, 2007 publication of Adopted Permanent Rules Relating to the Minnesota State Fire Code, 31 SR 1417.

The Division intends to republish the above notices of adoption, along with notices of adoption for four other related sets of rules, in the *State Register* on Monday, July 2, 2007, which will make all of the rules effective on Tuesday, July 10, 2007.

Dated: April 27, 2007

M. Scott Brener, Commissioner
Department of Labor and Industry

Commissioners' Orders

Various agency commissioners are authorized to issue "commissioner's orders" on specified activities governed by their agency's enabling laws. See the *Minnesota Statutes* governing each agency to determine the specific applicable statutes. Commissioners' orders are approved by assistant attorneys general as to form and execution and published in the *State Register*. These commissioners orders are compiled in the year-end subject matter index for each volume of the *State Register*.

Public Utilities Commission

NOTICE OF FINAL DECISION In the Matter of the 115 kV Appleton to Canby High Voltage Transmission Line Project Proposed by Ottertail Power Company MPUC Docket Numbers: E017/CN-06-677 and E017/TL-06-1265

Issued: April 24, 2007

PLEASE TAKE NOTICE that at its rescheduled meeting on March 6, 2007 (original meeting date March 1, 2007), the Minnesota Public Utilities Commission determined that the Environmental Assessment and the record created at the public hearing had adequately addressed the issues identified in the Scoping Decision. The Commission also designated a HVTL route and issued a HVTL Route Permit for the proposed Appleton to Canby Transmission Line project.

If you have any questions about this project or would like more information, please contact the Minnesota Department of Commerce project manager: Jeffrey Haase, 85 7th Place East, Suite 500, St. Paul, MN 55155. Tel: (651).297.5648; e-mail: jeffrey.haase@state.mn.us

Information about this project may also be obtained on the Energy Facilities section of the EQB web site:

<http://energyfacilities.puc.state.mn.us/Docket.html?Id=18663>

Revenue Notices

The Department of Revenue began issuing Revenue Notices in July of 1991. Revenue Notices are statements of policy made by the department that provide interpretation, detail, or supplementary information concerning a particular statute, rule, or departmental practice. The authority to issue Revenue Notices is found in *Minnesota Statutes*, Section 270C.07.

KEY: Underlining indicates additions to existing language. ~~Strikeouts~~ indicate deletions from existing language.

Department of Revenue

Modification of Revenue Notice # 97-11: MinnesotaCare – Dietetic and Nutrition Care Services

~~MinnesotaCare Tax~~ -- General Background

The MinnesotaCare tax is imposed on gross receipts received for patient services furnished by a health care provider or by an employer of health care providers. As defined in ~~Minn. Stat. § 295.50, subd. 4~~; Minnesota Statutes, section 295.50, subdivision 4, a health care provider is a person whose health care occupation is regulated or required to be regulated through licensing, registration, or certification by the Minnesota Department of Health, and who furnishes health care goods or patient services directly to a patient or consumer. Health care providers also include persons who provide goods and services that qualify for reimbursement under the medical assistance program as provided in ~~Minn. Stat. Ch. 256B~~ Minnesota Statutes, chapter 256B. Patient services are defined in ~~Minn. Stat. § 295.50, subd. 9b~~

Revenue Notices

Minnesota Statutes, section 295.50, subdivision 9b, to include health care goods and services provided to a patient or consumer such as medical, surgical, nursing services, drugs, laboratory, diagnostic or therapeutic services, ~~and other services covered by medical assistance.~~ This revenue notice clarifies and supplements Revenue Notices # 94-03 and # 94-14 as they apply to patient services provided by dietetic and nutrition care providers.

Dietetic and Nutrition Care Services

Dietitians, nutritionists, and registered dietetic technicians are required to be licensed or registered by the Minnesota Department of Health; therefore, they are subject to the MinnesotaCare tax when providing dietetic and nutrition care patient services independently or upon a referral by a physician. Dietetic and nutrition care services provided at an entity which employs health care providers, including a physician's office, a clinic, or a hospital are subject to the MinnesotaCare tax. Additionally, all dietetic and nutrition care services performed by other health care providers (~~e.g.~~, physicians, nurses, physician assistants, chiropractors, dentists, psychotherapists, etc.) are subject to the MinnesotaCare tax. Dietetic and nutrition care services include, but are not limited to, the assessment of nutritional needs; the providing of nutritional counseling; and the development, implementation, evaluation and maintenance of nutrition care services.

Weight loss services, such as the prescription of diet medicines/pills or physical examinations performed by a health care provider (~~e.g.~~, doctors, nurses, etc.) are subject to the MinnesotaCare tax. However, services of companies that provide only prepackaged (preplanned packages with no individualization per customer) weight loss programs, provide no medical exam, and that do not employ any licensed dietitians, nutritionists, or other health care providers as customer service representatives are not taxable.

Examples of nutrition care services and providers that are subject to the MinnesotaCare tax: Examples of Nutrition Care Services and Providers That Are Subject to the MinnesotaCare Tax:

- Nutrition care services provided by a self-employed licensed dietitian or nutritionist.
- Nutrition care services provided by a dietitian who is employed by a hospital. The hospital is responsible for the payment of the tax.
- Nutrition care services, including prescription of diet medications or physical examinations, performed by a health care provider (~~e.g.~~, doctor, nurse, chiropractor, physician's assistant, nurse practitioner). These services are also taxable where a doctor or nurse provides such services while renting space from a weight loss company.
- Services provided by a licensed acupuncturist for weight control.
- Nutritional counseling for weight control services (~~e.g.~~, psychonutritional services for eating disorders) provided by a psychotherapist.
- Weight control services under the supervision of a physician or nurse.
- Vitamins, minerals, herbal capsules, enzymes, or other food supplements that are provided as part of patient services.

Examples of nutrition care services and providers that are not subject to the MinnesotaCare tax: Examples of Nutrition Care Services and Providers That Are Not Subject to the MinnesotaCare Tax:

- Research centers that employ licensed dietitians or nutritionists but do not provide patient services.
- Educational services to the general public. For example, community education classroom instructions would not be subject to the tax.
- Patient services Services provided to students by employees of school districts, when the school does not receive payment for the service, or food service companies (including licensed dietitians and nutritionists) who do not provide patient services.
- Services provided by a weight loss company that does not employ licensed, registered, or certified health care providers. For example, weight loss retail centers using unlicensed consultants to provide only marketing and distribution information on prepackaged food and dietary supplements are not taxable.
- Services provided by a separate entity that is owned by a health care provider (~~e.g.~~, dietitian, nutritionist, chiropractor, physician, etc.), but is unrelated to the health care provider's practice and does not employ any health care providers. For example, if a chiropractor owns a weight loss company, but does not provide patient services nor employs any health care providers at the company, such weight loss services would not be taxable. However, a weight loss clinic that is part of a hospital would be subject to the tax for patient services provided.
- Vitamins, minerals, herbal capsules, enzymes, or other food supplements sold to customers separately from patient services.

~~Dated: 2 September 1997~~

Publication Date: May 7, 2007

Jennifer L. Engh

—Assistant Commissioner for Tax Policy

JOHN H. MANSUN, Assistant Commissioner
for Tax Policy and External Relations

Department of Revenue

Modification of Revenue Notice: 19 # 93-09: Sales and Use Tax – Goods Property for Business Use Outside Minnesota

General Information:

Background

The sale of merchandise picked up in Minnesota by the purchaser for use in a trade or business outside of Minnesota is generally taxable. However, Minn. Stat. § 297A.25, subd. 5 *Minnesota Statutes*, section 297A.68, subdivision 13, and Minnesota Rules, part 8130.3000, subp. 4, item C, provides that if the goods will be property is shipped or transported outside Minnesota by the customer purchaser (without any intermediate use) for use in trade or business outside Minnesota, and will not be is not returned to Minnesota except in the course of interstate commerce, the goods property is are exempt from Minnesota sales tax if:

1. the goods are property is not subject to tax in the state or country to which they are it is transported; or
2. the goods are property is to be used in other states or countries as part of a maintenance contract.

Question:

Issue

What does is exempt as part of a “maintenance contract” refer and where must the maintenance work be performed?

Answer:

Department Position

It is the ~~D~~department’s position that the property used as part of a “maintenance contract” refers to repair or replacement parts, and not to equipment or tools used in ~~the the~~ performing the repair or maintenance business.

It is the department’s position that the repair or replacement parts must be shipped or transported outside of Minnesota by the purchaser and the repair or maintenance work must be performed outside Minnesota in order for the exemption to apply. If the repair or maintenance work is performed in Minnesota, the exemption does not apply even though the property repaired or maintained will be shipped or transported by the purchaser for use outside Minnesota.

Dated: February 22, 1993

Michael E. Bockhaus, Director
— Appeals, Legal Services &
— Criminal Investigation Division

Publication Date: May 7, 2007

John H. Mansun, Assistant Commissioner
for Tax Policy and External Relations

Department of Revenue

Modification of Revenue Notice # 93-18: MinnesotaCare – Government Payments

~~Minnesota Statutes, Minnesota Statutes~~, *Minnesota Statutes*, section 295.53, subdivision 1~~(13)~~~~(a)~~~~(10)~~ provides that payments received from any governmental agency for services benefiting the public, not including payments made by the government in its capacity as an employer or insurer or payments made by the government for services provided under general assistance medical care, the MinnesotaCare program, or the medical assistance program, are excluded from the hospital, surgical center, or health care provider taxes under *Minnesota Statutes*, sections 295.50 to ~~295.57~~ 295.59.

To qualify for this exemption, government payments have to be wholly generated by general public revenues and not by payments made by the covered individuals to the government as payment in part or in whole for benefits for the covered individuals. The fact that individuals ~~benefitted by~~ who benefit from the government payment make a copayment directly to the provider, does not disqualify the government payment from this exemption. The copayments to the provider are taxable.

EXAMPLES Examples

1. Exempt Receipts Exempt Receipts
 - a. Payments health care providers receive from the State of Minnesota or the federal government for patient services

Revenue Notices

- provided to inmates.
 - b. A grant received by a hospital from a county to provide patient services to indigents.
 - c. Payments received from the government under the migrant health service project.
2. ~~Non-Exempt Receipts~~ Non-Exempt Receipts
- a. ~~Payments a hospital receives from the federal government under the Champus program; these are payments for patient services provided to military personnel and are thus payments the government makes in its capacity as an employer.~~
 - b. a. Payments received by a provider from the State of Minnesota for patient services provided to state employees are payments made by the government in its capacity as an employer.
 - c. ~~Payments received from the social security administration for evaluations given to determine whether an individual is eligible for social security disability are payments made by the government in its capacity as an insurer.~~
 - b. Payments received under Workers Compensation insurance.
 - c. Payments received from a state agency for prescription safety glasses provided to employees.

Dated: October 4, 1993

Michael E. Boekhaus, Director
Appeals, Legal Services and Criminal
Investigation Division

Publication Date: May 7, 2007

JOHN H. MANSUN, Assistant Commissioner
for Tax Policy and External Relations

Department of Revenue **Modification of Revenue Notice # 94-14: MinnesotaCare – Health Care Providers/ Patient Services – Who/What is Taxable**

This revenue notice:

- Further explains the definitions of “health care provider” and “patient services” (for further information on these terms, refer to Revenue Notice # 93-13 and # 94-03); and
- Explains the difference between custodial services and medical services as related to the taxability of bed and board;

(This revenue notice does not provide an inclusive list of all the facilities and programs that are subject to the MinnesotaCare tax. Also, facilities that are listed as subject to tax may have no taxable receipts due to other exemptions in the MinnesotaCare law.) For an inclusive list of facilities that are excluded from the definition of health care provider, see *Minnesota Statutes*, section 295.50 subdivision 4(b). These facilities are not subject to the MinnesotaCare tax. For an inclusive list of services that are excluded from the definition of patient services, see *Minnesota Statutes*, section 295.50 subdivision 9b(b). These services are not subject to the MinnesotaCare tax.

The MinnesotaCare tax is imposed on services that meet the definition of patient services and are provided by a health care provider or by an organization that employs health care providers.

1. A health care provider is defined as a person whose health care occupation is regulated by the state of Minnesota and who furnishes ~~furnishing~~ any of the goods or services listed in Minn. Stat. § 295.50 subd. 4 ~~Minnesota Statutes, section 295.50, subdivision 4~~ (e.g. e.g., medical, optical, dental) or any other goods or services that qualify for reimbursement under the medical assistance program as provided in ~~chapter 256B~~ Minnesota Statutes, chapter 256B. Under Minnesota Statutes, section 295.50 subdivision 4, a health care provider also includes staff model health plan companies, licensed ambulances, and sellers of hearing aids and prescription eyewear.

2. Patient services are defined under Minnesota Statutes, section §295.50 subd. subdivision 9b, to include health care goods and services provided to a patient or consumer. The list includes various services such as bed and board, use of facilities, and diagnostic or therapeutic services. ~~Services that are covered under medical assistance, section 256B.0625 are taxable as well.~~

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Following is an explanation of some of the terms used in the definition of patient services:

Medical Assistance. ~~All services that are reimbursable by medical assistance under Minn. Stat. § 256B.0625 are included in the definition of patient services;~~

Bed and Board. Bed and board is included in patient services when it is part of the medical services given to a patient. Bed and board is not considered patient services when it is part of residential, custodial, habilitative or training services that are not reimbursable by medical assistance under *Minnesota Statutes, section* § 256B.0625;

Nursing Services. Nursing services are those services normally provided by nurses within the scope of their license, including administration of drugs and medications, health teaching, counseling, personal care, treatment and assessment of patients' needs and care requirements, and preparation of care plans for individual patients. All services provided by a nurse in a health care facility are patient services.

Medical Social Services. Medical social services are services that contribute to the treatment of a patient's condition such as assessment of the social and emotional factors related to a patient's condition and assessment of the patient's medical and nursing requirement as applied to his/her home situation, financial resources, and the community resources available to the patient; ~~They include treatment of psychological dysfunctions caused by environmental and interpersonal factors;~~

Medical or Surgical Services. Medical or surgical services include all services that are provided within the scope of medical practice of a ~~licensed or registered~~ health care provider whose occupation is regulated by the state of Minnesota;

Diagnostic Services. Diagnostic services are services that determine the existence, nature, or extent of a disease, illness, interruption or disorder of body functions or organs, and services that enable a health care provider to identify a mental condition through critical scrutiny;

Therapeutic Services. Therapeutic services include services of a healing, curing, rehabilitative or remedial nature (~~ie: e.g.,~~ massage therapy).

Custodial vs. Medical Services

Under the general test, services that do not qualify as patient services for reimbursement under medical assistance and are not provided by ~~licensed or registered~~ health care providers, as defined in *Minnesota Statutes, section* §295.50, subd. subdivision 4 (or an entity that employs ~~licensed or registered~~ health care providers), are not taxable. This section deals with facilities that ~~provide services that do not qualify for reimbursement under medical assistance but~~ employ the services of a ~~licensed or registered~~ health care provider; When the facility is deemed to provide custodial services, these services are not taxable. ~~this~~ This section does not deal with payments for services that are specifically exempt by the MinnesotaCare law.

Custodial services mean training services, supervision, and other support activities designed to help a person maintain the highest possible level of independence and integration into the community where the person lives and works;

Medical services mean rehabilitative services or other treatment given to a patient (~~e.g.e.g.,~~ services provided by a hospital, a medical clinic, a physical therapist or a drug/alcohol rehabilitation program);

When the primary goal of the facility is to serve as a residence or provide custodial care rather than provide rehabilitative services or medical treatment, the amounts received for bed and board are not taxable (they are not deemed to be part of the health care services); only the portion of the receipts used for patient services other than bed and board is taxable. This includes ~~services that meet the definition of patient services and that are provided by licensed, as well as unlicensed providers~~ individuals whose health care occupation is regulated by the state of Minnesota, as well as by other employees of that are employed by the facility. When the primary goal of the facility is to provide medical services, all services, including bed and board, are taxable;

All receipts that are allocated to the services of a ~~licensed or registered~~ health care provider, as defined in *Minnesota Statutes, section* 295.50, subdivision 4, are taxable.

Revenue Notices

Examples of Custodial Care Facilities/Programs

A. Examples of Custodial Care Facilities/Programs

~~(t) These facilities/programs are not subject to tax unless they employ licensed or registered health care providers whose occupation is regulated by the state of Minnesota. If they employ health care providers, only~~ Only receipts for patient services, excluding bed and board, are taxable.

- Adult day care;
- Chemical dependency halfway house as defined under *Minnesota Rules*, part 9530.6605, subpart 17 (Rule 35, Category IV);
- Chemical dependency extended care, as defined under *Minnesota Rules*, part 9530.6605, subpart 15.

Examples of medical care facilities

B. Examples of Medical Care Facilities

~~(a) All services, including bed and board, provided by these programs are taxable if the facility employs licensed or registered health care providers whose occupation is regulated by the state of Minnesota.~~

- ~~Outpatient Chemical Dependency Treatment (Rule 43);~~
- Chemical dependency combination inpatient/outpatient treatment, as defined under *Minnesota Rules*, part 9530.6605, subpart 10a;
- Chemical dependency primary rehabilitation, as defined under *Minnesota Rules*, part 9530.6605, subpart 22;
- Detoxification Centers programs, as defined under *Minnesota Rules*, part 9530.6510, subpart 7; (Rule 32 35, Category I);
- Free standing treatment programs and residential free standing care facilities (Rule 35, Category H, III);
- ~~Children's' residential treatment centers (Rule 5);~~
- Mental health clinics (Rule 29) other than mental health centers defined in *Minnesota Statutes*, section sec. 245.62 subd. subdivision 2;

PAYMENTS THAT ARE SPECIFICALLY EXEMPT FROM TAX

~~Payments received for services provided by the following facilities are excluded from the gross revenues subject to tax pursuant to *Minnesota Statutes*, sec. 295.53 subd. 1 (1994):*~~

~~community residential mental health facilities (Rule 36);~~

~~community support programs and family community support programs approved under *Minnesota Rules*, parts 9535.1700 to 9535.1760 or certified as menatal health rehabilitative services (rule 78);~~

~~community mental health centers as defined in section 245.62 subd. 2;~~

~~supervised living facilities for persons with mental retardation;~~

~~post-secondary educational institutions: payments received from student fees and other appropriations are exempt. Fee for service payments and payments for extended coverage are taxable;~~

~~board and lodging facilities that provide custodial services (residential care homes);~~

~~Payments received for the following services are excluded from the gross revenues subject to tax pursuant to *Minnesota Statutes*, § sec. 295.53 subd. 1 (1994)*~~

- ~~home health care;~~
- ~~hospice care;~~
- ~~assisted living;~~
- ~~congregate housing;~~
- ~~other senior housing options;~~

*—(This is not an exclusive list of all the MinnesotaCare exemptions; also, while the payments in this list are excluded from the tax, the facilities that provide these services are included in the definition of health care provider and are required to file an annual MinnesotaCare

tax return):

Dated: June 27, 1994

Patricia A. Lien
Assistant Commissioner for Tax Policy

Publication Date: May 7, 2007

JOHN H. MANSUN, Assistant Commissioner
for Tax Policy and External Relations

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.

Find Sale of 36 Parcels of State Land

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Minnesota Comprehensive Health Association Notice of Meeting of the Finance Committee May 11, 2007

NOTICE IS HEREBY GIVEN that a meeting of the Minnesota Comprehensive Health Association's (MCHA), Finance Committee will be held at 8:00 a.m. on Friday, May 11, 2007. The meeting will take place at the MCHA executive office located at 5775 Wayzata Blvd., Suite 910, St. Louis Park, MN.

For additional information, please call Lynn Gruber at (952) 593-9609.

Department of Employment and Economic Development Minnesota State Rehabilitation Council June Public Forum on Employment Services for Persons with Disabilities

The Minnesota State Rehabilitation Council and the Minnesota Department of Employment and Economic Development will host a public forum on the employment needs of Minnesotans with disabilities, Wednesday, June 27, 2007 at the main office of Goodwill Easter

Official Notices

Seals in St. Paul. The meeting agenda includes: Council Business meeting from 9:00 to 9:30 a.m.; panel discussion on the importance and roles of community rehabilitation programs in the delivery of vocational rehabilitation services from 9:45-11:30 a.m.; comments from the public (open mike) on the needs of individuals with disabilities for employment services 11:45-12:45 p.m.; panel discussion (to be announced) from 1:00 to 2:45 p.m.; comments from the public (open mike) on the needs of individuals with disabilities for employment services 3:00 to 5:00 p.m. The public is invited to attend and participate at any time throughout the day.

The main office of Goodwill Easter Seals is located at 553 Fairview Avenue N., St. Paul, MN 55104. Sign language interpreters and real-time captioning will be present. Persons requiring additional information or accommodations may call: (651) 297-2918 (voice), or (651) 296-3900 (TTY).

Public forums are used by the department and the council to develop and recommend priorities for employment services needed by Minnesotans with disabilities. The State Rehabilitation Council is appointed by the Governor to advise on and evaluate the State's vocational rehabilitation services and programs.

Minnesota Natural Resources Department (DNR) Notice of Sale of 36 Parcels of State Land June 11-15, 2007

NOTICE IS HEREBY GIVEN, that The Department of Natural Resources will offer 36 parcels of state land for sale to the public. The properties will be sold at public oral auctions on June 11-15, 2007.

Included in the auctions will be lands from Aitkin, Beltrami, Cass, Cook, Crow Wing, Isanti, Lake, Marshall, Morrison, Otter Tail, Pine and St. Louis Counties.

Prospective bidders are urged to obtain full information on properties and sale conditions prior to the auction. No properties offered at oral auction will be sold for less than the minimum bid identified for each property on the property data sheet. The minimum bid consists of the value of the land and any improvements, the timber value and sale costs.

All properties are sold 'as is.' Property data sheets for all parcels are available from the DNR, and contain exact locations, minimum bids, date and location of auction for that property, site description and property condition.

To view or request more information about any or all properties, contact the DNR land sale line by calling (651) 259-5432, or toll free at 1-888-MINNDNR (1-888-646-6367), TTY 800-657-3929, or check out DNR Land Sale information on the DNR website at: www.dnr.state.mn.us, or request information by email at: landsale@dnr.state.mn.us.

State Register Binders

Specially designed binders with the State Register logo for storing your State Registers. Two binders typically hold one-year's subscription. Order Stock # 91-8, \$12.00 + tax

State Grants & Loans

In addition to requests by state agencies for technical/professional services (published in the State Contracts Section), the *State Register* also publishes notices about grants and loans available through any agency or branch of state government. Although some grant and loan programs specifically require printing in a statewide publication such as the *State Register*, there is no requirement for publication in the *State Register* itself. Agencies are encouraged to publish grant and loan notices, and to provide financial estimates as well as sufficient time for interested parties to respond.

Minnesota State Colleges and Universities Educational Grants Unit

Request for Proposals (RFP) and Availability of Funds to Correctional and/or other Institutions Serving the Disabled with Funds to Support Career and Technical Education Services and Activities

Minnesota State Colleges & Universities is authorized to provide, under the auspices of the Carl D. Perkins Career and Technical Education Act of 2006, assistance to **correctional and/or other institutions serving the disabled with funds to support career and technical education services and activities**. Currently MnSCU is requesting proposals from institutions in developing career and technical education service and activities.

This initiative has two primary goals: (1) To provide assistance to institutions which will assist persons through career and technical education services and activities that will upgrade skills and increase career opportunities toward personal economic self-sufficiency and (2) To assist in the development of career and technical education services and activities, which could be **replicated** elsewhere in the State.

Funds in the amount of **\$60,000** have been set-aside to further this programmatic objective. MnSCU anticipates making two grant awards to interested parties. This request for proposals does not obligate MnSCU to award a contract, and MnSCU reserves the right to cancel the solicitation if it is considered to be in its best interest. **Any contract executed under this RFP will be dependent upon the amount of funds received from the Carl D. Perkins Federal Grant.**

The Request for Proposal Application and the Application Review Criteria are available on our website:

<http://www.cte.mnscu.edu/relatedlinks/grantoppt.html>.

Click on the link "FY08 Funding for Corrections and Disabilities." The grant term is effective **July 1, 2007 through June 30, 2008**. An **intent to apply** providing a brief description of the proposed project and collaborative efforts must be faxed by **May 18, 2007**.

Proposal applications must be postmarked by **June 8, 2007**, with an anticipated disbursement date of late **July 2007**.

Faxed or e-mailed applications will NOT be accepted.

Please contact Eva Scates-Winston regarding any questions. The Intent to Apply and proposal application should be submitted to:

Eva Scates-Winston
Minnesota State Colleges and Universities
Wells Fargo Place
30 Seventh Street East, Ste. 350
Saint Paul, Minnesota 55101
Phone: (651) 297-3792
E-mail: eva.scates-winston@so.mnscu.edu

The Minnesota State Colleges and Universities system is an Equal Opportunity employer and educator.

Department of Health

Office of Rural Health and Primary Care

Request for Proposals for Clinical Dental Education Innovations Grants

The Office of Rural Health and Primary Care, the Minnesota Department of Health, is soliciting proposals for grants to sponsoring institutions and clinical dental training sites for projects that increase dental access for underserved populations and promote innovative clinical training of dental professionals. Approximately \$1,050,000 is available for grants with a maximum award of \$500,000 for a two-year grant period. In recent years, however, the average awards have been between \$120,000 and \$150,000. Eligible applicants include institutions that sponsor accredited clinical dental education programs, institutions that sponsor or are developing interdisciplinary clinical training programs that include accredited dental education, clinical training sites that host dental professionals and are currently enrolled as active Medicaid providers, or consortia consisting of members of one or both groups. Potential uses of grant funds include funding or

State Grants & Loans

expansion of existing programs with demonstrated success in providing dental services to underserved populations and development or implementation of new programs designed to improve access for underserved populations in Minnesota through the use of dental residents or students.

To be considered for funding, proposals must be received by **4:00 p.m., Friday, June 22, 2007** at the Minnesota Department of Health, 85 East Seventh Place, Suite 220, St. Paul, MN 55101, attention Doug Benson. **Late proposals will not be considered.** A copy of the full Request for Proposals may be obtained at: <http://www.health.state.mn.us/divs/cfh/orhpc/grant/home.htm> Click on "Clinical Dental Education Innovations Grants."

For more information contact Doug Benson at (651) 201-3842, E-mail: doug.benson@health.state.mn.us

By mail: P.O. Box 64882, St. Paul, MN 55164-0882

By courier: 85 East 7th Place, Suite 220, St. Paul, MN 55101

Minnesota Department of Human Services Community Partnerships Division

Notice of Request for Proposals (RFP) for Qualified Grantee(s) to Provide Child Care Resource and Referral (CCR&R) Baseline Services in Two of the Governor's Economic Development Regions

This Request for Proposals (RFP) for Qualified Grantee(s) to Provide Child Care Resource and Referral (CCR&R) Baseline Services in Two of the Governor's Economic Development Regions:

CCR&R BASELINE SERVICES IN REGION 6E:

Kandiyohi, Meeker, McLeod, Renville Counties

and

CCR&R BASELINE SERVICES IN REGION 9:

Sibley, Nicollet, LeSueur, Brown, Watonwan, Blue Earth,

Waseca, Martin, Faribault Counties

The Minnesota Department of Human Services (DHS) is seeking proposals from qualified responders (public or private nonprofit organizations) with the capacity to serve as CCR&R Regional Baseline sites. As a Regional CCR&R Baseline site, the successful responder will:

- Publicize child care resource and referral information services to families;
- Provide technical assistance and consultation to child care providers;
- Provide outreach to family, friend and neighbor caregivers; and
- Collaborate and/or partner with local community organizations to build a better community for families and children in Region 6E and Region 9.

A separate proposal will be submitted by RFP respondents and a separate contract will be awarded for each of the regions. The term of any resulting contract is anticipated to be for two years, from July 1, 2007 – June 30, 2009.

To access the RFP, go to the DHS public website on or after 10 a.m., May 7, 2007, Central Time: www.dhs.state.mn.us under "Partners and Providers," "Grants and RFPs."

For further information or to request a paper copy of the RFP, please contact:

Fred Fuhrmann, Grants Coordinator

Community Partnerships Division

Department of Human Services

P.O. Box 64962

St. Paul, MN 55164-0962

E-mail: fred.fuhrmann@state.mn.us

Proposals must be physically received (not postmarked) by **4:00 p.m. Central Time on May 29, 2007**, to be considered. Faxed 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 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 for informal solicitation announcements.

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

Requirements: There are no statutes or rules requiring contracts to be advertised for any specific length of time, but the Materials Management Division strongly recommends meeting the following requirements:

\$0 - \$5000 does not need to be advertised. Contact the Materials Management Division: (651) 296-2600
\$5,000 - \$25,000 should be advertised in the *State Register* for a period of at least seven calendar days;
\$25,000 - \$50,000 should be advertised in the *State Register* for a period of at least 14 calendar days; and
anything above \$50,000 should be advertised in the *State Register* for a minimum of at least 21 calendar days

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And it's all E-mailed to you, at end-of-day on Friday, instead of waiting for the non-subscriber's issue released on Monday. Contact Cathy Hoekstra, our subscriptions manager, at (651) 297-8777, or **Fax:** (651) 297-8260, or **E-mail:** cathy.hoekstra@state.mn.us

Minnesota State Colleges & Universities (MnSCU) Century College

Request for Proposals for Access Control and Security Management System

NOTICE IS HEREBY GIVEN that Century College located in White Bear Lake, MN request proposals to provide an Integrated Security Management System that will form the bases for the college's physical security systems. System will provide access control and optional CCTV which must interface with the current security alarm system and future "one card system". The initial installation will be limited in scope with possible future incremental expansion to support the entire campus and long term goal of a one card system.

A mandatory meeting/walk through shall be held on Wednesday, May 16, 2007 at 1:00 p.m. Meet in the East Campus, South Entrance Lobby.

Proposals will be due no later than Thursday, June 7, 2007 at 3:00 p.m. CDT.

To receive the RFP, e-mail: dona.bettinger@century.edu.

Submitted by:

Dona K. Bettinger
Purchasing Supervisor
Century College
3300 Century Ave N
White Bear Lake MN 55110
Phone: (651) 779-3276
Fax: (651) 779-3418

State Contracts

Minnesota State Colleges and Universities (MnSCU)

Inver Hills Community College

Request for Proposal for an Owners Rep for the Classroom Addition and Renovation Project

To receive a copy of the Request For Proposal please email Patrick Buhl at pbuhl@inverhills.edu in this email please give your company name, address, telephone and fax number, email address and the name of the contact person. In the subject line of the email please put “*Classroom Addition and Renovation RFP Request*”

Project Scope: We are currently in the design development phase to construct an addition of approximately 23,870 GSF and renovate approximately 22,400 GSF. We currently have funding through construction documents

Minnesota State Colleges and Universities (MnSCU)

Metropolitan State University

Request for Proposals to Remodel Space in Founders Hall to Provide Three New Offices, a Conference Room and Updated Finishes

Sealed Bids for: Grants and Development Remodel
Metropolitan State University
700 East 7th Street
St Paul, MN 55106

will be received by: **Jean Alaspa**
Metropolitan State University
700 East 7th Street
Room 321 Founders Hall
St. Paul, Minnesota 55106
(651) 793-1700

Until **2:00 PM, Thursday May 17, 2007**, at which time the bids will be opened and publicly read aloud in Room 301.

Project Scope: The project consists of all work required to remodel approximately 3,800 square feet of existing second floor space in Founders Hall in order to provide 3 new offices, a conference room and updated finishes. The scope includes but is not limited to: selective interior demolition, new steel stud/gypsum board partitions, hollow metal frames, wood doors and hardware, new ceiling tile and grid, new carpet, painting, HVAC, electrical work, case work and polished plaster. The project schedule requires expedient coordination with Owner and cooperation with Owner’s workforce which will occupy portions of the floor during construction.

A pre-bid meeting will be held at **2:00 PM, Wednesday, May 9, 2007. Interested parties should meet at Metropolitan State University, Founders Hall 301. The pre-bid meeting is mandatory for primary bidders.** The Architect/Engineer and Owner Representatives will review the bidding procedures, Bidding Documents and other conditions with interested Bidders, answer questions and tour the project site.

Bid Forms, Contract Documents, Drawings and Specifications as prepared by the Project Architect/Engineer, **LHB Inc., may be obtained on or after May 3, 2007** at the offices of the:

- 1) above named Project Architect.
- 2) following Builders Exchanges: St. Paul, Minneapolis, Duluth, and St. Cloud.
- 3) Construction Market Data Plan Room.
- 4) McGraw-Hill Construction Plan Room.
- 5) Minority Contractors of Upper Midwest National Association.

Complete sets only of bid forms and Drawings and Specifications for use by Bidders in submitting a bid may be obtained from:

Terza Kurki, Marketing Coordinator
LHB, Inc.
250 Third Ave North, Suite 450
Minneapolis, MN 55401

A refundable deposit of **\$50.00** is required for each set.

Prospective Bidders requesting that Bidding Documents (complete sets only) be mailed to them, shall send a separate non-refundable payment (check made out to the Architect) for **\$25.00** per set for shipping & handling (in addition to the **\$50.00** deposit) to the Architect. Such deposits and payments may be sent prior to **May 17, 2007**. Documents will be sent to street addresses only (P.O. Boxes not acceptable).

Each bid which totals over \$15,000.00 must be accompanied by a bid bond or other security described here as a proposal guarantee that the bidder will enter into a contract if its bid is accepted. This security may be either a certified check, payable to **Minnesota State Colleges and Universities**, in the sum of not less than five percent (5%) of the total base bid or a corporate surety bond for the same amount by a surety company authorized to do business in the State of Minnesota.

Minnesota State Colleges and Universities (MnSCU) Minneapolis Community & Technical College Request for Proposals for a Campus-Wide ID Card and Transaction System

Description: Minneapolis Community and Technical College is requesting qualified vendors to submit proposals for a complete online one-card Campus-Wide ID Card and Transaction System that will include point-of-sale, food services and meal plans, prepaid services and credit accounts, and activity access and monitoring capabilities. This system must also be able to support video imaging ID Card production; vending, copying/printing, parking, door access, off-campus merchants; bookstore and online access to cardholder accounts including deposit capability via the Web.

Proposal Deadline: 2:00 p.m. – Tuesday May 15, 2007

Contact for proposal copies and to submit:

Michael Noble-Olson – Purchasing Manager
Minneapolis Community & Technical College
1501 Hennepin Avenue – Business Office
Minneapolis, MN 55403
Telephone: (612) 659-6866
E-mail: *Michael.Noble-Olson@minneapolis.edu*

Minnesota State Colleges and Universities (MnSCU) Rochester Community and Technical College Request for Proposals for Banking Services for the Rochester Community and Technical College

NOTICE IS HEREBY GIVEN that proposals are being solicited to select a bank to provide banking services for the Rochester Community and Technical College.

The Rochester Community and Technical College seek the services of a bank to provide professional revenue and deposit banking services. Institutions must provide evidence of successful experience working with non-profit organizations and/or educational institutions.

To receive a copy of the Request for Proposal (RFP) please send an e-mail to june.meitzner@roch.edu or fax your request to 507-285-7104. An informational meeting will be held on Tuesday May 15, 2007 at 1:00 P.M. in room CF202.

State Contracts

Request for Proposals are due by Tuesday, May 29, 2007 4:00 P.M. CDT and are to be addressed to June Meitzner, Rochester Community and Technical College 851 - 30th Ave S.E., Room EA134, Rochester, MN 55904. Late responses will not be considered.

Any questions should be in the form of an RFI and directed to Ruth Siefert: ruth.siefert@roch.edu

Minnesota State Colleges and Universities are not obligated to complete the proposed project and reserves the right to cancel the solicitation.

Minnesota State Colleges and Universities (MnSCU) Winona State University

Request for Bids for a Multi-angle Light Scattering Detector

NOTICE IS HEREBY GIVEN that Winona State University is seeking bids for a multi-angle light scattering detector.

Bid specifications will be available May 7, 2007 by contacting the Purchasing Department at P.O. Box 5838, 205 Somsen Hall, Winona, MN 55987, e-mail: sschmitt@winona.edu or by calling (507) 457-5067.

Sealed bids must be received by Sandra Schmitt at PO Box 5838, or at 175 W. Mark St., Somsen 205G, Business Office, Winona State University, Winona, MN 55987 by 3:00 PM Monday, May 21, 2007.

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

Minnesota State Colleges and Universities (MnSCU) Winona State University

Request for Bids for a Two-color Offset Printing Press and Plate Maker

NOTICE IS HEREBY GIVEN that Winona State University is seeking bids for a small format two color offset printing press and plate maker.

Bid specifications will be available May 7, 2007 by contacting the Purchasing Department at PO Box 5838, 205 Somsen Hall, Winona, MN 55987, e-mail: sschmitt@winona.edu or by calling (507) 457-5067.

Sealed bids must be received by Sandra Schmitt at PO Box 5838, or at 175 W. Mark St., Somsen 205G, Business Office, Winona State University, Winona, MN 55987 by 3:00 PM Tuesday, May 22, 2007.

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

Explore Minnesota Tourism

Request for Bids for Services for Travel Information

NOTICE IS HEREBY GIVEN that Explore Minnesota Tourism (EMT) is seeking proposals for services for travel information on the World Wide Web at:

<http://www.exploreminnesota.com/>
<http://www.mspvacations.com/>
<http://www.exploreminnesotancw.com/>
<http://www.exploresouthernminnesota.com/>
<http://www.neminnesota.com/>
<http://golf.exploreminnesota.com/>
<http://byways.exploreminnesota.com/>
<http://www.mngovernorsopener.com>
<http://www.mntourism.org/>
<http://industry.exploreminnesota.com/>
<http://staff.exploreminnesota.com/>

These services include 1) application development, 2) graphic and Web design and 3) support of Web functionality. These services will be provided under an annual contract with potential annual renewal of up to a total of five years.

The vendor may subcontract portions of the work. All subcontractors require advance approval of EMT. The vendor will be directly responsible to EMT for completion of all work, including any work that is subcontracted.

The goal will be to provide high-quality Web sites offering in-depth Minnesota travel information. Sites will be available 24 hours a day/

seven days a week and updated on demand with information from EMT's Journey travel information database, along with extensive Web-only data, such as articles, images, advertising and paid upgraded listings, which are updated by tourism industry members using web-based administrative tools.

Prospective responders who have any questions regarding this request for proposal should submit questions in writing to:

James Riemermann
100 Metro Square
121 Seventh Place East
St. Paul, MN 55101
E-mail: james.riermann@state.mn.us

NOTE: No other personnel are authorized to discuss this contract or request for proposals.

The proposal deadline is 3 p.m., Tuesday, May 29, 2007. Proposals received after the deadline will not be considered.

Explore Minnesota Tourism Marketing & Research

Notice of Request for Proposals for Marketing Positioning Study

Description: Creation and implementation of a consumer-focused positioning study to assist Explore Minnesota Tourism in effectively marketing regions and sub-regions of the state. Activities include review of available branding and Traveler Profile research, content analysis of marketing materials, review of how other state Tourism agencies address regional and sub-regional marketing, conducting four focus groups (three out of state), and preparation of a report of findings and actionable recommendations.

To obtain a copy of the RFP, contact Leann Kispert at: leann.kispert@state.mn.us or at (651) 297-4347. The RFP will be sent electronically to interested vendors.

Proposals submitted in response to this notice must be received by Explore Minnesota Tourism by 3:00 p.m. CDT – Friday, June 1, 2007. **Late proposals will not be considered.** Fax or e-mailed proposals will **NOT** be considered.

Contact for questions and proposals:

Leann Kispert – Sr. Marketing & Research Manager
Explore Minnesota Tourism
121 7th Place East, Suite 100
St. Paul, MN 55101
Telephone: (651) 297-4347
E-mail: Leann.Kispert@state.mn.us

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

Minnesota Historical Society

Notice of Request for Proposals for a Reuse Study and Plan for the Washburn Grain Elevator No. 1, Feed Elevator/Work House and Wheel House in Minneapolis, Minnesota

The Minnesota Historical Society (Society) is seeking proposals from qualified firms to conduct a Reuse Study and Plan for the Washburn Grain Elevator No. 1, Feed Elevator/Work House and Wheel House that are part of the Washburn A Mill/Mill City Museum building complex in Minneapolis, Minnesota.

All three structures prominently front the West River Parkway and face the Mississippi River. The elevators are among the last remaining examples of their type in the St. Anthony Falls area. The Society acquired these structures as part of the development of Mill City Museum to ensure their ongoing preservation, and now is challenged with finding a viable use for them so that they do not continue to deteriorate.

State Contracts

The Request for Proposals is available by contacting Mary Green-Toussaint, Purchasing Coordinator, Minnesota Historical Society, 345 Kellogg Boulevard West, St. Paul, Minnesota 55102. **Telephone:** (651) 259-3175; **e-mail:** *mary.green-toussaint@mnhs.org*.

All proposals are due no later than 2:00 P.M. Local Time, Thursday, May 24, 2007. A **public** opening will be conducted at that time. Late proposals will not be considered.

Dated: May 7, 2007

Department of Human Services Notice of Availability of Contract for Workforce Planning Consultation

The Minnesota Department of Human Services, through its Office of the Chief Information Officer, is requesting proposals for the purpose of analyzing survey and other data and research strategies and tools to support a future productive IT workforce.

Delivery and an Implementation Plan.

Work is proposed to start after **July 2, 2007**.

A Request for Proposals will be available by mail from this office through **May 11, 2007**. **A written request (by direct mail or fax) is required to receive the Request for Proposal.** After **May 11, 2007**, the Request for Proposal must be picked up in person.

The Request for Proposal can be obtained from:

Gwen Wildermuth
Office of the Chief Information Officer
Department of Human Services
State of Minnesota
444 Lafayette Road N
St. Paul MN 55164
Mail Stop: 0239
Fax Number: (651) 431-7521

Proposals submitted in response to the Request for Proposals in this advertisement must be received at the address above no later than **May 28, 2007, 4:00 P.M. CDT.**

Late proposals will not be considered. Faxed 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.

Minnesota State Lottery Request for Proposals for Sponsorship Agreements

Description of Opportunity

The Minnesota State Lottery develops sponsorship agreements throughout the year with organizations, events, and sports teams to create excitement for lottery players, to interest new players and increase the visibility of lottery games. The Lottery encourages and continually seeks new sponsorship agreements to help achieve current Lottery marketing goals.

Proposal Content

A sponsorship proposal presented to the Lottery should meet the following three criteria:

1. Maximize Lottery Visibility – the event, sports or tie-in proposal should draw a large number of desired participants (typically 50,000 or more) whose demographics match the Lottery player profile. The Lottery is interested in effectively delivering its message of fun and entertainment to Minnesota adults whose demographics skew primarily towards those aged 25-64, with a household income of \$35,000-\$75,000, and having an educational background of some college or higher. The Lottery does not market to those under the age of 18, and family events with high levels of children present are generally not accepted. Attendance, on-site signage visibility and paid media exposure will be critical components that will be evaluated.

2. Enhance Lottery Image- – the event, sports or tie-in proposal should inherently project the attitude that the Lottery is a

fun and socially acceptable part of the community. The Lottery's presence should fit well within the lineup of other sponsors. The Lottery is interested in creating opportunities whereby the sponsorship can translate into sales revenue, either via on-site sales from a Lottery booth, from sales-generating promotions with Lottery retailers or from joint programs with the sponsor's media partners.

3. Provide Promotional Extensions – the event, sports or tie-in proposal should offer exciting, value-added ways to interact with our players and have opportunities to motivate attendees, listeners and viewers to participate in and purchase Lottery games. The proposal must include proper staffing availability or other considerations to help the Lottery implement any appropriate promotional extension ideas.

Proposals should address all pertinent elements of the sponsorship and how the Lottery criteria as stated above and on the Evaluation Form are to be met. To view or print copies of the Request for Proposal go to: <http://www.mnlottery.com/vendorops.html>

This Solicitation does not obligate the state to award a contract or pursue a proposed sponsorship opportunity, and the state reserves the right to cancel the solicitation if it is considered to be in its best interest.

Questions

Questions concerning this Solicitation should be directed to:

John Mellein, Marketing Director
Minnesota State Lottery
2645 Long Lake Road
Roseville, MN 55113
Telephone: (651) 635-8230
Toll-free: (888) 568-8379 ext. 230
Fax: (651) 297-7496
TTY: (651) 635-8268
E-mail: johnm@mnlottery.com

Other personnel are not authorized to answer questions regarding this Solicitation.

Response Delivery

All responses must be in writing and delivered to the contact noted above. Proposals will be accepted on an ongoing basis.

Minnesota State Retirement System Notice of Availability of Contract for Actuarial Services

The Minnesota State Retirement system is requesting proposals for the purpose of **providing a range of actuarial services while functioning as actuarial advisor to the MSRS Board of Directors and the Executive Director of MSRS.**

Work is proposed to start after July 1, 2007.

A Request for Proposals will be available by mail from this office through May 24, 2007. **A written request (by direct mail or fax) is required to receive the Request for Proposal.** After May 24, 2007, the Request for Proposal must be picked up in person.

The Request for Proposal can be obtained from:

Sue Willinger
MSRS
60 Empire Drive; Suite 300
St. Paul, MN 55103
Fax number: (651) 282-2117

Proposals submitted in response to the Request for Proposals in this advertisement must be received at the address above no later than 3:00 PM, June 4, 2007.

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 Contracts

Department of Transportation

Office of Transit

Planning, Modal, and Data Management Division

Notice of Extension of Application Deadline for FTA Section 5316, Job Access and Reverse Commute (JARC) and FTA Section 5317, New Freedom Grant Programs

In the February 26, 2007 *State Register*, the Minnesota Department of Transportation (Mn/DOT) Office of Transit published notice of Intent to Solicit applications for the JARC and New Freedom Grant Programs in Greater Minnesota [31 SR 1171].

In the February 26 Notice it was indicated that the application deadline for JARC and New Freedom was May 15, 2007. **The application deadline has been extended to June 15, 2007** to coincide with the Federal Transit Administration's (FTA) issuance of final guidance for JARC and New Freedom and the FTA's advanced timeline for processing federal grants. The extension of the application deadline allows adequate time to amend selected JARC and New Freedom projects in the TIPs and STIP.

In the February 26 Notice it was indicated that applications would cover the grant period from July 1, 2007 to and including December 31, 2007. **The grant period has now changed to cover the period from January 1, 2008 to December 31, 2008.**

Applications must be postmarked no later than 4:00 p.m. Central Daylight time on June 15, 2007. The Statewide Review Committee will convene on July 18, 2007, and selected projects will be announced later in July. Contracts will be signed and executed prior to December 31, 2007.

There are several forms within the existing application that are affected by the change in timelines. These changes will be posted on the Mn/DOT Office of Transit Website at <http://www.dot.state.mn.us/transit> during the week of May 1, 2007.

Further information can be obtained by contacting:

Barb Quade
Mn/DOT Office of Transit
395 John Ireland Blvd., MS 430
St. Paul, MN 55155
Phone: (651) 366-4180
E-mail: barbara.quade@dot.state.mn.us

Department of Transportation (Mn/DOT)

Engineering Services Division

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

This document is available in alternative formats for persons with disabilities by calling Brad Hamilton at (651) 366-4626 for persons who are hearing or speech impaired by calling Minnesota Relay Service at (800) 627-3529.

Mn/DOT, worked in conjunction with the Consultant Reform Committee, the American Council of Engineering Companies of Minnesota (ACEC/MN), and the Department of Administration, to develop the Consultant Pre-Qualification Program as a new method of consultant selection. The ultimate goal of the Pre-Qualification Program is to streamline the process of contracting for highway related professional/technical services. Mn/DOT awards most of its consultant contracts for highway-related technical activities using this method, however, Mn/DOT also reserves the right to use Request for Proposal (RFP) or other selection processes for particular projects. Nothing in this solicitation requires Mn/DOT to use the Consultant Pre-Qualification Program.

Mn/DOT is currently requesting applications from consultants. Refer to Mn/DOT's Consultant Services web site, indicated below, to see which highway related professional/technical services are available for application. Applications are 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 applications forms are available on Mn/DOT's Consultant Services web site at: <http://www.dot.state.mn.us/consult>.

Send completed application material to:

Brad Hamilton
Consultant Services
Office of Technical Support
Minnesota Department of Transportation

395 John Ireland Blvd. Mail Stop 680
St. Paul Minnesota 55155

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

Department of Transportation (Mn/DOT) 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.

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.

Department of Transportation (Mn/DOT) Office of Technical Support Engineering Services Division Request for Proposals (RFP): Safe Routes to School Program (SRTS, Statewide Education and Outreach Marketing Plan)

NOTICE OF AVAILABILITY OF CONTRACT to develop a statewide education and outreach marketing plan for the Safe Routes to School Program. Responses to this advertisement become public information under the Minnesota Government Data Practices Act. This request does not obligate Mn/DOT to complete the work contemplated in this notice, and Mn/DOT reserves the right to cancel this RFP. All expenses incurred in responding to this notice shall be borne by the responder.

The goal of education and outreach for the Minnesota SRTS program is to create awareness and develop/reinforce messages about the program. The goal of the SRTS program is to improve the health and well-being of children in grades K-8 by enabling and encouraging them to walk and bicycle to school. To achieve these goals Mn/DOT is looking for a consultant to work with Mn/DOT and its partners in a collaborative team effort to develop a marketing plan to help Mn/DOT, schools and communities communicate the SRTS message effectively and consistently. The marketing plan should address the following goals established by the FHWA:

- To enable and encourage children, including those with disabilities, to walk and bicycle to school
- To make bicycling and walking to school a safer and more appealing transportation alternative, thereby encouraging a healthy and active lifestyle from an early age; and
- To facilitate the planning, development, and implementation of projects and activities that will improve safety and reduce traffic, fuel consumption, and air pollution in the vicinity (approximately 2 miles) of primary and middle schools (Grades K-8).

The marketing plan should focus on creating SRTS materials and tools for all schools and communities, particularly the majority of schools and communities that have not received a SRTS grant.

The Selected Responder will work with Mn/DOT and other Minnesota SRTS partners to develop a three year strategic marketing plan which will include deliverables that are available over the three year contract and specifically at the start of each of the 2007-2008, 2008-2009 and 2009-2010 school years.

The full RFP can be viewed on the Consultant Services Web Page at: www.dot.state.mn.us/consult under the P/T Notices Section.

If you have any questions regarding this advertisement, or are having problems viewing the RFP on the Consultant Services Web Page, you may contact:

Melissa McGinnis, Contract Administrator
E-mail: melissa.mcginis@dot.state.mn.us
Telephone: (651) 366-4644

Note: RESPONSES WILL BE DUE ON JUNE 6, 2007 AT 2:00PM CENTRAL DAYLIGHT TIME.

Non-State Bids, 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 Request for Proposals (RFP) for Empire Overview Training for the Empire Treatment Facility

Reference Number 07P037

The Metropolitan Council is soliciting proposals to provide operational Overview Training for the Empire Treatment Facility. The successful proposer will provide training materials and conduct training sessions for nineteen (19) plant systems, which were modified or newly installed.

<i>Issue Request for Proposals</i>	April 30, 2007
<i>Questions Due</i>	May 8, 2007
<i>Proposals Due</i>	May 18, 2007
<i>Award Contract</i>	June 2007

All firms interested in submitting proposals for this contract and desiring to receive an RFP package are invited to make a written request either by e-mail, fax or mail to:

Sunny Jo Emerson
Administrative Assistant, Contracts and Procurement Unit
Metropolitan Council
390 North Robert Street
St. Paul, MN 55101
Fax: (651) 602-1083
E-mail: sunnyjo.emerson@metc.state.mn.us

Metropolitan Council

Notice of Request for Proposals (RFP) for Investigative Services

Reference Number 07P023-A

The Metropolitan Council is soliciting proposals to provide Investigative Services. The successful proposer will provide Investigative Services for internal and external discrimination, harassment and inappropriate behavior complaints.

Issue Request for Proposals	April 30, 2007
Questions Due	May 4, 2007
Proposals Due	May 11, 2007
Award Contract	June 2007

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

Sunny Jo Emerson
Administrative Assistant, Contracts and Procurement Unit
Metropolitan Council
390 Robert Street
St. Paul, MN 55101
Fax: (651) 602-1083
E-mail: sunnyjo.emerson@metc.state.mn.us

Non-State Bids, Contracts & Grants

Todd County, Minnesota

Request for Proposals for Engineering Services for the North/South Corridor with Railroad Overpass in the City of Staples Project

NOTICE IS HEREBY GIVEN that Todd County, Minnesota is accepting proposals for engineering services for the North/South Corridor with Railroad Overpass Project in the City of Staples. Engineering services will include completing a scoping process of multiple design alternatives, environmental assessment/public hearing/study report process, permitting process, and final design process for the entire project. For a full copy of the Request for Proposals, please contact the contract administrator at:

Loren Fellbaum
Todd County Engineer
44 Riverside Drive
Long Prairie, MN 56347
Telephone: (320) 732-2722
Fax: (320) 732-4525
E-mail: loren.fellbaum@co.todd.mn.us

Proposals Due: 2:00 p.m. on May 17th, 2007
DBE Goal: 10%

University of Minnesota

Notice of Availability of Request for Proposal (RFP) for Designer Selection for: University of Minnesota-Morris Community Services Building State Designer Selection Board Project No. 07-01

The State of Minnesota, acting through its Board of Regents for the University of Minnesota-Morris and through the State Designer Selection Board, is soliciting proposals from interested, qualified consultants for architectural and engineering design services.

A full Request for Proposals is available on the University of Minnesota website: <http://www.cppm.umn.edu/rfp.html>, click on "Morris Community Services."

An informational meeting is tentatively scheduled for **10:00 am, May 17th in Room 10, Camden Hall, University of Minnesota-Morris campus**. Any questions regarding the pre-proposal meeting or the RFP should be directed to Chip Foster at foste048@umn.edu.

Proposals must be delivered to Mary Golike, Executive Secretary, State Designer Selection Board, 301 Centennial Office Building in the State Architect's Office, 658 Cedar St., St. Paul, MN 55115-1625 (651.201.2372) not later than **1:00 P.M., Friday, May 25, 2007**. Late responses will not be considered.

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

University of Minnesota

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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 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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