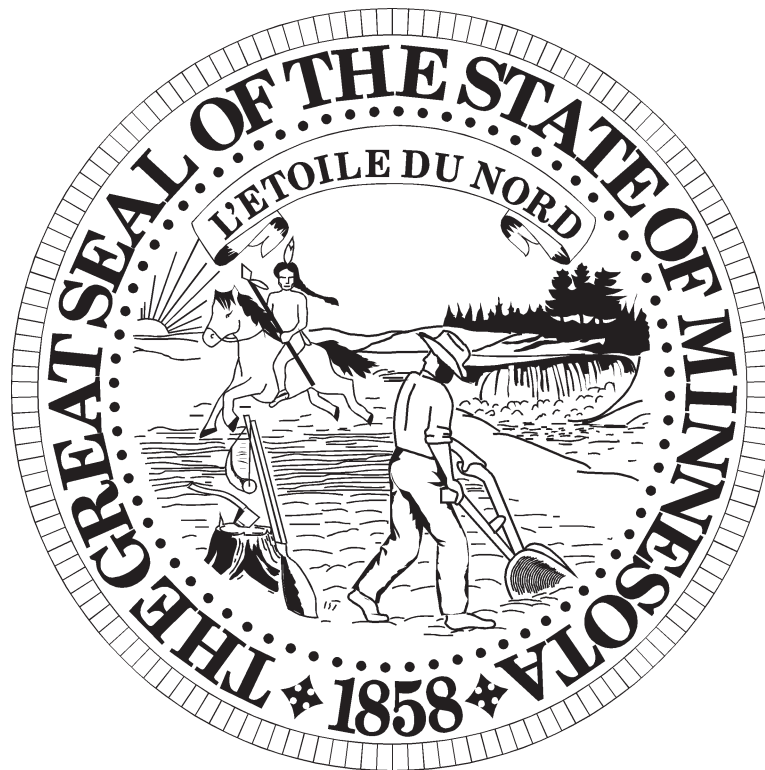


State of Minnesota

State Register



**Proposed, Adopted, & Expedited Rules; Executive Orders; Appointments;
Commissioners' Orders; Revenue Notices; Official Notices;
State Grants & Loans; State Contracts; Non-State Public Bids, Contracts & Grants**
Published every Monday (Tuesday when Monday is a holiday)

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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:

- Proposed Rules
- Adopted Rules
- Exempt Rules
- Expedited Rules
- Withdrawn Rules
- Vetoed Rules
- Executive Orders of the Governor
- Appointments
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# 7	Monday 17 August	Noon Tuesday 11 August	Noon Wednesday 5 August
# 8	Monday 24 August	Noon Tuesday 17 August	Noon Wednesday 12 August
# 9	Monday 31 August	Noon Tuesday 24 August	Noon Wednesday 19 August

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Minnesota Rules: Amendments and Additions

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

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

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

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

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

Minnesota Department of Education

Division of Academic Standards

Proposed Permanent Rules Relating to Arts Academic Standards

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 Permanent Rules Governing Arts Academic Standards, Minnesota Rules, 3501.0800-3501.0815, and Repeal of Minnesota Rules, 3501.0620, 3501.0625, 3501.0630, and 3501.0635

Introduction. The Department of Education intends to adopt rules without a public hearing following the procedures 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 Tuesday, September 1, 2009, the Department will hold a public hearing in Room 13, Conference Center A, Minnesota Department of Education Building, 1500 Highway 36 West, Roseville, Minnesota 55113, starting at 10 a.m. on Monday, September 14, 2009. To find out whether the Department will adopt the rules without a hearing or if it will hold the hearing, you should contact the agency contact person after September 1, 2009, and before September 14, 2009.

Agency Contact Person. Submit any comments or questions on the rules or written requests for a public hearing to the agency contact person. The agency contact person is: Kathryn Olson at Minnesota Department of Education, 1500 Hwy 36 West, Roseville, Minnesota, 55113; **telephone:** (651) 582-8669; **FAX:** (651) 582-8248; and **e-mail:** Kathryn.A.Olson@state.mn.us. **TTY** users may call the Department of Education at (651) 582-8201.

Subject of Rules and Statutory Authority. The proposed rules address K-12 arts academic standards, and establish revised standards for educating students in the arts in Minnesota public schools. The arts academic standards rules encompass five arts areas: music, dance, theater, visual arts and media arts, and are presented in four grade bands. The focus and structure of the rules derive from the core

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concepts of creating, performing, and responding, and combine these artistic processes with foundational knowledge. The proposed standards reflect the concept that artistic literacy results from the interrelationship of these four core learning strands. Minnesota's current arts academic standards do not adequately address this important relationship, so the proposed revised arts academic standards represent an important shift toward realigning the balance between foundational knowledge and artistic processes. This proposed rule amendment would repeal the existing arts academic standards, found at *Minnesota Rules*, 3501.0620, 3501.0625, 3501.0630, and 3501.0635.

The statutory authority to adopt the rules is *Minnesota Statutes*, section 120B.023, subd. 2, and *Minnesota Statutes*, section 120B.02. A copy of the proposed rules is published in the *State Register* and attached to this notice as mailed.

Comments. You have until 4:30 p.m. on Tuesday, September 1, 2009, 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 that you desire. You must also make any comments about the legality of the proposed rules during this comment period.

Request for a Hearing. In addition to submitting comments, you may also request that the Department hold a hearing on the rules. You must make your request for a public hearing in writing, which must be received by the agency contact person by 4:30 p.m. on Tuesday, September 1, 2009. You must include your name and address in your written request. In addition, you must identify the portion of the proposed rules that you object to or state that you oppose the entire set of rules. Any request that does not comply with these requirements is not valid and the agency cannot count it when determining whether it must hold a public hearing. 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 Department will hold a public hearing unless a sufficient number of persons 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, the Department can make this Notice 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 Department may modify the proposed rules, either as a result of public comment or as a result of the rule hearing process. It must support modifications by data and views submitted to the agency or presented at the hearing. The adopted rules may not be substantially different than these proposed rules unless the Department follows the procedure under *Minnesota Rules*, part 1400.2110. If the proposed rules affect you in any way, the Department encourages you to participate in the rulemaking process.

Cancellation of Hearing. The Department will cancel the hearing scheduled for September 14, 2009, if the agency does not receive requests for a hearing from 25 or more persons. If you requested a public hearing, the agency will notify you before the scheduled hearing whether the hearing will be held. You may also call the agency contact person at (651) 582-8669 after September 1, 2009, 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, the Department will hold a hearing following the procedures in *Minnesota Statutes*, sections 14.131 to 14.20. The Department will hold the hearing 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 Beverly Jones Heydinger is assigned to conduct the hearing. Judge Heydinger can be reached at the Office of Administrative Hearings, 600 North Robert Street, P.O. Box 64620, Saint Paul, Minnesota 55164-0620; **telephone:** (651) 361-7838; and **FAX:** (651) 361-7936.

Hearing Procedure. If the Department holds a hearing, 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 hearing record closes. 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. At the hearing the Administrative Law Judge may order that this five-day comment period be extended for a longer period but not more than 20 calendar days. Following the comment period, there is a five-working-day rebuttal period during which the agency and any

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interested person may respond in writing to any new information submitted. No one may submit additional evidence during the five-day rebuttal period. The Office of Administrative Hearings must receive all comments and responses submitted to the Administrative Law Judge 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. You may direct questions about the procedure to the Administrative Law Judge.

The agency requests that any person submitting written views or data to the Administrative Law Judge before 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. The statement of need and reasonableness (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. You may review or obtain copies of the SONAR on the agency's website at:

<http://education.state.mn.us/mde/Legislation/Rulemaking/index.html>

or by contacting the agency contact person.

Lobbyist Registration. *Minnesota Statutes*, chapter 10A, requires each lobbyist to register with the State Campaign Finance and Public Disclosure Board. Any questions about this requirement should be directed to the Campaign Finance and Public Disclosure Board at: Suite 190, Centennial Building, 658 Cedar Street, St. Paul, Minnesota 55155; **telephone:** (651) 2965148 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 Department will submit the rules and supporting documents to the Office of Administrative Hearings (OAH) for review for legality. You may ask to be notified of the date the rules are submitted to OAH. If you want either to receive notice of this submission, to receive a copy of the adopted rules, or 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 that 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 that the agency adopts the rules and the rules are filed with the Secretary of State by requesting this at the hearing or by writing to the agency contact person stated above.

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

Dated: 30 July 2009

Chas Anderson, Deputy Commissioner
Department of Education

3501.0800 KINDERGARTEN THROUGH GRADE 3 STANDARDS.

Subpart 1. Artistic foundations.

- A. The student will demonstrate knowledge of the foundations of the arts area.**
- B. The student will demonstrate knowledge and use of the technical skills of the art form, integrating technology when applicable.**
- C. The student will demonstrate understanding of the personal, social, cultural, and historical contexts that influence the arts areas.**

Subp. 2. Artistic process: create or make. The student will create or make in a variety of contexts in the arts area using the artistic foundations.

Subp. 3. Artistic process: perform or present. The student will perform or present in a variety of contexts in the arts area using the artistic foundations.

Subp. 4. Artistic process: respond or critique. The student will respond to or critique a variety of creations or performances using the artistic foundations.

Subp. 5. Arts areas. The student will receive arts education that complies with these academic standards in at least two of the three arts areas required to be offered by a public elementary or middle school from the following: dance, music, theater, and visual arts. The

Proposed Rules

student may receive arts education in media arts in addition to the two required arts areas.

3501.0805 GRADES 4 AND 5 STANDARDS.

Subpart 1. Artistic foundations.

A. The student will demonstrate knowledge of the foundations of the arts area.

B. The student will demonstrate knowledge and use of the technical skills of the art form, integrating technology when applicable.

C. The student will demonstrate understanding of the personal, social, cultural, and historical contexts that influence the arts areas.

Subp. 2. Artistic process: create or make. The student will create or make in a variety of contexts in the arts area using the artistic foundations.

Subp. 3. Artistic process: perform or present. The student will perform or present in a variety of contexts in the arts area using the artistic foundations.

Subp. 4. Artistic process: respond or critique. The student will respond to or critique a variety of creations or performances using the artistic foundations.

Subp. 5. Arts areas. The student will receive arts education that complies with these academic standards in at least two of the three arts areas required to be offered by a public elementary or middle school from the following: dance, music, theater, and visual arts. The student may receive arts education in media arts in addition to the two required arts areas.

3501.0810 GRADES 6 THROUGH 8 STANDARDS.

Subpart 1. Artistic foundations.

A. The student will demonstrate knowledge of the foundations of the arts area.

B. The student will demonstrate knowledge and use of the technical skills of the art form, integrating technology when applicable.

C. The student will demonstrate understanding of the personal, social, cultural, and historical contexts that influence the arts areas.

Subp. 2. Artistic process: create or make. The student will create or make in a variety of contexts in the arts area using the artistic foundations.

Subp. 3. Artistic process: perform or present. The student will perform or present in a variety of contexts in the arts area using the artistic foundations.

Subp. 4. Artistic process: respond or critique. The student will respond to or critique a variety of creations or performances using the artistic foundations.

Subp. 5. Arts areas. The student will receive arts education that complies with these academic standards in at least two of the three arts areas required to be offered by a public elementary or middle school from the following: dance, music, theater, and visual arts. The student may receive arts education in media arts in addition to the two required arts areas.

3501.0815 GRADES 9 THROUGH 12 STANDARDS.

Subpart 1. Artistic foundations.

A. The student will demonstrate knowledge of the foundations of the arts area.

B. The student will demonstrate knowledge and use of the technical skills of the art form, integrating technology when applicable.

C. The student will demonstrate understanding of the personal, social, cultural, and historical contexts that influence the arts areas.

Subp. 2. Artistic process: create or make. The student will create or make in a variety of contexts in the arts area using the artistic foundations.

Subp. 3. Artistic process: perform or present. The student will perform or present in a variety of contexts in the arts area using the artistic foundations.

Subp. 4. Artistic process: respond or critique. The student will respond to or critique a variety of creations or performances using the artistic foundations.

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Subp. 5. Arts areas. The student will receive arts education that complies with these academic standards in at least one of the three arts areas required to be offered by a public high school from the following: media arts, dance, music, theater, and visual arts.

REPEALER. Minnesota Rules, parts 3501.0620; 3501.0625; 3501.0630; and 3501.0635, are repealed.

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.

Board of High Pressure Piping Systems Adopted Permanent Rules Relating to High Pressure Piping

The rules proposed and published at *State Register*, Volume 33, Number 25, pages 1104-1106, December 22, 2008 (33 SR 1104), are adopted with the following modifications:

5230.0005 DEFINITIONS.

Subp. 16. **Repairs on an existing installation.** "Repairs on an existing installation" means the in-kind replacement of:

- A. ~~manufactured threaded nipples up to six inches in length; or~~
- B. ~~flanged or threaded valves, strainers, traps, or fittings, or gaskets for these items.~~

Subp. 17. **Steam or heating media piping.** "Steam or heating media piping" means any system of piping hot water or other medium used for heating that exceeds 30 p.s.i. gauge and 250 degrees Fahrenheit, or any system of piping high pressure steam in excess of 15 p.s.i. gauge.

Subp. 18. **Steam or heating media piping system.** "Steam or heating media piping system" means a piping system for steam or heating media piping.

EFFECTIVE DATE. *Minnesota Rules*, part 5230.0005, subpart 6, "Repairs on an existing installation," is effective August 1, 2010. All other amendments These rules are effective 45 days after publication of the notice of adoption in the *State Register*.

Board of Water and Soil Resources Adopted Permanent Rules Relating to Wetland Conservation

The rules proposed and published at *State Register*, Volume 33, Number 39, pages 1641-1691, March 30, 2009 (33 SR 1641), are adopted with the following modifications:

PURPOSE AND SCOPE, AND DEFINITIONS

8420.0100 PURPOSE.

Subp. 3. **Administration.** The Wetland Conservation Act is administered by local government units with oversight provided by the Board of Water and Soil Resources. Enforcement of the act is provided by Department of Natural Resources conservation officers and other peace officers. The Wetland Conservation Act became effective on January 1, 1992, and this chapter and portions of *Minnesota Statutes*, chapters 103A, 103B, 103E, 103F, and 103G, govern its implementation. ~~The public is encouraged to contact their local government unit or soil and water conservation district for general information on wetlands and the interpretation of this chapter. Persons seeking general information on wetlands and the interpretation of this chapter may contact their local government unit or soil and water conservation district.~~

Adopted Rules

8420.0105 SCOPE.

Subp. 2. **Applicability.**

B. This chapter does not regulate normal farming practices in a wetland. “Normal farming practices” means ~~farming~~ ranching, silvicultural, grazing, and ~~ranching~~ farming activities such as plowing, seeding, cultivating, and harvesting for the production of feed, food, and fiber products, but does not include activities that result in the draining of wetlands.

8420.0111 DEFINITIONS.

Subp. 6. **Agricultural land.** “Agricultural land” means land used for horticultural, row, close grown, pasture, or hayland crops; growing nursery stocks; animal feedlots; farmyards; or associated building sites and public and private drainage systems and field roads located on any of these lands. Agricultural land must be used principally for the cultivation or production of plants or farm animals and includes former agricultural land that is presently enrolled in a conservation easements program under contract or easement.

Subp. 8. **Application.** “Application” means a formal request for a decision by a local government unit, made under this chapter and the act, for an exemption, no-loss, wetland boundary, wetland type, sequencing, replacement plan, or banking plan. ~~The application is made on a form provided by the board. The board shall provide forms to be used for applications.~~

~~Subp. 24. **Eligible.** “Eligible” means the maximum extent to which a local government unit or, when appropriate, delegated staff, can set the applicable parameter in the application of the Wetland Conservation Act and parts 8420.0100 to 8420.0935. The actual amount awarded is determined by the specific circumstances of each application, determined on a case-by-case basis, applying the standards set out in parts 8420.0100 to 8420.0935.~~

~~Subp. 24-25. **Excavation.** “Excavation” means the displacement or removal of substrate, sediment, or other materials by any method.~~

~~Subp. 25-26. **Fill.** “Fill” means any solid material added to or redeposited in a wetland that would alter the wetland’s cross-section or hydrological characteristics, obstruct flow patterns, change the wetland boundary, or convert the wetland to a nonwetland. Fill does not include posts and pilings for linear projects such as bridges, elevated walkways, or powerline structures, or structures traditionally built on pilings such as docks and boathouses. Fill includes posts and pilings that result in bringing the wetland into a nonaquatic use or significantly altering the wetland’s function and value, such as the construction of office and industrial developments, parking structures, restaurants, stores, hotels, housing projects, and similar structures. Fill does not include slash or woody vegetation, if the slash or woody vegetation originated from vegetation growing in the wetland and does not impair the flow or circulation of water or the reach of the wetland.~~

~~Subp. 26-27. **50 to 80 percent area.** “50 to 80 percent area” means a county or watershed with at least 50 percent but less than 80 percent of the presettlement wetland acreage intact, as provided in part 8420.0117.~~

~~Subp. 27-28. **Greater than 80 percent area.** “Greater than 80 percent area” means a county or watershed where 80 percent or more of the presettlement wetland acreage is intact and:~~

~~B. 50 percent or more of the current total land area is state or federal land. Greater than 80 percent areas are provided in part 8420.0117.~~

~~Subp. 28-29. **Hayland.** “Hayland” means an area that was mechanically harvested or that was planted with annually seeded crops in a crop rotation seeded to grasses or legumes in six of the last ten years.~~

~~Subp. 29-30. **Hydric soils.** “Hydric soils” means soils that are saturated, flooded, or ponded long enough during the growing season to develop anaerobic conditions in the upper part.~~

~~Subp. 30-31. **Hydrophytic vegetation.** “Hydrophytic vegetation” means macrophytic plant life growing in water, soil, or on a substrate that is at least periodically deficient in oxygen as a result of excessive water content.~~

~~Subp. 31-32. **Impact.** “Impact” means a loss in the quantity, quality, or biological diversity of a wetland caused by draining or filling of wetlands, wholly or partially, or by excavation in the permanently and semipermanently flooded areas of type 3, 4, or 5 wetlands, as defined in subpart 74, and in all wetland types if the excavation results in filling, draining, or conversion to nonwetland.~~

Subp. ~~32.~~ 33. **Impacted wetland.** “Impacted wetland” means a wetland that has been partially or wholly subjected to an impact.

Subp. ~~33.~~ 34. **Indirect impact.** “Indirect impact” means an impact that is the result of an activity that occurs outside of the wetland boundary.

Subp. ~~34.~~ 35. **Infrastructure.** “Infrastructure” means public water facilities, storm water and sanitary sewer piping, outfalls, inlets, street subbase, roads, ditches, culverts, bridges, and any other work defined specifically by a local government unit as constituting a capital improvement within the context of an approved development plan.

Subp. ~~35.~~ 36. **Landowner.** “Landowner” means a person or entity having the rights necessary to drain, excavate, or fill a wetland or to establish and maintain a replacement or banked wetland. Typically, the landowner is a fee title owner or a holder of an easement, license, lease, or rental agreement providing the necessary rights. The right must not be limited by a lien or other encumbrance that could override the obligations assumed with the replacement or banking of a wetland.

Subp. ~~36.~~ 37. **Less than 50 percent area.** “Less than 50 percent area” means a county or watershed with less than 50 percent of the presettlement wetland acreage intact or any county or watershed not defined as a greater than 80 percent area or 50 to 80 percent area, as provided in part 8420.0117.

Subp. ~~37.~~ 38. **Local government unit.** “Local government unit” means:

Subp. ~~38.~~ 39. **Local water plan.** “Local water plan” means a watershed plan pursuant to *Minnesota Statutes*, sections 103B.201 to 103B.255; a comprehensive local water management plan pursuant to *Minnesota Statutes*, sections 103B.301 to 103B.355; or a watershed management plan pursuant to *Minnesota Statutes*, section 103D.401.

Subp. ~~39.~~ 40. **Major watershed.** “Major watershed” means the 81 major watershed units delineated by the map State of Minnesota Watershed Boundaries, 1979, incorporated by reference under part 8420.0112, item Q.

Subp. ~~40.~~ 41. **Mining.** “Mining” means the removal of peat and metallic minerals as provided in Minnesota Statutes, sections 93.461 and 93.481.

Subp. ~~41.~~ 42. **Minor watershed.** “Minor watershed” means one of the 5,600 minor watersheds delineated by the map State of Minnesota Watershed Boundaries, 1979, incorporated by reference under part 8420.0112, item Q.

Subp. ~~42.~~ 43. **Municipal Municipality.** “Municipal” means within a municipality as defined “Municipality” has the meaning given in *Minnesota Statutes*, section 103G.005, subdivision 12.

Subp. ~~43.~~ 44. **Native vegetation.** “Native vegetation” means plant species that are indigenous to Minnesota or that expand their range into Minnesota without being intentionally or unintentionally introduced by human activity and that are classified as native in the Minnesota Plant Database, incorporated by reference under part 8420.0112, item O.

Subp. ~~44.~~ 45. **Noninvasive vegetation.** “Noninvasive vegetation” means plant species that do not typically invade or rapidly colonize existing, stable plant communities.

Subp. ~~45.~~ 46. **Nonwetland.** “Nonwetland” means upland areas or previously converted areas that do not meet the criteria for classification as a jurisdictional wetland using the United States Army Corps of Engineers Wetland Delineation Manual (January 1987) and deepwater habitats identified using Classification of Wetlands and Deepwater Habitats of the United States. Both documents are incorporated by reference under part 8420.0112, items B and C.

Subp. ~~46.~~ 47. **On-site.** “On-site” means within or directly adjacent to a project.

Subp. ~~47.~~ 48. **Ordinance.** “Ordinance” means a body of regulations developed, approved, and implemented by a county, city, or township as authorized by *Minnesota Statutes*, chapters 394, 462, and 366, respectively.

Subp. ~~48.~~ 49. **Pasture.** “Pasture” means an area that was grazed by domesticated livestock or that was planted with annually seeded

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crops in a crop rotation seeded to grasses or legumes in six of the last ten years.

Subp. ~~49~~.50. **Peace officer.** “Peace officer” has the meaning given under *Minnesota Statutes*, section 626.84.

Subp. ~~50~~.51. **Permanently and semipermanently flooded area of a type 3, 4, or 5 wetland.** “Permanently and semipermanently flooded area of a type 3, 4, or 5 wetland” means the portion of a type 3, 4, or 5 wetland below the level where the water has been maintained for a sufficient period of time to leave evidence upon the landscape, commonly the point where the natural vegetation changes from predominantly aquatic to predominantly terrestrial.

Subp. ~~51~~.52. **Plant community.** “Plant community” means a wetland plant community classified according to Wetland Plants and Plant Communities of Minnesota & Wisconsin, incorporated by reference under part 8420.0112, item P.

Subp. ~~52~~.53. **Presettlement wetland.** “Presettlement wetland” means a wetland or public waters wetland that existed in Minnesota at the time of statehood in 1858.

Subp. ~~53~~.54. **Project.** “Project” means a specific plan, contiguous activity, proposal, or design necessary to accomplish a goal as defined by a local government unit. As used in this chapter, a project may not be split into components or phases for the purpose of gaining additional exemptions.

Subp. ~~54~~.55. **Project-specific.** “Project-specific” means the applicant for a replacement plan approval provides the replacement as part of the project, rather than ~~obtain~~ attain the replacement from a wetland bank.

Subp. ~~55~~.56. **Public transportation project.** “Public transportation project” means a project conducted by a public agency involving transportation facilities open to the public.

Subp. ~~56~~.57. **Public value of wetlands.** “Public value of wetlands” means the importance and benefit to the public derived from the wetland functions listed in part 8420.0522, subpart 1.

Subp. ~~57~~.58. **Public waters wetlands.** “Public waters wetlands” has the meaning given under part 6115.0170.

Subp. ~~58~~.59. **Public waters.** “Public waters” has the meaning given under part 6115.0170.

Subp. ~~59~~.60. **Replacement wetland.** “Replacement wetland” means a wetland restored or created or an area designated in part 8420.0526, or the equivalent, to replace wetland area or the public value of wetland functions lost at an impacted wetland.

Subp. ~~60~~.61. **Responsible party.** “Responsible party” means an individual, business, or other organization causing draining, excavation, or filling of wetlands on the property of another, with or without the landowner’s permission or approval.

Subp. ~~61~~.62. **Restoration.** “Restoration” means reestablishment of an area as wetlands that was historically wetlands and that is no longer wetlands or remains as a degraded wetland.

Subp. ~~62~~.63. **Rule.** “Rule” means a body of regulations developed, approved, and implemented by a watershed management organization as authorized under *Minnesota Statutes*, chapter 103D.

Subp. ~~63~~.64. **Shoreland or shoreland wetland protection zone.**

Subp. ~~64~~.65. **Silviculture.** “Silviculture” means management of forest trees.

Subp. ~~65~~.66. **Soil and water conservation district.** “Soil and water conservation district” means a legal subdivision of state government under *Minnesota Statutes*, chapter 103C.

Subp. ~~66~~.67. **State wetland banking system, wetland bank, or bank.** “State wetland banking system,” “wetland bank,” or “bank” means a system of identifying wetlands restored or created for replacement credit and providing for, facilitating, and tracking the exchange of wetland banking credits for projects that require replacement plans or wetland mitigation required by other local, state, or

federal authorities.

Subp. ~~67:~~ 68. **Structure.** “Structure” means any object erected or placed in, under, or over or anchored or attached to a wetland area.

Subp. ~~68:~~ 69. **Utility.** “Utility” means a sanitary sewer; a storm sewer; potable water distribution; or transmission, distribution, or furnishing, at wholesale or retail, of natural or manufactured gas, petroleum products, electricity, telephone, or radio service or communications.

Subp. ~~69:~~ 70. **Watershed.** “Watershed” means a land area that drains to a common waterway, such as a stream, lake, estuary, or wetland.

Subp. ~~70:~~ 71. **Watershed management organization.** “Watershed management organization” has the meaning given under *Minnesota Statutes*, section 103B.205, subdivision 13.

Subp. ~~71:~~ 72. **Wetlands, a wetland, the wetland, or wetland area.**

Subp. ~~72:~~ 73. **Wetlands in a cultivated field.** “Wetlands in a cultivated field” means a wetland where greater than 50 percent of its boundary abuts land that was in agricultural crop production in six of the ten years before January 1, 1991.

Subp. ~~73:~~ 74. **Wetlands located on agricultural land.** “Wetlands located on agricultural land” means a wetland where greater than 50 percent of its boundary abuts agricultural land.

Subp. ~~74:~~ 75. **Wetland type or type.** “Wetland type” or “type” means a wetland type classified according to Wetlands of the United States (1956 and 1971 editions), as summarized in this subpart. Classification of Wetlands and Deepwater Habitats of the United States is a separate, parallel wetland typing system that may be used to characterize components of a wetland. Both documents are incorporated by reference under part 8420.0112, items A and B.

8420.0200 DETERMINING LOCAL GOVERNMENT UNIT; DUTIES.

Subpart 1. **Determining local government unit.** The local government unit responsible for making decisions must be determined according to items A to J.

C. For activities on state land, the local government unit is the state agency, or the agency’s designee, with administrative responsibility for that land. However, state agencies must coordinate with local government units that would otherwise have jurisdiction, according to items A and B, when conducting or making decisions on activities in wetlands.

E. ~~Delegation of Implementation of this chapter and the act may be delegated~~ from a county, city, or town, as applicable according to item A or B, to a soil and water conservation district or other governmental entity ~~must occur~~ by the passage of resolutions by both parties. The delegation becomes effective when resolutions have been passed by both parties, or on the date specified in the resolutions, whichever is later. Both parties must provide notice to the board, the commissioner, and the soil and water conservation district within 15 business days of adoption of the resolution. The notice must include a copy of the resolution and a description of the applicable geographic area.

Subp. 2. **Local government unit duties.**

B. A local government unit must provide knowledgeable and trained staff with ~~experience~~ expertise in water resource management to manage the program or secure a qualified delegate. Otherwise, the board may declare a moratorium as prescribed in subpart 3 or take other appropriate legal action to ensure proper implementation and compliance with this chapter. The board may establish standards and requirements for training, experience, and certification.

F. ~~The local government unit may evaluate evidence for a no-loss, an exemption, or sequencing without making a decision. In the absence of an application, the local government unit may evaluate information related to a potential activity upon the request of a landowner. The evaluation provided does not constitute a decision for the purposes of parts 8420.0100 to 8420.0935.~~

8420.0240 TECHNICAL EVALUATION PANEL PROCEDURES.

D. ~~The panel may recommend to the local government unit approval, approval with changes or conditions, or denial of an application. The panel’s recommendation to the local government unit may recommend approval, approval with changes or conditions, or denial of an application.~~ When a technical evaluation panel assembles findings or makes a recommendation, the local government unit must

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consider the findings or recommendation of the panel in its approval or denial of an application. The panel shall make no findings or recommendations without at least one member having made an on-site inspection. Panel findings and recommendations must be documented and endorsed by a majority of the members. If the local government unit does not agree with the panel's findings and recommendation, the detailed reasons for the disagreement must be part of the local government unit's record of decision.

8420.0255 LOCAL GOVERNMENT UNIT APPLICATION AND DECISION PROCEDURES.

Subp. 2. **Determination of complete application.** ~~If, within 15 business days of receipt of an application, the local government unit finds that an application is incomplete, the local government unit must notify the applicant and list in writing what items or information is missing. Parts 8420.0305 to 8420.0330 must be the basis for determining a complete application. The local government unit may determine an application incomplete when seasonal constraints prevent on-site review and verification of the application, provided the notification to the applicant includes a date, no later than the average start to the growing season, when the application will be considered complete. When an application contains a previously approved wetland boundary for which the approval remains valid, the wetland boundary may not serve as the basis for determining an application incomplete. The local government unit must determine that an application is complete based on parts 8420.0305 to 8420.0330. For incomplete applications, the local government unit must notify the applicant within 15 business days of receipt of the application and list in writing what items or information is missing.~~

Subp. 3. Notice of application.

B. This subpart does not apply to exemption or no-loss applications. However, a local government unit may issue a notice for an exemption or no-loss application following the requirements in this part when the local government unit believes that input from those required to receive notice will be useful in determining whether an exemption or no-loss applies.

Subp. 4. **Decision.** The local government unit's decision must be based on the standards and procedures required by this chapter and on the technical evaluation panel's findings and recommendation, when provided. The local government unit must consider and include in its record of decision the technical evaluation panel's recommendation, when provided, to approve, modify, or deny the application. The local government unit must also consider any comments received from those required to receive notice. The local government unit's decision must be made in compliance with the time period prescribed by *Minnesota Statutes*, section 15.99, which, on the effective date of this part, generally requires a decision in 60 days. The local government unit may make on-site exemption and no-loss decisions if the decisions are noticed according to subpart 5 and project details are provided sufficient to document eligibility. The local government unit's decision is valid for three years or as otherwise specified in the local government unit's decision. ~~The local government unit may extend its decision with the concurrence of the technical evaluation panel, when the technical evaluation panel advises that a longer period is justified in accordance with the standards in parts 8420.0100 to 8420.0935.~~

8420.0305 GENERAL APPLICATION REQUIREMENTS.

B. The following information must be submitted to the local government unit for all types of applications:

- (1) the full name, post office address, and telephone number of the applicant;
- (4) the type of decision requested, as identified in parts 8420.0310 to 8420.0330;

8420.0310 WETLAND BOUNDARY OR TYPE APPLICATIONS.

A landowner may apply for a wetland boundary or type decision from the local government unit. The landowner is responsible for submitting proof necessary to make the decision. Applications for approval of wetland boundary or type must include information according to the wetland delineation report submittal guidelines provided by the board. A wetland boundary or type application may be submitted independently or as part of a no-loss, exemption, sequencing, replacement plan, or banking application. When an independent wetland boundary or type application is approved, and the approval remains valid, ~~it may be incorporated~~ the applicant may incorporate the approval in a subsequent application for a no-loss, exemption, sequencing, replacement plan, or banking application.

8420.0315 NO-LOSS APPLICATIONS.

B. The landowner applying for a no-loss is responsible for submitting the proof necessary to show qualification for the claim. ~~The local government unit may require that a wetland delineation report or functional assessment be submitted if the local government unit determines that the report or assessment is necessary to make a decision on the no-loss application.~~ This part also applies to applications requesting a decision on whether an activity or wetland falls within the scope of this chapter.

8420.0330 REPLACEMENT PLAN APPLICATIONS.

Subp. 3. **Application contents.** On an application form approved by the board in consultation with the commissioner, provided through the local government unit, and with required attachments supplied by the applicant, the following documentation must be

provided in addition to the information required in part 8420.0305:

B. for the replacement wetland when replacement is project-specific:

(9) a soil survey map of the site showing soil type and identifying hydric soils, where available, and site-specific soils information sufficient to determine the capability of the site to produce and sustain wetland characteristics and achieve replacement goals;

8420.0335 CONTRACTOR'S NOTIFICATION RESPONSIBILITY.

B. A contractor must not drain, excavate, or fill a wetland, wholly or partially, unless the contractor has ~~on a form provided by the board~~:

C. ~~Work in violation of this part is a misdemeanor. A form shall be provided by the board for use in complying with this part.~~

D. Work performed in violation of this part is a misdemeanor by operation of Minnesota Statutes, section 103G.141.

8420.0415 NO-LOSS CRITERIA.

"No-loss" means no permanent loss of, or impact to, wetlands from an activity according to the criteria in this part. ~~Activities that do not qualify for no-loss according to this part may be subject to the replacement requirements of this chapter.~~ The following qualify for a no-loss:

8420.0420 EXEMPTION STANDARDS.

Subpart 1. **Scope.**

A. ~~Certain impacts may qualify for an exemption from replacement requirements. An impact is exempt from replacement if it qualifies for any one of the exemptions, even though it may be indicated as not exempt under another exemption. Persons proposing to conduct an exempt activity are encouraged to contact the local government unit to verify eligibility for an exemption and to evaluate alternatives to avoid or minimize wetland impacts. If the total amount of impact exceeds the amount allowed under the applicable exemption, the impact is not exempt and the entire amount of impact must be replaced. An impact is exempt from replacement if it qualifies for any one of the listed exemptions. An impact is not disqualified when it is indicated as not exempt under a different exemption. Persons proposing to conduct an exempt activity may contact the local government unit to verify eligibility for an exemption and to evaluate alternatives to avoid or minimize wetland impacts. When the total amount of impact exceeds the amount allowed under the applicable exemption, the impact is not exempt and the entire amount of impact must be replaced.~~

Subp. 5. **Restored wetlands.** A replacement plan is not required for:

A. ~~impacts to~~ draining a wetland that was restored or created for conservation purposes under a contract or easement providing the landowner with the right to drain the restored or created wetland to preproject hydrologic conditions. The landowner must provide a contract or easement conveyance demonstrating that the landowner or a predecessor restored or created the wetland for conservation purposes but retained the right to subsequently drain the restored or created wetland to the conditions that existed before restoration or creation; or

8420.0500 PURPOSE AND REQUIREMENT.

Subp. 3. **Alternative evaluation methodologies.** The local government unit may evaluate the replacement plan using a scientifically accepted methodology that evaluates all wetland functions specified in *Minnesota Statutes*, section 103B.3355, for both the impacted and replacement wetlands. The alternative methodologies must be approved and listed by the board, in consultation with the commissioners of natural resources and agriculture and local government units. When using alternative evaluation methodologies to evaluate replacement plans, the ratio of replacement credit to impacted wetland must not be less than the minimum requirements listed in part 8420.0522, subpart 3 ~~4~~, except as provided for in part 8420.0830.

8420.0522 REPLACEMENT STANDARDS.

Subpart 1. **General requirement.** Wetland replacement must replace the public value of wetlands lost as a result of an impact. Replacement of wetland function and value may occur at more than one location. The public value of wetlands is based upon the functions of wetlands, including:

G. other functions and public uses as identified in ~~board-approved~~ wetland evaluation methods demonstrated to reasonably identify appropriate candidates for wetland replacement. The board shall maintain a publicly available list of ~~preapproved wetland evaluation methods~~ the methods that have been approved for wetland evaluation under the standards set out in this item.

Subp. 3. **In-kind wetland replacement.** In-kind means a wetland of similar type and function to the impacted wetland. Wetland

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replacement is in-kind if it is:

A. the same type or plant community as the impacted wetland or, for degraded wetlands, the same type or plant community that historically occurred at the impact site; or

B. the same hydrologic conditions and landscape position as the impacted wetland.

~~Subp. 3.~~ **4. Replacement ratios.**

A. The replacement ratio is 2.5 replacement credits for each acre of wetland impacted, except in greater than 80 percent areas ~~and~~ or on agricultural land the replacement ratio is 1.5 replacement credits for each acre of wetland impacted. The replacement ratio may be reduced by 0.5:1 when the replacement consists of:

(2) project-specific replacement within the same major watershed or county as the impacted wetland, a majority of which is in-kind.

Minimum Replacement Ratios: Banking		
Location of impact	Replacement	Minimum replacement ratio
>80% area or agricultural land	Outside bank service area	1.5:1
	Within bank service area	1:1
<50% area, 50-80% area, or <u>and</u> nonagricultural land	Outside bank service area	2.5:1
	Within bank service area	2:1
Minimum Replacement Ratios: Project-Specific		
Location of impact	Replacement	Minimum replacement ratio
>80% area or agricultural land	Outside major watershed or out-of-kind	1.5:1
	Within major watershed and in-kind	1:1
<50% area, 50-80% area, or <u>and</u> nonagricultural land	Outside major watershed or out-of-kind	2.5:1
	Within major watershed and in-kind	2:1

C. For purposes of determining project-specific replacement ratios, the local government unit may authorize the use of out-of-kind wetland replacement in the same ratio allowed for in-kind replacement. Out-of-kind replacement may qualify for the same ratio as in-kind when it consists of a type or plant community that has been significantly lost in the watershed or that will provide important functional benefits to the watershed in accordance with the principles described in part 8420.0830, subpart 5, as determined by the technical evaluation panel based on a review of available evidence or according to a local plan approved by the board. A reduced ratio for out-of-kind replacement is typically not appropriate for wetlands that are difficult to replace, such as white cedar swamps or bogs.

~~C.~~ D. Wetland replacement must be of a size sufficient to ensure that it provides equal or greater public value than the impacted wetland it will replace. The actual replacement ratio required may be more than the ratio required in item A if the local government unit determines that a higher ratio is necessary to replace the public value of the wetland lost. In no case shall the replacement ratio be less than 1:1 in greater than 80 percent areas or agricultural land, and 2:1 in all other areas.

~~D.~~ E. Owners of wetlands impacted for use as agricultural land may make no use of the wetland area after it is impacted, other than as agricultural land, for a period of ten years unless future replacement to achieve a ratio equaling or exceeding the appropriate ratio for nonagricultural land in item A occurs. The landowner must record a notice of this restriction in the office of the county recorder in which the project is located, and, as a condition of local government unit approval, provide documentation of the recording to the local government unit.

E. ~~F.~~ The board may approve special replacement ratios based on data derived from comprehensive inventories of replacement opportunities. The board must give notice of the replacement ratios to local government units and must publish the ratios in the *State Register*. The board must provide opportunities for public input and comment before publishing the special replacement ratios. The conditions and standards take effect 30 days after publication and remain in effect unless superseded by subsequent statute, rule, or notice in the *State Register*.

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Subp. 4. **In-kind wetland replacement.** In-kind wetland replacement refers to replacement of the functions lost to an impact. Wetland replacement is in-kind if it is:

A. the same type or plant community as the impacted wetland except, for degraded wetlands, the same type or plant community that historically occurred at the impact site;

B. the same hydrologic conditions and landscape setting as the impacted wetland; or

C. a type that has been significantly lost in the watershed or that will provide important functional benefits to the watershed as determined by the technical evaluation panel based on a review of available evidence or according to a local plan approved by the board.

Subp. 5. **Ecological suitability and sustainability.**

A. The preferred method of replacement is that which takes advantage of naturally occurring hydrogeomorphic conditions with minimal landscape alteration and is most likely to result in a wetland area that functions wholly, perpetually, and naturally. Wetland restoration is generally preferred over creation, and restoration of completely impacted wetlands and is generally preferred over other methods of replacement.

B. Restoration and replacement of wetlands must be accomplished according to the ecology of the landscape area. The replacement site must be ecologically suitable for providing the desired functions and compatible with adjacent land uses. A replacement or banking plan that would result in wetland types or characteristics that do not naturally occur in the landscape area in which the replacement will occur must be denied. Replacement must not adversely affect other habitat types or ecological communities that are important in maintaining the overall biological diversity of the area.

C. Replacement projects must be located and designed, to the maximum extent practicable, to be self-sustaining once performance standards have been achieved. "Self-sustaining" refers to the sustainability of resource functions and the ability of type and location a wetland to provide the desired functions over time in a changing landscape without human intervention.

Subp. 6. **Required upland buffer.**

C. The applicant may request the local government unit to vary the upland buffer standards under items A and B. The local government unit may vary the standards under items A and B based on a recommendation by the technical evaluation panel when compliance is not practicable or feasible, and the replacement wetland will otherwise meet the requirements of subpart 5, or when the variance would be ecologically beneficial based on a recommendation by the technical evaluation panel.

Subp. 7. **Siting of replacement.**

F. Regulatory agencies, local government units, and other entities involved in wetland restoration must collaborate to identify potential replacement opportunities in watersheds within their jurisdictional areas.

LIST OF 81 MAJOR WATERSHED UNITS OF MINNESOTA

- 1 Lake Superior (north)
- 2 Lake Superior (south)
- 3 St. Louis River
- 4 Cloquet River
- 5 Nemadji River
- 7 Mississippi River (Headwaters, Lake Winnibigoshish)
- 8 Leech Lake River
- 9 Mississippi River (Grand Rapids)
- 10 Mississippi River (Brainerd)
- 11 Pine River
- 12 Crow Wing River
- 13 Redeye River (Leaf River)
- 14 Long Prairie River
- 15 Mississippi River (Sartell)
- 16 Sauk River
- 17 Mississippi River (St. Cloud)
- 18 North Fork Crow River
- 19 South Fork Crow River
- 20 Mississippi River (Metro)
- 21 Rum River
- 22 Minnesota River (Headwaters)

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23	<u>Pomme de Terre River</u>
24	<u>Lac qui Parle River</u>
25	<u>Minnesota River (Granite Falls)</u>
26	<u>Chippewa River</u>
27	<u>Redwood River</u>
28	<u>Minnesota River (Mankato)</u>
29	<u>Cottonwood River</u>
30	<u>Blue Earth River</u>
31	<u>Watonwan River</u>
32	<u>Le Sueur River</u>
33	<u>Minnesota River (Shakopee)</u>
34	<u>St. Croix River (Upper)</u>
35	<u>Kettle River</u>
36	<u>Snake River</u>
37	<u>St. Croix River (Stillwater)</u>
38	<u>Mississippi River (Red Wing) and Lake Pepin</u>
39	<u>Cannon River</u>
40	<u>Mississippi River (Winona)</u>
41	<u>Zumbro River</u>
42	<u>Mississippi River (La Crescent)</u>
43	<u>Root River</u>
44	<u>Mississippi River (Reno)</u>
46	<u>Upper Iowa River</u>
47	<u>Wapsipinican River (Headwaters)</u>
48	<u>Cedar River</u>
49	<u>Shell Rock River</u>
50	<u>Winnebago River (Lime Creek)</u>
51	<u>West Fork des Moines River (Headwaters)</u>
52	<u>West Fork des Moines River (Lower)</u>
53	<u>East Fork des Moines River</u>
54	<u>Bois de Sioux River</u>
55	<u>Mustinka River</u>
56	<u>Otter Tail River</u>
57	<u>Red River of the North (Headwaters)</u>
58	<u>Buffalo River</u>
59	<u>Marsh River</u>
60	<u>Wild Rice River</u>
61	<u>Sandhill River</u>
62	<u>Upper and Lower Red Lake</u>
63	<u>Red Lake River</u>
65	<u>Thief River</u>
66	<u>Clearwater River</u>
67	<u>Grand Marais Creek (Red River of the North)</u>
68	<u>Snake River</u>
69	<u>Tamarack River (Red River of the North)</u>
70	<u>Two River</u>
71	<u>Roseau River</u>
72	<u>Rainy River (Headwaters)</u>
73	<u>Vermillion River</u>
74	<u>Rainy River (Rainy Lake)</u>
75	<u>Rainy River (Manitou)</u>
76	<u>Little Fork River</u>
77	<u>Big Fork River</u>
78	<u>Rapid River</u>
79	<u>Rainy River (Baudette)</u>

80	<u>Lake of the Woods</u>
81	<u>Big Sioux River (Medary Creek)</u>
82	<u>Big Sioux River (Pipestone)</u>
83	<u>Rock River</u>
84	<u>Little Sioux River</u>

8420.0526 ACTIONS ELIGIBLE FOR CREDIT.

Subp. 2. Upland buffer areas.

A. ~~Up to ten percent of the buffer area is eligible for replacement credit may be granted for ten percent of the buffer area for establishment or preservation of nonnative vegetation and up to 25 percent of the buffer area is eligible for replacement credit for establishment or preservation of native, noninvasive vegetation. Credit may be allowed for~~ Establishing upland buffer around existing high value wetlands adjacent to the replacement wetland is eligible for replacement credit only when the minimum widths provided in part 8420.0522, subpart 6, are maintained and the maximum buffer area under item B is not exceeded.

C. For buffer areas of native, noninvasive vegetation, the local government unit may increase the amount of credit to a maximum of 50 percent if the technical evaluation panel finds that additional buffer will improve replacement wetland sustainability and provide significant functional benefits. Buffers add to replacement wetland sustainability and provide significant functional benefits when they:

Subp. 3. **Restoration of completely drained or filled wetland areas.** Restoration of both the natural hydrology regime and native, noninvasive vegetation on wetlands that have been completely drained or filled ~~may receive is eligible for~~ replacement credit in an amount up to 100 percent of the wetland area hydrologically and vegetatively restored. To be eligible for replacement credit, the vegetation establishment and management plan must set a goal of restoring the historic native vegetation plant community typical of the wetland being restored unless determined to be, or other plant community when the technical evaluation panel determines that establishment of the historic native plant community is not ecologically feasible by the technical evaluation panel.

Subp. 4. **Restoration of partially drained or filled wetland areas.** Restoration of both the natural hydrology regime and native, noninvasive vegetation of wetlands that have been degraded by prior drainage, filling, or a diversion of the natural watershed ~~may receive is eligible for replacement~~ credit as follows:

A. any wetland area substantially degraded by partial drainage or fill that was planted with annually seeded crops, was in a crop rotation seeded to pasture grasses or legumes, or was required to be set aside to receive price supports or equivalent payments in at least ten of the last 20 years before the date of application ~~may receive, is eligible for replacement~~ credit based on in a percentage equivalent to the percent of the time the wetland area was annually seeded, in rotation, or set aside during the prior 20-year period; and

B. all other wetland areas substantially degraded by partial drainage or fill ~~may receive wetland are eligible for replacement~~ credit of up to 50 percent of the wetland area restored.

Subp. 5. **Vegetative restoration of farmed wetlands.** Reestablishment of permanent native, noninvasive vegetative cover on farmed wetland areas that have not been affected by prior drainage or filling ~~may receive is eligible for~~ replacement credit for:

B. up to 90 percent of the area restored for wetland areas in bank service areas 2, 3, and 4 ~~based on in a percentage equivalent to the~~ percent of time the wetland areas were planted with annually seeded crops, were in a crop rotation seeded to pasture grasses or legumes, or were required to be set aside to receive price supports or equivalent payments during the 20-year period prior to the date of application for a replacement or bank plan.

Subp. 6. **Protection of wetlands previously restored via conservation easements.** ~~Replacement credit may be granted for~~ Permanently protecting wetlands previously restored or created for conservation purposes under a contract or easement, when the contract or easement has expired and gives the landowner the right to drain or fill the wetland upon termination. ~~The area receiving credit must meet, is eligible for replacement credit where the area receiving credit meets~~ the replacement wetland construction standards of part 8420.0528. ~~Replacement credit may be granted for up to~~ The maximum replacement credit is 75 percent of the area created or restored under the conservation contract or easement. Alternatively, credit may be allocated according to the other subparts in this part as applied prior to initiation of the contract or easement, when the applicant can document eligible credit yield to the satisfaction of the local government unit.

Subp. 7. Wetland creations.

A. ~~Wetlands~~ A wetland created in an upland areas may receive area is eligible for replacement credit in an amount up to 75 percent of the total wetland area created.

B. ~~Wetlands~~ A wetland created due to mineral extraction activities ~~may receive is eligible for~~ replacement credit under this subpart

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only for those areas actively mined within ten years prior to the application for credit.

C. ~~Wetlands~~ A wetland created as part of a water quality treatment systems may receive system is eligible for replacement credit under this subpart only if the wetland area receiving credit is a functioning wetland designed for a maximum 24-inch rise in water level for the ten-year critical storm event and treatment of runoff is provided before discharge into the replacement wetland area according to part 8420.0528, subpart 2, item G. Any portions of water quality treatment systems allowed for replacement are not eligible for the exemptions in part 8420.0420 and are subject to the replacement requirements under parts 8420.0500 to 8420.0544 and the monitoring requirements under parts 8420.0800 to 8420.0820.

Subp. 8. **Restoration and protection of exceptional natural resource value.**

A. ~~Replacement credit may be granted for activities that restore and protect wetlands and adjacent areas that improve or directly contribute to the function and sustainability of exceptional natural resources.~~ Restoration and protection of calcareous fens, white cedar swamps, floodplain or riparian wetlands and upland buffers, habitat corridors with other important resources, wetlands adjacent to designated trout waters or other actions that restore and protect wetlands and adjacent areas are eligible for replacement credit when the action improves or directly contributes to the function and sustainability of an exceptional natural resource. For purposes of this subpart, exceptional natural resources are:

B. ~~Restoration and protection of calcareous fens, white cedar swamps, floodplain or riparian wetlands and upland buffers, habitat corridors with other important resources, or wetlands adjacent to designated trout waters are examples of potential qualifying activities.~~ Project eligibility and the allocation of credit under this subpart is determined by the local government unit with concurrence of the technical evaluation panel based on the qualification of the resource as exceptional, the actions proposed, and the resulting contribution to the value and sustainability of the exceptional resource. Areas receiving credit must be protected by a permanent conservation easement, in a format prescribed by the board, that is granted to and accepted by the state.

Subp. 9. **Preservation of wetlands owned by the state or a local unit of government.** In greater than 80 percent areas, ~~replacement credit may be granted for~~ up to 12.5 percent of wetland areas and adjacent buffer owned by the state or a local unit of government and protected by a permanent conservation easement is eligible for replacement credit. The easement must be in a format prescribed by the board and granted to and accepted by the board after approval of the replacement or banking plan application. Replacement credit for wetland preservation may only be granted after considering replacement as provided under subparts 3 to 8. To be eligible for credit under this subpart, the technical evaluation panel must determine that there is a high probability the wetland will be degraded or impacted and the wetland:

8420.0544 REPLACEMENT FOR PUBLIC TRANSPORTATION PROJECTS.

B. Wetlands impacted by public transportation projects:

(2) in the seven-county metropolitan area must be replaced in the seven-county metropolitan area or in one of the major watersheds that are wholly or partially within the seven-county metropolitan area, but at least one-to-one must be replaced within the seven-county metropolitan area. This item does not apply to replacement completed using wetland banking credits established by an applicant who submitted a complete wetland banking application to a local government unit by April 1, 1996.

STANDARDS AND CRITERIA FOR STATE WETLAND BANKING

8420.0705 ESTABLISHING WETLAND BANK SITE.

Subp. 5. **Conservation and access easement.** No credits may be deposited in the state wetland bank until a perpetual conservation easement, in a format prescribed by the board, is granted to and accepted by the state. The easement must encompass the entire replacement area, unless the local government unit and the board approve an alternate boundary at the time of bank application approval. The easement must provide for preservation of the banked wetland's functions by the fee owner and wetland banking plan applicant. The wetland banking plan applicant must also provide a title insurance policy that is acceptable to the state naming the state of Minnesota as the insured. If the conservation easement does not abut a public road, the fee owner and wetland banking plan applicant must also grant and record an access easement in favor of the board; the local government unit; and any other state, local, or federal regulatory authority that has authorized use of credits from the site for wetland replacement. The access easement does not confer a right of access to the general public. The boundary of bank areas must be clearly marked as prescribed in the conservation ~~and access~~ easement. This subpart does not apply to state land.

8420.0725 CERTIFICATION AND DEPOSIT OF CREDITS.

B. The certification and request for deposit of credits must be in a form prescribed by the board and must contain the following information:

(4) a copy of the recorded conservation ~~and access~~ easement according to part 8420.0705, subpart 5;

C. Up to 15 percent of the credits proposed for banking are eligible for deposit in the bank immediately after the certification of construction according to part 8420.0820, subpart 2, and recording of a conservation ~~and access~~ easement according to part 8420.0705, subpart 5.

E. After certifying the credits for deposit, the local government unit must forward the signed request for deposit form to the ~~board~~ board's banking administrator. No credits will be deposited until receipt of the completed and approved request to deposit form by the board. The board must acknowledge the deposit to the banking plan applicant and local government unit and enter the information in item B into the wetland bank.

F. If the banking plan applicant chooses not to proceed with the initial deposit, the banking plan applicant may return the site to its preconstruction condition without replacement. If credits have been deposited but none have been withdrawn, the banking plan applicant may request the board vacate the conservation ~~and access~~ easement at the applicant's expense. If the board vacates the conservation ~~and access~~ easement, the account will be closed and the site may be returned to preconstruction condition without replacement. Replacement areas wholly or partially deposited into the bank, on which withdrawals have occurred or which otherwise have been used for replacement, are subject to this chapter, including replacement for any subsequent impacts.

8420.0735 MONITORING AND CORRECTIVE ACTIONS.

Subp. 2. **Maintenance responsibilities.** The fee owner and the banking applicant, if different from the fee owner, are jointly and severally responsible for the success of the banking project according to the approved banking plan and for maintaining the banking project according to the conditions of the conservation easement. The banking plan applicant, if different from the fee owner, is not responsible for maintenance after the monitoring for maintenance requirements have been completed if the banking plan applicant no longer owns an easement interest in the real estate or credits associated with the banked wetland.

Subp. 3. Corrective actions.

A. If, during the monitoring period, the local government unit or the technical evaluation panel determines that a bank site does not meet the specifications in the approved banking plan, the local government unit must require corrective actions and notify the board's banking administrator. The board may restrict further deposits, withdrawals, and transfers of all credits associated with the bank site until the local government unit, ~~technical evaluation panel, or and~~ the board determines, based on findings from the technical evaluation panel, determine that the banking project has been brought into compliance.

C. If satisfactory remediation does not result under item A or B, the local government unit or the board may undertake reconstruction work ~~and require reimbursement of reasonable costs from the fee owner or banking plan applicant, to bring the site into compliance. Alternatively, when credits have not been withdrawn or transferred, the board may vacate the conservation and access easement and close the account. The board and local government unit may require reimbursement of reasonable costs of bringing the site into compliance or vacating the conservation and access easement.~~

8420.0755 BANK ACCOUNT ADMINISTRATION.

Subpart 1. Account information.

A. For each wetland bank site, the board shall maintain at least the following information:

(5) the original copy of the recorded conservation ~~and access~~ easement for the site and a title insurance policy naming the state as an insured party.

8420.0800 REPLACEMENT WETLAND CONSTRUCTION CERTIFICATION.

Subp. 2. **Construction as-built documentation.** Upon completion of initial construction or restoration activities, the landowner must provide the local government unit with as-built information that documents compliance with the approved replacement plan. As-built information includes:

F. evidence that, for projects including dams, dikes, or other impoundment features, the construction was designed, overseen, and certified by a ~~registered~~ licensed professional engineer; and

8420.0820 LOCAL GOVERNMENT UNIT MONITORING RESPONSIBILITIES.

Subpart 1. Monitoring oversight.

C. If the ~~applicant~~ landowner fails to submit the annual report associated with a project-specific replacement plan in accordance with part 8420.0810, the local government unit responsible for monitoring oversight must either pursue enforcement actions under item B or prepare the annual report for the applicant. The local government unit may charge fees for preparing the report or use any financial assurance the applicant had provided to complete monitoring requirements.

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8420.0835 HIGH-PRIORITY REGIONS AND AREAS.

Subpart 1. **High-priority regions.** Parts of the state that are high-priority regions for preservation, enhancement, restoration, and establishment of wetlands include all major watersheds with a majority of their land area contained within counties that have lost 50 percent or more of their presettlement wetland base, which are those listed in part 8420.0117, subpart 1, item C. In all other major watersheds of the state, high-priority regions are high-priority areas approved as such by the board according to subpart 2.

8420.0900 ENFORCEMENT PROCEDURES.

Subpart 1. **Enforcement authorities.** The commissioner, conservation officers, and other peace officers may issue cease and desist orders, ~~notices of potential violation~~, and restoration and replacement orders.

Subp. 2. **Cease and desist orders; ~~notices of potential violation~~.**

A. Cease and desist orders may be issued when the enforcement authority has probable cause that an activity is being or will again be conducted that impacts a wetland, does not qualify for no-loss or an exemption under parts 8420.0415 and 8420.0420, and is being or will again be conducted without prior approval of a replacement plan by a local government unit under part 8420.0255 or involving a decision stayed by the board pursuant to part 8420.0905. ~~Alternatively, when the activity has been completed and is not likely to resume, the enforcement authority may issue a notice of potential violation.~~

B. A cease and desist order ~~or notice of potential violation~~ must not be issued if the landowner:

(2) has sufficient evidence to support qualification for an exemption or no-loss. ~~The enforcement authority must consult with the local government unit to determine whether the landowner is in compliance before issuing a notice of potential violation.~~

D. If an application for a replacement plan, exemption, or no-loss approval is triggered by a cease and desist order ~~or notice of potential violation~~, the local government unit must make the decision according to part 8420.0255 and the standards and application procedures applicable to the type of application.

E. If the decision is that the activity is exempt or qualifies as a no-loss, the local government unit must request that the enforcement authority rescind the cease and desist order ~~or notice of potential violation~~, pending the outcome of any appeal, and notify the soil and water conservation district, the enforcement authority, and the landowner.

G. In cases where the cease and desist order ~~or notice of potential violation~~ has been issued to a local government unit, the decision of exemption or no-loss must be made by the board.

Subp. 3. **Restoration and replacement orders.**

A. The enforcement authority must issue a restoration order or replacement order when:

(1) the impact has already been completed when discovered or, after a cease and desist order ~~or notice of potential violation~~ has been issued, the landowner does not apply for a replacement plan, exemption, or no-loss within three weeks;

Subp. 4. **Contents of order.**

E. If a complete application is not submitted within the time period specified in the restoration order, or as properly extended, the landowner or responsible party must restore the wetland as specified in the order before submitting an application under item A, subitem (2), unless the local government unit and the enforcement authority agree otherwise or unless allowed under appeal.

~~E.F.~~ A certificate of satisfactory restoration or replacement may be issued with conditions that must be met in the future, such as for issues with wetland vegetation, weed control, inspections, monitoring, or hydrology. Failure to fully comply with any conditions that have been specified may result in the issuance of a new restoration or replacement order.

~~F. A landowner or responsible party who fails to submit a complete application within the time period specified in the restoration order, or as properly extended, must comply with the order before an application under this chapter may be submitted, unless the local government unit and the enforcement authority agree otherwise or unless allowed under appeal.~~

8420.0905 APPEALS.

Subpart 1. **Appeal of replacement and restoration orders to the board.** A landowner or responsible party may appeal the terms and conditions of a restoration or replacement order issued according to part 8420.0900 to the board's executive director within 30 days of receipt of ~~written notice~~ the order by filing a written request for review and paying a nonrefundable filing fee to the board. The time frame for appeal may be extended beyond 30 days upon mutual agreement, in writing, between the landowner or responsible party, the local government unit, and the enforcement authority. The filing fee is an amount determined by the board not to exceed \$1,000. If the written request is not submitted within 30 days, the restoration or replacement order is final. The executive director must review the request and supporting evidence and render a decision within ~~60~~ 30 days of the request for review. The executive director may stay the restoration or replacement order until the appeal is resolved.

Appointments

Minnesota Statutes, Section 15.06, Subd. 5. requires notice of the designation of a commissioner or acting commissioner, or the assumption of office by a temporary commissioner, shall be filed with the president of the senate and the speaker of the house with a copy delivered to the secretary of state and published in the next available edition of the *State Register*.

Minnesota Department of Management and Budget (formerly Department of Finance, changed by Legislature, becomes effective August 1, 2009)

Notice of Appointment of Commissioner Thomas J. Hanson

NOTICE IS HEREBY GIVEN, pursuant to *Minnesota Statutes*, Section 15.06, Subd. 5, that Governor Tim Pawlenty appointed Thomas J. Hanson to the renamed office of Commissioner of the Minnesota Department of Management and Budget, effective August 1, 2009. His appointment continues from his appointment as Commissioner of the Department of Finance on December 30, 2006.

This appointment carries with it all rights, powers, duties, and emoluments granted by law and pertaining to this position until this appointment is superseded or annulled. The laws and rules governing the Department of Finance are:

- *Minnesota Statutes*, Chapters 16A

Commissioner Hanson resides at 7200 Orchid Lane North, Maple Grove, Minnesota, Hennepin County, Congressional District Three.

He can be reached at the Minnesota Department of Finance, 400 Centennial Bldg., 658 Cedar Street, St. Paul, MN 55155. Telephone (651) 297-7881. Web page: <http://www.finance.state.mn.us>

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.

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Department of Administration Governor's Council on Developmental Disabilities Notice of Meeting Schedule for Federal Fiscal Year 2010

The Minnesota Governor's Council on Developmental Disabilities (GCDD) meets on the first Wednesday of the even-numbered

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months at the Continuing Education and Conference Center, University of Minnesota, St. Paul Campus, 1890 Buford Avenue, St. Paul, Minnesota 55108. Meetings are from 9:30 a.m. to 2:30 p.m. The meeting schedule for FFY 2010 is as follows:

October 7, 2009
December 2, 2009
February 3, 2010
April 7, 2010
June 2, 2010
August 4, 2010

Under provisions of the Developmental Disabilities Assistance and Bill of Rights Act (P.L. 106-402), the GCDD's business - information, education, and training - is intended to increase the independence, productivity, self determination, integration and inclusion of people with developmental disabilities and their families in the community.

For further information, contact the GCDD:

(651) 296-4018
Toll free: (877) 348-0505;
Minnesota Relay Service: (800) 627-3529 or 711;
admin.dd@state.mn.us;
<http://www.mnddc.org> OR <http://www.mncdd.org>.

Individuals needing accommodations should contact the GCDD at least 10 days in advance of the meeting date.

Minnesota Housing Finance Agency Notice of Public Hearing on Proposed Projects and the Issuance of Nonprofit Housing Bonds Under Minnesota Statutes, Chapter 462A, as Amended

NOTICE IS HEREBY GIVEN that the Minnesota Housing Finance Agency (the "Agency"), will hold a public hearing at 10:00 a.m. on Thursday, August 20, 2009 at its offices at 400 Sibley Street, Suite 300, St. Paul, Minnesota 55101, for the purposes of taking public testimony regarding the proposal that the Agency issue limited obligation nonprofit housing bonds, in one or more series (the "Bonds"), under Minnesota Statutes, Chapter 462A, including Section 462A.36, as amended (the "Act") in the maximum principal amounts set forth below. The Bonds may be issued in one or more series and will be issued to fund mortgage loans to pay for all or a portion of the costs of acquisition, construction, rehabilitation and equipping of the following developments, including facilities related and subordinate thereto, for permanent supportive housing, as defined in the Act. The developments to be assisted are:

A 61-unit multi-story permanent supportive housing rental apartment development, in two buildings, to be located at 718-730 17th Street East, Minneapolis, Minnesota. The initial owner or operator will be Alliance Addition LLC, a Colorado limited liability company, the sole member of which is Aeon, a Minnesota nonprofit corporation. The maximum principal amount of the Bonds for this development is \$9,500,000.

A 40 unit multi-story permanent supportive housing rental apartment development, located at 1307 Lincoln Avenue SE, St. Cloud, Minnesota. The initial owner or operator will be River Crest of St. Cloud CC, LLC, a Minnesota limited liability company, the sole member of which is Center City Housing Corp., a Minnesota nonprofit corporation. The maximum principal amount of the Bonds for this development is \$5,500,000.

The Bonds will be special, limited obligations of the Agency, and the Bonds and the interest thereon will be payable solely from certain appropriations of the State of Minnesota (the "State") pledged to the payment thereof pursuant to the Act. No holder of any Bond will ever have the right to compel any exercise of the taxing power of the State to pay the Bonds, or the interest thereon, nor to enforce payment thereof against any property of the Agency or the State.

Parties wishing to comment on the financing program may appear in person at the hearing or may submit written comments to the undersigned prior to the hearing, which comments will be considered at the hearing. Parties desiring additional information should contact Mr. Ken Doresky of the Agency (651-284-3177).

Metropolitan Council**Notice of Public Hearings on Proposed Transit Fares for Dial-A-Ride Services**

The Metropolitan Council will hold a series of public hearings to receive comments on proposed fare prices for Dial-a-Ride services, effective Jan. 1, 2010.

For complete information on the proposed Dial-a-Ride fares, visit <http://www.metrocouncil.org>.

All interested persons are encouraged to attend the hearings and offer comments. Those attending may register in advance to speak by calling the Data Center at 651-602-1140. Public comments at the hearings may be limited to 3-5 minutes per speaker. Contact the Data Center to indicate in advance that you wish to speak, or to request accommodations for more meaningful participation. Two weeks advance notice, indicating the specific accommodation needed, is appreciated. Please include the date, place and time of the hearing you will attend. For questions, please telephone 651-602-1140.

The public meetings and hearing will be held at the following times and locations:

Tuesday, Sept. 8 – 1:30 to 2:30 p.m.

Brooklyn Park Library, Meeting Room
8600 Zane Ave. N., Brooklyn Park
Served by Transit Route 723

Wednesday, Sept. 9 – 1:30 to 2:30 p.m.

Maplewood Library, Large Meeting Room
3025 Southlawn Drive, Maplewood
Served by Transit Routes 64, 80, 219, 223

Thursday, Sept. 10 – 1:30 to 2:30 p.m.

Dakota County Northern Service Center
Conference Rooms 110A & 110B
1 Mendota Road West, West St. Paul
Served by Transit Route 75

Friday, Sept. 11 – 10:30 to 11:30 a.m.

Anoka County Government Center
County Board Room, Room 705
2100 Third Avenue, Anoka
Served by Transit Routes 766, 805, 852

Thursday, Sept. 17 – 10:30 to 11:30 a.m.

Scott County Government Center
County Board Room, Room 209
200 Fourth Avenue West, Shakopee
Served by Transit Route 496

Thursday, Sept. 17 – 1:30 to 2:30 p.m.

Ridgedale Library, Robert H. Rohlf meeting room
12601 Ridgedale Drive, Minnetonka
Served by Regional Transit Routes 615 and 675

Friday, Sept. 18 – 10:30 to 11:30 a.m.

Washington County Government Center
County Board Room, Room 100
14949 62nd Street North, Stillwater

The Council will also receive comments on the proposed fares through **Sept. 28** as follows (comments must be received by **5 p.m.**):

Official Notices

Written comments: Metropolitan Council Data Center

390 N. Robert St., St. Paul, 55101

Fax comments to: Data Center at 651-602-1464

Send TTY comments to: Data Center at 651-291-0904

data.center@metc.state.mn.us

Record comments on Council's Public Comment Line at: 651-602-1500

Metropolitan Council Notice of Public Hearing on Adoption of Public Housing Plan

The Metropolitan Council's Community Development Committee will conduct a public hearing to receive public comment on the proposed Public Housing Agency (PHA) 5-Year and Annual Plan 2010-2014.

The PHA Plan is a comprehensive guide to public housing agency policies, programs, operations and strategies for meeting local housing needs and goals. It is submitted within specific timeframes and according to the format required by the US Department of Housing and Urban Development (HUD). The public hearing will be held:

4 p.m., Monday, September 21, 2009
Metropolitan Council
390 Robert Street, Council Chambers
St. Paul, MN 55101

The Housing Agency Plan is available for public review at the HRA administrative offices located at 390 Robert St. in St. Paul, and on the Metropolitan Council's website at <http://www.metrocouncil.org/housing/HRA/plan.htm>. All interested persons are encouraged to attend the hearing and offer comments. People may register in advance to speak by calling Sue Putz at 651-602-1584 or TTY at 651-291-0904. Upon request, the Council will provide a reasonable accommodation to persons with disabilities. In addition to speaking at the hearing, comments may be made in the following ways:

Send comments to: Sue Putz, Metro HRA, 390 Robert St., St. Paul, MN 55101

Fax comments to: Sue Putz at 651-602-1313

Send comments electronically to: data.center@metc.state.mn.us

Record comments on the Council's Public Comment Line: 651-602-1500

TTY: 651-291-0904

Comments must be received by 4:00 p.m., Monday, September 21, 2009

Metropolitan Council Public Information Meeting on Proposed Change to the Reserve Capacity Methodology Used in Computing the Service Availability Charge (SAC)

The Metropolitan Council will hold a public information meeting on a proposed change to the computation methodology for reserve capacity that is used in calculating the Service Availability Charge (SAC). A presentation describing this change and its impact on SAC and Municipal Wastewater Charges will be made by MCES staff.

The meeting will be:

Thursday, August 13, 2009, 3:00 p.m.
Metropolitan Council Chambers
390 N. Robert Street
St. Paul, MN 55101

Comments received at the informational meeting will be summarized and considered prior to final action by the Metropolitan Council, anticipated in September 2009.

Official Notices

Questions should be directed to Dan Schueller, (651) 602-1624 or dan.schueller@metc.state.mn.us. In addition to providing oral or written comments at the public information meeting, comments may be made through August 23, 2009, in several ways:

Written comments to: Dan Schueller, Metropolitan Council, 390 North Robert St., St. Paul, MN 55101

Fax comments to Dan Schueller, (651) 602-1477

Record comments on the Council's Public Information Line: (651) 602-1500

Send comments electronically to: data.center@metc.state.mn.us

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.

Here's Help in Applying for Grants

Only *State Register* subscribers get a "Contracts & Grants" section that lists all "active" grants and contracts. Open the *State Register* and click on Bookmarks in the upper left corner. You get a list of ALL the current rules, with an INDEX, and previous volume indices, as well as a list of all "active" contracts and grants, and LINKS to the *State Register*. Subscriptions cost \$180 a year (an \$80 savings). Here's what you receive via e-mail:

- **LINKS, LINKS, LINKS**
- **Early delivery, on Friday**
- **Word Search Capability**
- **Updates to Index to Vol. 33**
- **Easy Access to *State Register* Archives**
- **Indexes to Vols. 27 - 32**
- **"Contracts & Grants" Open for Bid**
- **E-mailed to you . . . its so easy**

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 Department of Human Services

Alcohol & Substance Abuse Division and Adult Mental Health Division

AMENDED Notice of Request for Proposals and CORRECTION to proposal: work start date is OCTOBER 1, 2009

Provide Treatment for People with Co-occurring Disorders in Licensed Substance Treatment Programs in Minnesota

NOTICE IS HEREBY GIVEN that the Minnesota Department of Human Services is requesting proposals to The Minnesota Department of Human Services (DHS), through its Alcohol and Drug Abuse Division (ADAD) and Adult Mental Health Division from current Rule 31 and Rule 29 (licensed substance abuse and/or mental health treatment programs) grantees participating in the DHS Co-occurring State Incentive Grant project.

These divisions are seeking to assist those providers in continuing implementation of evidence-based practices for improving substance abuse and mental health treatment services to persons with co-occurring disorders. These services may be provided in residential or non-residential facilities/programs. The total amount of grant funds available is \$200,000 for one year of funding.

The goal of this RFP is assist mental health and substance abuse providers in meeting and exceeding the certification requirements for co-occurring programs licensed under Rule 31 and/or meeting and exceeding the elements of a dual disorder capacity in mental health treatment service as measured by the Dual Disorder Capability in Mental Health Treatment (DDCMHT) Index.

(Minnesota Rules Part 9530.6495 provides substance abuse treatment facilities the opportunity to become certified to treat persons with substance abuse and mental health disorders.

State Grants & Loans

Work is proposed to start **OCTOBER 1, 2009**. For more information, or to obtain a copy of the Request for Proposal, contact:

Kathy Mostrom
Department of Human Services
Alcohol & Drug Abuse Division
P.O. Box 64977
444 Lafayette Road North, St. Paul, MN 55155
Phone: (651) 431-2469, Fax: (651) 431-7449
Kathy.Mostrom@state.mn.us

This is the only person designated to answer questions by potential responders regarding this request.

Proposals submitted in response to this Request for Proposals must be received at the address above no later than **4:00 p.m., Central Time, August 21, 2009**. **Late proposals will not be considered**. Faxed or e-mailed proposals will **not** be considered.

The RFP can be viewed by visiting the Minnesota Department of Human Services RFP web site:
http://www.dhs.state.mn.us/main/id_000102

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 day

All "Active" Contracts

A summarized list of all "active" contracts and grants is available for subscribers only. Subscribers also receive LINKS to the *State Register*, as well as Bookmarks, and a growing INDEX to each volume, including the current issue, and previous volumes. Subscribers open their State Register and click on BOOKMARKS in the left hand corner. Here's what you receive via e-mail:

- **Word Search Capability**
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Subscriptions cost \$180 a year (an \$80 savings). 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 College and Universities (MnSCU)

Rochester Community and Technical College Sealed Bids Sought for Rochester Community and Technical College 2009 Elevator Replacement – Phase III

Project Scope: The project consists of the replacement of (2) existing elevators with new 3,000 lb. holed hydraulic passenger elevators and all related equipment, new elevator equipment to be installed in new and existing elevator equipment room locations. This

project scope also includes required code upgrades to the existing elevators.

Bids will be received by:

June Meitzner, Purchasing Manager
Rochester Community and Technical College
Business Office, Room SS 153
851 30th Avenue SE
Rochester, Minnesota 55904

Bids will be accepted until 2:00 PM, local time, Monday, August 24, 2009 at which time the bids will be opened and publicly read aloud.

A **mandatory** Pre-Bid Meeting will be held at 10:00 AM, Thursday, August 6, 2009, in Room EA103, College Center, Rochester Community and Technical College. The Architect/Engineer and/or College/University Representatives will review the bidding procedures, Bidding Documents and other conditions with interested Bidders and answer questions.

Bidding Documents as prepared by the Project Architect/Engineer; Yaggy Colby Associates, shall be available for bidding on Monday, August 3, 2009, and are on file at:

- 1) Yaggy Colby Associates (Rochester office)
- 2) The following Builders' Exchanges:
 - Builders Exchange of Rochester
 - Minneapolis Builder's Exchange
 - St. Paul Builder's Exchange
 - Albert Lea Area Builders Exchange
 - Mankato Builders Exchange
 - Austin Builders Exchange
- 3) McGraw Hill Construction Plan Room
- 4) Reed Construction Data Plan Room

You may view and order bid documents by going to the Franz Reprographics web site at <http://www.franzrepro.com>, and selecting the **Franz Public Plan Room**. Please select project RCTC 2009 Elevator Replacement, Phase III from the list of public projects. Once you have selected the project, please review the **Bid Details** for information on ordering documents. To receive **Bid Notices, Bid Addendums, Construction Bulletins, Shipped Order Confirmations, and Electronic Downloads**, for this project from Yaggy Colby, you must place the following email address in your list of Outlook Contacts: notice@designbidbuild.net. These notifications are sent from this email address, not from the email address of Yaggy Colby. If you do not do this, your email server may block the receipt of these notifications. There is a **?Help** button you can select for assistance with using the Online Plan Room. If you still have problems, please contact Franz Reprographics by phone at 763-503-3401. All document costs are the responsibility of the individual bidders.

Each bid which totals over \$15,000.00 shall be accompanied by a certified check, payable to **Minnesota State Colleges and Universities**, in the sum of not less than 5% of the total base bid; or a corporate surety bond of a surety company duly authorized to do business in the state of Minnesota in the same amount; which is submitted as bid security, conditioned upon the Bidder entering into a contract with Minnesota State Colleges and Universities in accordance with the terms of the bid.

Minnesota State College and Universities (MnSCU) Saint Paul College Request for Sealed Bid for Saint Paul College Sign

Description: Saint Paul College is requesting sealed bids for a wall-mounted, illuminated identification sign on the Northeast corner of building. The sign is 162.75 square feet in size. The bid will include costs for the following items: sign fabrication, sign installation, sign hook-up (electrical to within 4 feet of sign by owner), and permit fees.

State Contracts

Timeline: Installation to be no more than 4 weeks from receipt of Purchase Order.

Sealed bids must be delivered to:

Nataliya Kabakova
Room 1240 Business office
Saint Paul College
235 Marshall Ave
St Paul MN 55102

Bids must be delivered NOT Later than 2:00P.M., August 18, 2009

Contact: Please contact Nataliya Kabakova at 651.846.1350 for project specifications.

For specific questions regarding the specifications, please contact Richard Lang at 651.644.4494.

Minnesota Department of Human Services Alcohol and Drug Abuse Division Notice of Request for Proposals to Adopt Cultural Competence Best Practices in Alcohol and Drug Abuse Treatment

NOTICE IS HEREBY GIVEN that the Minnesota Department of Human Services is requesting proposals from qualified responders to identify and recommend best practices for cultural competence in chemical dependency treatment for special populations including racial-ethnic diverse groups and other special populations. This is an effort to address longstanding disparities in the availability and quality of chemical health treatment services for people of diverse racial, ethnic and linguistically challenged populations and members belonging to other special populations.

This initiative will be entitled “*Adopting Culturally Competent Best Practices (ACCBP) Project*” and is a pilot project which will consist of two (2) phases: Phase 1 – Compiling and writing during the first nine (9) months and Phase 2 – Training Period during the remaining three (3) months.

The goal is to work towards increasing access, treatment completion and improving quality of care and outcomes for unserved and underserved, ethnically and linguistically racial diverse populations. This entails having effective addiction treatment that reduces drug use, crime, long-term health care costs and HIV transmission and wards off future costs within these communities. It will also have a positive effect on physical and mental health, employment, families and communities. This initiative will ultimately help improve the outcome measures collected by the DHS Alcohol and Drug Abuse Division in capturing meaningful, real-life outcomes for people who are striving to maintain sober recovery and participate fully in their communities after receiving addiction treatment.

This RFP makes available up to \$100,000 for this service during the calendar Year 2010 (January 1, 2010 to December 31, 2010) from the Federal Substance Abuse Treatment & Prevention Block Grant.

Work under this project is anticipated to begin on or about January 1, 2010 or when a contract is fully executed.

A bidder’s conference will be held in two different locations: 1) Monday, August 17, 2009, 9:30AM at the Elmer L. Andersen Building, 540 Cedar Street, St. Paul, MN 55155, Room 2370; and 2) Monday, August 31, 2009 at the St. Cloud Public Library, 1300 West St. Germain Street, St. Cloud, MN 56301-3414, Bremer Room.

For more information, or to obtain a copy of the full Request for Proposal and application forms, contact:

Ruthie Dallas
Department of Human Services

Alcohol and Drug Abuse Division
P.O. Box 64977
St. Paul, MN 55164-0977
Phone: (651) 431-2465, Fax: (651)431-7449
Ruthie.dallas@state.mn.us

This is the only person designated to answer questions by potential responders regarding this request.

Proposals submitted in response to this Request for Proposals must be received at the address above no later than **4:00 p.m., Central Time, October 5, 2009. Late proposals will not be considered.** Faxed or e-mailed proposals will **not** be considered.

The RFP can be viewed by visiting the Minnesota Department of Human Services, Alcohol and Drug Abuse (ADAD) web site: <http://ADAD.dhs.state.mn.us> or by contacting Ruthie Dallas.

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 Pollution Control Agency Request for Proposals for Electronic Waste and Recycling for Areas Outside the 11-County Metro Area

I. Project Overview:

The Minnesota Pollution Control Agency (MPCA) is publishing this Request for Proposals (RFP) to provide grants to collect and recycle household generated electronic waste (eWaste), such as, but not limited to cathode-ray tubes or CRTs, computers, computer monitors, or covered electronic devices, from areas outside of the 11-county metro area as described in the Minnesota Electronic Waste Recycling Act, Minnesota Statutes Sections §§ 115A.1310 to 115A.1330. The goal of this RFP is to increase eWaste collection and recycling opportunities in areas where collection and recycling is not easily accessible. Approximately \$150,000 is available for up to 5 (five) projects.

II. Eligibility Criteria

Eligible applicants Minnesota local governmental entities; registered collectors; registered recyclers; registered manufacturers; or combinations thereof.

Ineligible applicants Minnesota Pollution Control Agency staff; Federal Government agencies; local governmental entities collecting eWaste from within the 11-county metro area, or collecting eWaste generated by any household within the 11-county metro area, and any eligible applicant not in compliance with Minnesota laws and regulations. To check compliance status check the eWaste website at: <http://www.pca.state.mn.us/oea/stewardship/electronics-law.cfm>

Eligible projects Projects that will increase the collection of eWaste generated and collected from households outside the 11-county metro area.

Ineligible projects Projects collecting anything other than eWaste or collecting eWaste generated within the 11-county metro area. The 11 metro-area counties are: Anoka, Carver, Chisago, Dakota, Hennepin, Isanti, Ramsey, Scott, Sherburne, Washington, and Wright.

Eligible costs Eligible costs are those costs **directly** incurred through work activities that are **solely related** to and necessary for producing the work products and deliverables as described in the work plan of the grant contract during the grant contract period. Capitol costs may not equal more than 10% of the project cost without prior approval by the MPCA. Capitol costs include but are not limited to; structures and equipment. Only eligible costs will be reimbursed.

Eligible costs may include the following:

State Contracts

- Expenditures incurred only after the effective date of the grant contract;
- Actual wages and expenses of Grantee employees if specified and documented;
- Communication costs for postage, and other related expenses;
- Fringe benefit costs limited to FICA/Medicare, retirement, and health insurance of Grantee's employees if specified and documented;
- Advertising costs as related to the project and approved in the work plan;
- Professional services as specified in the grant contract that are rendered by individuals or organizations not a part of the Grantee organization;
- Costs for subcontractors as allowed with prior approval from MPCA.

Ineligible costs Ineligible costs for reimbursement means all costs not defined as eligible costs, including but not limited to the following:

- Any costs incurred before the grant contract is executed;
- Fund raising;
- Taxes, except sales tax on goods and services;
- Insurance;
- Bad debts, late payment fees, finance charges or contingency funds, interest, investment management fees;
- Lobbying, lobbyists, and political contributions;
- Merit awards and bonuses;
- Employee worksite parking;
- Entertainment, gifts and prizes;
- Mark-up on purchases and/or subcontracts.

III. Review and Evaluation of Proposals

If necessary, after submission of proposals/applications, but before selection decisions are made, MPCA personnel may have limited communication with applicants for the purpose of clarifying certain aspects of the proposal/application relating to eligibility factors, for partial funding purposes, or to resolve minor or clerical errors. Such communications shall not be used to address/correct proposal/application deficiencies or material omissions, materially alter the proposal/application or project proposed, or discuss changes to the applicants' responses to any evaluation or selection criteria.

Pre-proposal/application assistance may include helping potential applicants determine whether the applicant itself or the applicant's proposed project is eligible for funding, assisting potential applicants with administrative issues relating to the submission of a proposal/application, and responding to requests for clarification of the announcement. Clarifications that result in changes to the funding announcement will be communicated to potential applicants.

Responses to questions that exceed the scope included in the paragraph above but do not rise to the level of making formal clarifications to the RFP will be communicated to all potential applicants.

Regardless of MPCA availability to answer pre-proposal/application questions, applicants are solely responsible for the content and submission of their proposal/application, and receiving information and assistance from MPCA does not guarantee funding.

Applicants with the highest score will be recommended to MPCA management for funding. Once management has made the determination of awardee(s), prospective awardee(s) may be contacted for additional information, discussion of the proposal with the project manager, project partners and/or other experts in the field, as needed, prior to execution of the grant agreement.

Additionally, it is the policy of the State of Minnesota that any grants made to nongovernmental organizations be made to those that are financially stable enough to carry out the purpose of the grant. Before awarding a grant of over \$25,000, the MPCA must assess a recent financial statement from the applicant organization. Items of significant concern will be discussed with the grant applicant and resolved to the satisfaction of MPCA staff prior to making recommendation to management for funding decisions. (Minn. Stat. 16B.97-Grants Management, Policy on the Financial Review of Nongovernmental Organizations, Policy Number: 08-06).

Applicants identified as prospective awardees will be contacted by MPCA staff and requested to submit documentation of their financial stability for review prior to execution of a grant contract. Documents that will satisfy this request include: internal financial

statement; IRS Form 990 (if annual income does not exceed \$349,999); or, certified financial audit (annual audit), whichever is applicable.

Evaluation Criteria for Proposals

MPCA will review and score all submitted proposals/applications.

Pass/Fail:

- Application and all required documents must be received before the due date and time.
- Applications must be complete and all supporting documents must be included.

Competitive Scoring:

- Proposals/Applications must contain all of the elements and be in the format listed below under Section V of this RFP to be considered for funding.

A 100 point scale will be used to evaluate the proposals. The factors and their respective weights upon which the proposal/application will be judged are as follows:

Weighted Evaluation Criteria:

1. Services reaching areas where a collection opportunities or collection site is not available or within a reasonable distance.	25%
2. Geographical area and population in Minnesota served (potential eWaste available for collection).	20%
3. Amount of time services will be available (short term vs long term collection) and sustainability of project.	15%
4. Applicant working with manufacturer(s) and other partners and level of participation and commitment of project partners, manufacturers including monetary and in-kind matches.	15%
5. Experience and history with eWaste collection in Minnesota while in compliance with Minnesota laws and regulations.	15%
6. Methods for promotion and outreach to be conducted to promote collection (including outreach to local governmental entities).	10%

In order to be eligible to be recommended to management for funding proposals must receive a minimum score of 70%.

IV. Process for Applications and Due Date

Questions. The opportunity for pre-proposal/application assistance is available on an equal basis to all potential applicants through **Tuesday, August 18, 2009**. Prospective applicants who have questions regarding the application or submittal of the application/proposal, should contact Lynette Podritz, Management Analyst, via email at contracts@pca.state.mn.us – Subject line: eWaste RFP.

Other personnel are NOT AUTHORIZED to discuss this request for proposal with proposers before the proposal submission deadline. Contact regarding this RFP with any personnel not listed above could result in disqualification.

Response Submittal

- One electronic copy must be emailed to contracts@pca.state.mn.us – Subject line: eWaste RFP, on time by the due date.
- Faxed, mailed, and hard-copies will not be accepted.
- All costs incurred in responding to this RFP will be borne by the responder.

All proposals must be received no later than 2:00 p.m. CDST, on Tuesday, August 25, 2009.

State Contracts

Data Practices Information. Responses submitted by a grantee are private or nonpublic until the responses are opened. Once the responses are opened, the name and address of the grantee and the amount requested is public. All other data in a response is private or nonpublic data until completion of the evaluation process. After a granting agency has completed the evaluation process, all remaining data in the responses is public with the exception of trade secret data as defined and classified in M.S. § 13.37. A statement by a grantee that the response is copyrighted or otherwise protected does not prevent public access to the response. (M.S. § 13.599, Sub. 3)

Conflicts of Interest - Responder must provide a list of all entities with which it has relationships that create, or appear to create, a conflict of interest with the work that is contemplated in this request for proposals. The list should indicate the name of the entity, the relationship, and a discussion of the conflict. This form must be completed and returned with the application/proposal even if an entity does not have a conflict. (The form is attached as a portion of this RFP.)

Organizational Conflicts of Interest - The responder warrants that, to the best of its knowledge and belief, and except as otherwise disclosed, there are no relevant facts or circumstances which could give rise to organizational conflicts of interest. An organizational conflict of interest exists when, because of existing or planned activities or because of relationships with other persons, a vendor is unable or potentially unable to render impartial assistance or advice to the State, or the vendor's objectivity in performing the contract work is or might be otherwise impaired, or the vendor has an unfair competitive advantage. The responder agrees that, if after award, an organizational conflict of interest is discovered, an immediate and full disclosure in writing must be made to the Assistant Director of the Department of Administration's Materials Management Division ("MMD") which must include a description of the action which the contractor has taken or proposes to take to avoid or mitigate such conflicts. If an organizational conflict of interest is determined to exist, the State may, at its discretion, cancel the contract. In the event the responder was aware of an organizational conflict of interest prior to the award of the contract and did not disclose the conflict to MMD, the State may terminate the contract for default. The provisions of this clause must be included in all subcontracts for work to be performed similar to the service provided by the prime contractor, and the terms "contract," "contractor," and "contracting officer" modified appropriately to preserve the State's rights.

Award of Grant Each grant recipient must formally enter into a grant agreement. The applicant will be notified by MPCA staff. Grant awards shall be made to those projects that best meet the evaluation criteria identified in the RFP as funds allow. Awards are contingent on successful execution of a grant agreement within 60 (sixty days). In addition to the ability to make reduced awards, the MPCA reserves the right to refrain from awarding any grants. The grant agreement is a legal, binding document requiring several signatures for execution. Grant recipients are expected to keep accurate financial records of the project. (Sample Grant Agreement is attached as ATTACHMENT 1.)

V. Proposal Content

A complete proposal will consist of the following items:

- Section I. Application form;
 - Section II. Experience and Qualifications;
 - Section III. Project Work Plan;
 - Section IV. Evaluation Plan;
 - Section V. Gantt Chart;
 - Section VI. Budget and Expenditures (Sample Budget form is attached as ATTACHMENT 2);
 - Section VII. Authorizing Resolution (if applicable).
- Conflict of Interest form

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 Department of Transportation (Mn/DOT) Request for Proposals for North/West Passage Project 4.1 Traveler Information Website – Phase 2 and Project 4.3 Center to Center Communications Concept of Operations

Notice of availability of Contract for professional services to develop a Concept of Operations, System Requirements Document as well as to design and implement the second phase of the North/West Passage Traveler Information Website (<http://www.i90i94travelinfo.com>). Services will also include development of a Concept of Operations document to specify the approach for sharing information between states’ condition reporting systems (e.g., state-to-state event message exchange). 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

State Contracts

to this notice shall be borne by the responder.

The full RFP can be viewed on the Consultant Services Web Page at <http://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
melissa.mcginnis@dot.state.mn.us
651-366-4644

Note: RESPONSES WILL BE DUE ON SEPTEMBER 17, 2009 AT 2:00PM CENTRAL DAYLIGHT TIME.

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 Juanita Voigt at (651) 366-4774 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:

Juanita Voigt
Consultant Services
Office of Technical Support
Minnesota Department of Transportation
395 John Ireland Blvd. Mail Stop 680

Department of Transportation (Mn/DOT) Engineering Services Division Notice Concerning Professional/Technical Contract Opportunities and Taxpayers’ Transportation Accountability Act Notices

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: <http://www.dot.state.mn.us/consult>

New Public notices may be added to the website on a daily basis and be available for the time period as indicated within the public notice. Mn/DOT is also posting notices as required by the Taxpayers’ Transportation Accountability Act on the above referenced website.

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.

Counties Transit Improvement Board Notice of Solicitation for Capital and Operating Transitway Grant Applications

NOTICE IS HEREBY GIVEN that the Counties Transit Improvement Board (the "Board") is soliciting capital and operating transitway grant applications as part of its 2009 grant solicitation process for grants payable in 2010. Applicants should be aware that this solicitation will be governed by the Transit Investment Framework ("Framework"), as adopted on May 20, 2009. Applicants should become familiar with the details of the Framework and be prepared to provide details within the application about how that application is consistent with the Framework.

As provided in state law, grants will only be awarded to political subdivisions or the State of Minnesota. Additionally, capital grants will only be made available to the following transitways: Central Corridor Light Rail Transit, Cedar Avenue Bus Rapid Transit, I-35W South Bus Rapid Transit, and Southwest Corridor Light Rail Transit. Operating grants will only be made available to the following transitways: Cedar Avenue Bus Rapid Transit, Hiawatha Light Rail Transit, Northstar Commuter Rail, and I-35W South Bus Rapid Transit.

Capital and Operating Transitway Grant applications forms should be submitted no later than 2:00 p.m. on September 21, 2009 to:

Mary Richardson, Interim Coordinator
Counties Transit Improvement Board
477 Selby Avenue
St. Paul, MN 55102
(651) 222-7227

To receive a grant application and a copy of the Transit Investment Framework, please contact Peggy Aho by fax at 651-223-5229 or by email at paho@rranow.com.

University of Minnesota Center for Transportation Studies Request for Information (RFI) for Professional Services: Graphic Design

The Center for Transportation Studies at the University of Minnesota is seeking qualified vendors to provide the following professional services:

Graphic Design: RFI 1022

The purpose of this RFI is to gather information about the qualifications of contractors who perform these professional services, since CTS, or the programs it administers, may need to purchase these services in the future.

This RFI is NOT a request for a proposal, bid, or quotation. The RFI does not obligate the University of Minnesota to any particular vendor or dollar amount. Rather, the RFI is simply intended to gather information regarding the services available in order to create a pool of potential contractors.

Non-State Bids, Contracts & Grants

RFIs are posted on the CTS Web site at <http://www.cts.umn.edu/news/rfi>.

For administrative information please contact:

Penny Harris
 Center for Transportation Studies
 200 Transportation and Safety Building
 511 Washington Ave. S.E.
 Minneapolis, MN 55455
 Phone: 612-625-9246
 E-mail: harri163@cts.umn.edu

Initial submission deadline for proposals is 4:00 p.m. August 17, 2009.

University of Minnesota (U of M) Subscribe to Bid Information Service (BIS)

The University of Minnesota offers 24-hour/day, 7-day/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.



Several convenient ways to order:

- ◆ **Retail store** Open 8 a.m. - 5 p.m. Monday - Friday, 660 Olive Street, St. Paul
- ◆ **Phone** (credit cards): 8 a.m. - 5 p.m. Monday - Friday, 651.297.3000 (Twin Cities) or 1.800.657.3757 (nationwide toll-free)
- ◆ **On-line orders:** www.minnesotasbookstore.com
- ◆ **Minnesota Relay Service:** 8 a.m. - 5 p.m. Monday - Friday, 1.800.627.3529
- ◆ **Fax** (credit cards): 651.215.5733 (fax line available 24 hours/day)
- ◆ **Mail orders:** Orders can be sent to Minnesota's Bookstore, 660 Olive Street, St. Paul, MN 55155

PREPAYMENT REQUIRED. Prices and availability subject to change.

Fax and phone orders: Credit card purchases ONLY (American Express/Discover/MasterCard/VISA). Please allow 1-2 weeks for delivery.

Mail orders: Complete order blank and send to address above. Enclose check or include credit card information. Please allow 2-3 weeks for delivery. Please make checks payable to "Minnesota's Bookstore." A \$20.00 fee will be charged for returned checks.

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Street Address _____

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Daytime phone (____) _____

Credit card number: _____

Expires: _____ Signature: _____

Shipping Charges

If Product Subtotal is:

Please Add:

Up to \$15.00 \$ 5.00

\$15.01-\$25.00 \$ 6.00

\$25.01-\$50.00 \$ 8.00

\$50.01-\$100.00 \$ 14.00

\$100.01-\$1,000 \$ 17.00*

*\$17 to an address in MN, WI, SD, ND, IA.

If delivered to an address in other states,

Canada or internationally, we will contact you if there are additional charges.

More than \$1,000 Call

Product Subtotal _____

Shipping _____

Subtotal _____

Sales tax _____

(6.875% sales tax if shipped to MN address, 7.625% if shipped to St. Paul address. 6.125% MN transit tax or other local sales tax if applicable)

TOTAL _____

If tax exempt, please provide ES number or completed exemption form. _____