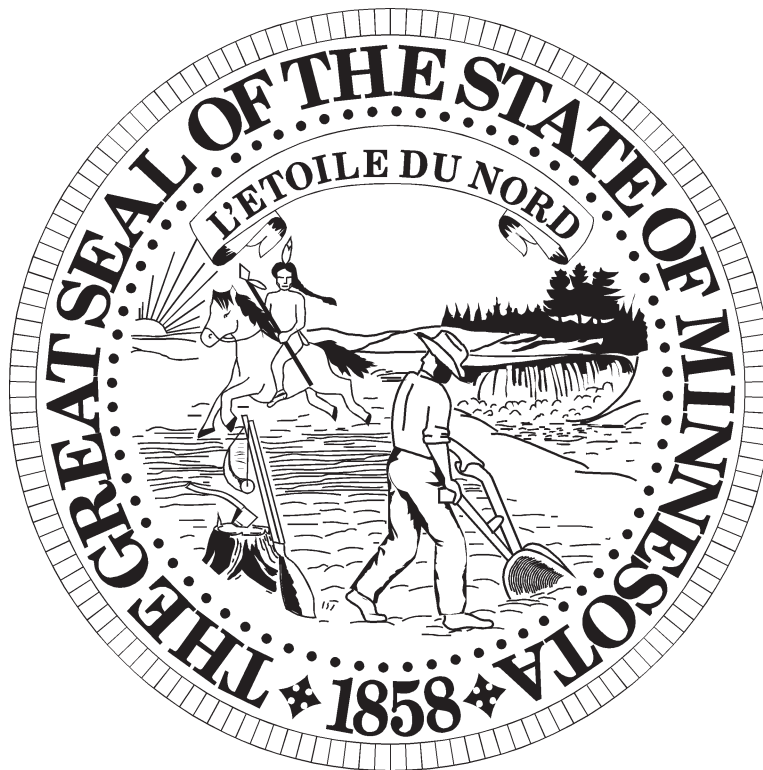


State of Minnesota

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)

**Monday 4 October 2010
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State Register

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The *State Register* is the official publication of the State of Minnesota's Executive Branch of government, published weekly to fulfill the legislative mandate set forth in *Minnesota Statutes*, Chapter 14, and *Minnesota Rules*, Chapter 1400. The *State Register* contains:

- Proposed Rules
- Adopted Rules
- Exempt Rules
- Expedited Rules
- Withdrawn Rules
- Vetoed Rules
- Executive Orders of the Governor
- Appointments
- Proclamations
- Commissioners' Orders
- Revenue Notices
- Official Notices
- State Grants and Loans
- Contracts for Professional, Technical and Consulting Services
- Non-state Public Bids, Contracts and Grants

Printing Schedule and Submission Deadlines											
Vol. 35 Issue Number	PUBLISH DATE (BOLDFACE shows altered publish date)			Deadline for: Emergency Rules, Executive and Commissioner's Orders, Revenue and Official Notices, State Grants, Professional-Technical-Consulting Contracts, Non-State Bids and Public Contracts				Deadline for Proposed, Adopted and Exempt RULES			
# 14	Monday	4	October	Noon	Tuesday	28	September	Noon	Wednesday	22	September
# 15	Monday	11	October	Noon	Tuesday	5	October	Noon	Wednesday	29	September
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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. 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, but 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.

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 #40-52 inclusive, with final index (#1-52, or 53 in some years). 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, phone: (612) 297-3000, or toll-free 1-800-657-3757.

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Exempt Rules

Exempt rules are excluded from the normal rulemaking procedures (*Minnesota Statutes* §§ 14.386 and 14.388). They are most often of two kinds. One kind is specifically exempted by the Legislature from rulemaking procedures, but approved for form by the Revisor of Statutes, reviewed for legality by the Office of Administrative Hearings, and then published in the *State Register*. These exempt rules are effective for two years only.

The second kind of exempt rule is one adopted where an agency for good cause finds that the rulemaking provisions of *Minnesota Statutes*, Chapter 14 are unnecessary, impracticable, or contrary to the public interest. This exemption can be used only where the rules:

- (1) address a serious and immediate threat to the public health, safety, or welfare, or
- (2) comply with a court order or a requirement in federal law in a manner that does not allow for compliance with *Minnesota Statutes* Sections 14.14-14.28, or
- (3) incorporate specific changes set forth in applicable statutes when no interpretation of law is required, or
- (4) make changes that do not alter the sense, meaning, or effect of the rules.

These exempt rules are also reviewed for form by the Revisor of Statutes, for legality by the Office of Administrative Hearings and then published in the *State Register*. In addition, the Office of Administrative Hearings must determine whether the agency has provided adequate justification for the use of this exemption. Rules adopted under clauses (1) or (2) above are effective for two years only. The Legislature may also exempt an agency from the normal rulemaking procedures and establish other procedural and substantive requirements unique to that exemption.

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

Department of Labor and Industry (DLI) Occupational Safety and Health Division Proposed Exempt Permanent Rules Relating to OSHA Updates Proposed Revision to the Occupational Safety and Health Standards and Request for Comments

NOTICE IS HEREBY GIVEN that the Department of Labor and Industry, Occupational Safety and Health Division (Minnesota OSHA), proposes to adopt the following amendment to the Department of Labor and Industry, Occupational Safety and Health Rules. Statutory authority to adopt the amendment is in *Minnesota Statutes* §182.655.

This notice proposes revisions to *Minnesota Rules* 5208.1500 "Standard Industrial Classification List for AWAIR." This notice also proposes the adoption by reference of amendments to Occupational Safety and Health Standards that have already been proposed and adopted by the Federal Occupational Safety and Health Administration (Federal OSHA).

All interested or affected persons have 30 days from the date this notice is published in the *State Register* to submit, in writing, data and views on the proposed amendments to the rule. Comments in support of or in opposition to the proposed amendments are encouraged. Each comment should identify the portion of the proposed amendment addressed, the reason for the comment, and any change proposed.

Any person may file with the Commissioner written objections to the proposed amendments stating the grounds for those objections, and may request a public hearing. A public hearing will be held if 25 or more persons submit written requests for a public hearing on the proposed amendments within the 30-day comment period. Requests for hearing must include the name and address of the person submitting the request, define the reasons for the request, and discuss any proposed changes. If a public hearing is required, the Department will proceed according to the provisions of *Minnesota Statutes* §182.655 and *Minnesota Rules* 5210.0020 to 5210.0100.

Written comments or requests for a public hearing should be sent to: Occupational Safety and Health Division, Department of Labor and Industry, 443 Lafayette Road, St. Paul, Minnesota 55155-4307.

Steve Sviggum, Commissioner

SUMMARY OF CHANGES

The following is a brief summary of the proposed changes. The complete text of the proposed revisions follows this summary.

Proposed additions to *Minnesota Rules* 5205.0010 "Adoption of Federal Occupational Safety and Health Standards by Reference." On March 17, 2010, Federal OSHA published in the *Federal Register*, "Revising the Notification Requirements in the Exposure Determination Provisions of the Hexavalent Chromium Standards; Direct Final rule." The direct final rule became effective at the federal level June 15, (Cite 35 SR 531)

Exempt Rules

2010, since no significant adverse comment was received by federal OSHA. On May 14, 2010, Federal OSHA published in the *Federal Register*, “Revising the Notification Requirements in the Exposure Determination Provisions of the Hexavalent Chromium Standards; Final rule; confirmation of effective date.” By this notice MNOSHA is proposing to adopt the federal amendments.

On May 17, 2010, Federal OSHA published in the *Federal Register*, “Safety Standards for Steel Erection; Final rule; technical amendment.” The technical amendment adds a nonmandatory note to the OSHA standards governing steel erection, which provides information regarding existing Federal Highway Administration regulations that may apply to employers engaged in activities covered by OSHA’s steel erection standards. By this notice, MNOSHA is proposing to adopt this amendment.

Proposed update to *Minnesota Rules* 5208.1500 “Standard Industrial Classification List for AWAIR.” This proposal seeks to update the AWAIR list. “A Workplace Accident and Injury Reduction Act” (AWAIR) was passed by the Minnesota Legislature during the 1990 session (*Laws of Minnesota, 1990*, Chapter 508). The AWAIR Act, subdivision 8, requires that a covered employer establish a written work place accident and injury reduction program that promotes safe and healthful working conditions and is based on clearly stated goals and objectives for meeting those goals. Subdivision 9 of §182.653 requires the Commissioner of Labor and Industry to adopt a list of standard industrial classifications (SIC) or North American Industrial Classifications (NAICS) of employers who must comply with subdivision 8, and the list must be updated every two years. The list must be based on the safety record or worker’s compensation record of the industries. Employers within the NAICS classifications on the list must comply with subdivision 8 within six months following the date the NAICS classification that applies to them is placed on the adopted list. To meet the mandate of §182.653, subdivision 9, Minnesota injury and illness statistics were reviewed. The proposed revisions to the list are based on the “Minnesota Occupational Injuries and Illnesses Survey, 2008” which was conducted by the Minnesota Department of Labor and Industry in cooperation with the Bureau of Labor Statistics (BLS). The survey results are reported as occupational injuries and illnesses incidence rates by industry (NAICS). For all industries combined, the 2008 Minnesota survey results includes industries with a case rate (per 100 full-time employees) for days away from work, days of restricted work activity or job transfer (DART) at or above 1.9, or a total case incidence rate (recordable injuries and illnesses per 100 full-time workers) at or above 4.2. These rates reflect the combined or “average” rates for all reporting industries. Those industries (NAICS) with an incidence rate higher than 4.2 or a DART rate higher than 1.9 are considered to have a higher-than-average rate of injuries and illnesses and, therefore, are required to comply with the AWAIR Act.

Rules as Proposed (see Revisor’s copy)

5205.0010 ADOPTION OF FEDERAL OCCUPATIONAL SAFETY AND HEALTH STANDARDS BY REFERENCE.

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

Subp. 2. **Part 1910.** Part 1910: Occupational Safety and Health Standards as published in Volume 43, No. 206 of the *Federal Register* on October 24, 1978, and corrected in Volume 43, No. 216 on November 7, 1978, which incorporates changes, additions, deletions, and corrections made up to November 7, 1978; and subsequent changes as follows:

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

FF. *Federal Register*, ~~Vol.~~ Volume 74:

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

GG. *Federal Register*, Volume 75:

(1) *Federal Register*, Vol. 75, No. 51, pages 12681-12686, dated March 17, 2010: “Revising the Notification Requirements in the Exposure Determination Provisions of the Hexavalent Chromium Standards; Direct Final rule.”

(2) *Federal Register*, Vol. 75, No. 93, pages 27188-27189, dated May 14, 2010: “Revising the Notification Requirements in the Exposure Determination Provisions of the Hexavalent Chromium Standards; Final rule; confirmation of effective date.”

Subp. 3. **Part 1915.** Part 1915: Occupational Safety and Health Standards for Shipyard Employment as published in Volume 47, No. 76 of the *Federal Register* on April 20, 1982; all changes made prior to December 31, 1986, which consolidated Part 1915 and Part 1916; technical amendments and redesignations published in Volume 58, No. 125, of the *Federal Register* on July 1, 1993; and additional changes as follows:

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

II. *Federal Register*, Volume 75:

Exempt Rules

(1) *Federal Register*, Vol. 75, No. 51, pages 12681-12686, dated March 17, 2010: “Revising the Notification Requirements in the Exposure Determination Provisions of the Hexavalent Chromium Standards; Direct Final rule.”

(2) *Federal Register*, Vol. 75, No. 93, pages 27188-27189, dated May 14, 2010: “Revising the Notification Requirements in the Exposure Determination Provisions of the Hexavalent Chromium Standards; Final rule; confirmation of effective date.”

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

Subp. 6. **Part 1926.** Part 1926: Construction Safety and Health Regulations as published in Part VII, Volume 44, No. 29 of the *Federal Register* on February 9, 1979, which incorporates changes, additions, deletions, and corrections made up to October 17, 1978, the incorporation and redesignation of the regulatory text of the General Industry Occupational Safety and Health Standards (29 CFR Part 1910) that have been identified as applicable to construction work as published in the *Federal Register*, Volume 58, No. 124, dated June 30, 1993, and corrected in Volume 58, No. 143, dated July 28, 1993; and additional changes as follows:

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

V. *Federal Register*, Volume 75:

(1) *Federal Register*, Vol. 75, No. 51, pages 12681-12686, dated March 17, 2010: “Revising the Notification Requirements in the Exposure Determination Provisions of the Hexavalent Chromium Standards; Direct Final rule.”

(2) *Federal Register*, Vol. 75, No. 93, pages 27188-27189, dated May 14, 2010: “Revising the Notification Requirements in the Exposure Determination Provisions of the Hexavalent Chromium Standards; Final rule; confirmation of effective date.”

(3) *Federal Register*, Vol. 75, No. 94, pages 27428-27429, dated May 17, 2010: “Safety Standards for Steel Erection; Final rule; technical amendment.”

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

5208.1500 STANDARD INDUSTRIAL CLASSIFICATION LIST FOR AWAIR.

Employers in the North American Industry classifications listed in this part must comply with *Minnesota Statutes*, section 182.653, subdivision 8. The North American Industry classifications in this part are those defined by the Office of Management and Budget published in the North American Industry Classification System, 2002 edition.

A. Agriculture, forestry, fishing, and hunting:

- (1) 111110, soybean farming;
- (2) 111120, oilseed (except soybean) farming;
- (3) 111130, dry pea and bean farming;
- (4) 111140, wheat farming;
- (5) 111150, corn farming;
- (6) 111160, rice farming;
- (7) 111191, oilseed and grain combination farming;
- (8) 111199, all other grain farming;
- (9) 111211, potato farming;
- (10) 111219, other vegetable (except potato) and melon farming;
- (11) 111310, orange groves;
- (12) 111320, citrus (except orange) groves;

Exempt Rules

- (13) 111331, apple orchards;
- (14) 111332, grape vineyards;
- (15) 111333, strawberry farming;
- (16) 111334, berry (except strawberry) farming;
- (17) 111335, tree nut farming;
- (18) 111336, fruit and tree nut combination farming;
- (19) 111339, other noncitrus fruit farming;
- (20) 111411, mushroom production;
- (21) 111419, other food crops grown under cover;
- (22) 111421, nursery and tree production;
- (23) 111422, floriculture production;
- (24) 111910, tobacco farming;
- (25) 111920, cotton farming;
- (26) 111930, sugarcane farming;
- (27) 111940, hay farming;
- (28) 111991, sugar beet farming;
- (29) 111992, peanut farming;
- (30) 111998, all other miscellaneous crop farming;

(1) to (34), renumber as (31) to (64)

B: Utilities:

- (1) 221111, hydroelectric power generation;
- (2) 221112, fossil fuel electric power generation;
- (3) 221113, nuclear electric power generation;
- (4) 221119, other electric power generation;
- (5) 221121, electric bulk power transmission and control;
- (6) 221122, electric power distribution;
- (7) 221210, natural gas distribution;
- (8) 221310, water supply and irrigation systems;

~~(9) 221320, sewage treatment facilities; and~~

~~(10) 221330, steam and air-conditioning supply.~~

~~E. B. Construction:~~

[For text of subitems (1) to (20), see M.R.]

~~(21) 238210, electrical contractors;~~

~~(22) (21) 238220, plumbing, heating, and air-conditioning contractors;~~

~~(22) 238290, other building equipment contractors;~~

~~(23) 238310, drywall and insulation contractors;~~

~~(24) 238320, painting and wall covering contractors;~~

~~(25) 238330, flooring contractors;~~

~~(26) 238340, tile and terrazzo contractors;~~

~~(27) 238350, finish carpentry contractors; and~~

~~(28) 238390, other building finishing contractors;.~~

~~(29) 238910, site preparation contractors; and~~

~~(30) 238990, all other specialty trade contractors.~~

~~D. C. Manufacturing:~~

[For text of subitems (1) to (124), see M.R.]

~~(125) 322110, pulp mills;~~

~~(126) 322121, paper (except newsprint) mills;~~

~~(127) 322122, newsprint mills;~~

~~(128) 322130, paperboard mills;~~

~~(125) to (379), renumber as (129) to (383)~~

~~(380) (384) 337910, mattress manufacturing; and~~

~~(381) (385) 337920, blind and shade manufacturing;.~~

~~(386) 339111, laboratory apparatus and furniture manufacturing;~~

~~(387) 339112, surgical and medical instrument manufacturing;~~

~~(388) 339113, surgical appliance and supplies manufacturing;~~

~~(389) 339114, dental equipment and supplies manufacturing;~~

Exempt Rules

- (390) 339115, ophthalmic goods manufacturing;
- (391) 339116, dental laboratories;
- (392) 339911, jewelry (except costume) manufacturing;
- (393) 339912, silverware and hollowware manufacturing;
- (394) 339913, jewelers' material and lapidary work manufacturing;
- (395) 339914, costume jewelry and novelty manufacturing;
- (396) 339920, sporting and athletic goods manufacturing;
- (397) 339931, doll and stuffed toy manufacturing;
- (398) 339932, game, toy, and children's vehicle manufacturing;
- (399) 339941, pen and mechanical pencil manufacturing;
- (400) 339942, lead pencil and art good manufacturing;
- (401) 339943, marking device manufacturing;
- (402) 339944, carbon paper and inked ribbon manufacturing;
- (403) 339950, sign manufacturing;
- (404) 339991, gasket, packing, and sealing device manufacturing;
- (405) 339992, musical instrument manufacturing;
- (406) 339993, fastener, button, needle, and pin manufacturing;
- (407) 339994, broom, brush, and mop manufacturing;
- (408) 339995, burial casket manufacturing; and
- (409) 339999, all other miscellaneous manufacturing.

E. D. Wholesale trade:

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

- (11) 423410, photographic equipment and supplies merchant wholesalers;
- (12) 423420, office equipment merchant wholesalers;
- (13) 423430, computer and computer peripheral equipment and software merchant wholesalers;
- (14) 423440, other commercial equipment merchant wholesalers;
- (15) 423450, medical, dental, and hospital equipment and supplies merchant wholesalers;
- (16) 423460, ophthalmic goods merchant wholesalers;

~~(17) 423490, other professional equipment and supplies merchant wholesalers;~~

~~(18) to (26), renumber as (11) to (19)~~

~~(20) 423810, construction and mining (except oil well) machinery and equipment merchant wholesalers;~~

~~(21) 423820, farm and garden machinery and equipment merchant wholesalers;~~

~~(22) 423830, industrial machinery and equipment merchant wholesalers;~~

~~(23) 423840, industrial supplies merchant wholesalers;~~

~~(24) 423850, service establishment equipment and supplies merchant wholesalers;~~

~~(25) 423860, transportation equipment and supplies (except motor vehicle) merchant wholesalers;~~

~~(27) to (61), renumber as (26) to (60)~~

~~(62) (61) 424950, paint, varnish, and supplies merchant wholesalers; and~~

~~(63) (62) 424990, other miscellaneous nondurable goods merchant wholesalers;~~

~~(64) 425110, business-to-business electronic markets; and~~

~~(65) 425120, wholesale trade agents and brokers.~~

F. E. Retail trade:

~~(1) 441110, new car dealers;~~

~~(2) 441120, used car dealers;~~

~~(1) to (31), renumber as (3) to (33)~~

~~(32) (34) 446130, hardware optical goods stores;~~

~~(33) (35) 446190 446191, food (health) supplement stores;~~

~~(34) (36) 446199, all other health and personal care stores;~~

~~(35) 451110, sporting goods stores;~~

~~(36) 451120, hobby, toy, and game stores;~~

~~(37) 451130, sewing, needlework, and piece goods stores;~~

~~(38) 451140, musical instrument and supplies stores;~~

~~(37) 448110, men's clothing stores;~~

~~(38) 448120, women's clothing stores;~~

~~(39) 448130, children's and infant's clothing stores;~~

~~(40) 448140, family clothing stores;~~

Exempt Rules

(41) 448150, clothing accessories stores;

(42) 448190, other clothing stores;

(43) 448210, shoe stores;

(44) 448310, jewelry stores;

(45) 448320, luggage and leather goods stores;

(39) to (62), renumber as (46) to (69)

G. F. Transportation and warehousing:

(1) 481111, scheduled passenger air transportation;

(2) 481112, scheduled freight air transportation;

(3) 481211, nonscheduled chartered passenger air transportation;

(4) 481212, nonscheduled chartered freight air transportation;

(5) 481219, other nonscheduled air transportation;

(6) ~~482111, line haul railroads;~~

(7) ~~482112, short line railroads;~~

(8) to (57), renumber as (6) to (55)

H. G. Administrative and support and waste management and remediation services:

(1) 561710, exterminating and pest control services;

(2) 561720, janitorial services;

(3) 561730, landscaping services;

(4) 561740, carpet and upholstery cleaning services; ~~and~~

(5) 561790, other services to buildings and dwellings;

(6) 562111, solid waste collection;

(7) 562112, hazardous waste collection;

(8) 562119, other waste collection;

(9) 562211, hazardous waste treatment and disposal;

(10) 562212, solid waste landfill;

(11) 562213, solid waste combustors and incinerators;

(12) 562219, other nonhazardous waste treatment and disposal;

- (13) 562910, remediation services;
- (14) 562920, materials recovery facilities;
- (15) 562991, septic tank and related services; and
- (16) 562998, all other miscellaneous waste management services.

F. H. Health care and social assistance:

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

- (9) 623312, homes for the elderly; and
- (10) 623990, other residential care facilities;.
- (11) 624110, child and youth services;
- (12) 624120, services for the elderly and persons with disabilities;
- (13) 624190, other individual and family services;
- (14) 624210, community food services;
- (15) 624221, temporary shelters;
- (16) 624229, other community housing services;
- (17) 624230, emergency and other relief services;
- (18) 624310, vocational rehabilitation services; and
- (19) 624410, child day care services.

I. Arts, entertainment, and recreation:

- (1) 711110, theater companies and dinner theaters;
- (2) 711120, dance companies;
- (3) 711130, musical groups and artists;
- (4) 711190, other performing arts companies;
- (5) 711211, sports teams and clubs;
- (6) 711212, racetracks;
- (7) 711219, other spectator sports;
- (8) 711310, promoters of performing arts, sports, and similar events with facilities;
- (9) 711320, promoters of performing arts, sports, and similar events without facilities;
- (10) 711410, agents and managers for artists, athletes, entertainers, and other public figures;

Exempt Rules

(11) 711510, independent artists, writers, and performers;

(12) 712110, museums;

(13) 712120, historical sites;

(14) 712130, zoos and botanical gardens;

(15) 712190, nature parks and other similar institutions;

(16) 713110, amusement and theme parks;

(17) 713120, amusement arcades;

(18) 713210, casinos (except casino hotels);

(19) 713290, other gambling industries;

(20) 713910, golf courses and country clubs;

(21) 713920, skiing facilities;

(22) 713930, marinas;

(23) 713940, fitness and recreational sports centers;

(24) 713950, bowling centers; and

(25) 713990, all other amusement and recreation industries.

J. Accommodation and food services:

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

(6) 721214, recreational and vacation camps (except campgrounds); and

(7) 721310, rooming and boarding houses;

(8) 722310, food service contractors;

(9) 722320, caterers;

(10) 722330, mobile food services; and

(11) 722410, drinking places (alcoholic beverages).

K. Public administration: 922120, police protection.

Expedited Emergency Rules

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

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

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

Department of Natural Resources (DNR)

Adopted Expedited Emergency Game and Fish Rules: Cisco and Rainbow Smelt Regulations

Using Cisco and Rainbow Smelt as Bait

NOTICE IS HEREBY GIVEN that the above entitled rules have been adopted through the process prescribed by *Minnesota Statutes*, section 84.027, subdivision 13 (b). The statutory authority for the contents of the rule is *Minnesota Statutes*, Section 97A.045, subd. 2, Section 97C.341, and Section 97C.391, subd. 3.

The emergency conditions that do not allow compliance with *Minnesota Statutes*, sections 97A.0451 to 97A.0459, are as follows. Viral hemorrhagic septicemia (VHS) is a contagious fish virus that has caused fish kills in the Great Lakes and inland lakes in Wisconsin and Michigan. Cisco is known to carry this disease in Lake Superior and rainbow smelt are likely carriers. They are both popular bait species used by anglers in Lake Superior and in inland waters. The confirmation of VHS in Lake Superior was released in April. Soon after the confirmation, Lake Superior was designated by the Department as infested by this pathogen. While the designation stopped the harvest of bait in June, it has been brought to our attention that people still have these species in their freezers that were harvested before the ban. Many of them will use them this winter for northern pike fishing. To prevent the introduction of VHS to inland waters and to slow its spread in Minnesota, it is critical to restrict the use of these two species as bait unless processed and labeled as bait that has been treated for VHS as soon as possible.

Dated: 15 September 2010

Mark Holsten, Commissioner
Department of Natural Resources

6262.0100 GENERAL RESTRICTIONS ON TAKING FISH.

[For text of subps 1 to 5, see M.R.]

Subp. 6. Use of cisco or rainbow smelt as bait. Cisco or rainbow smelt may not be used for bait except as provided in part 6262.0576 and in accordance with *Minnesota Statutes*, sections 84D.03, subdivision 3; 84D.11, subdivision 2a; and 97C.341.

6262.0576 CISCO AND RAINBOW SMELT PRESERVATION.

Subpart 1. Preservation required for bait; documentation.

A. A person may not use cisco or rainbow smelt for bait while taking wild animals in waters of the state unless the cisco or rainbow smelt have been preserved consistent with this part and as further prescribed by the commissioner.

B. Except when legally harvesting cisco or rainbow smelt, a person on, or taking wild animals in, waters of the state may not possess cisco or rainbow smelt unless the cisco or rainbow smelt have been preserved according to this part, the person possesses all labeling as prescribed in subpart 5, and the person retains the labeling until the cisco or rainbow smelt are used and no longer in possession.

Subp. 2. Permit required to preserve cisco and rainbow smelt. A person must obtain a cisco and rainbow smelt preservation permit to preserve cisco and rainbow smelt in Minnesota for use as bait in waters of the state. Only persons with a minnow dealer, minnow retailer, private fish hatchery, commercial netting, fish packer, fishing guide, or aquatic farm license issued by the commissioner are eligible for a permit.

Expedited Emergency Rules

Subp. 3. **Preservation methods.** Preservation methods that are permitted include use of mineral oil, isopropyl alcohol, or a salt and borax mixture or other methods determined by the commissioner to effectively inactivate the viral hemorrhagic septicemia (VHS) virus. Freezing or refrigeration is not an approved preservation method. Methods may include a minimum processing time to ensure complete inactivation of the virus. A permittee must follow all preservation procedures and times prescribed in the permit and may not distribute or sell preserved bait until all permit requirements are met.

Subp. 4. **Reporting requirements.** A holder of a cisco and rainbow smelt preservation permit must maintain records on forms provided by the commissioner for each lot of fish preserved. The records must include the method of preservation, lot number for each batch of fish preserved, source waterbody of the fish preserved, and other information as specified on the reporting form. A permittee must enter required records into forms within 24 hours of processing each lot of fish. A permittee must retain records for three years following the year of creation. All records required to be retained must be open to inspection by the commissioner at any reasonable time.

Subp. 5. **Labeling requirements.** A cisco or rainbow smelt preservation permittee must label each container or package of preserved cisco or rainbow smelt with the following information:

A. Department of Natural Resources cisco and rainbow smelt preservation permit number;

B. lot number; and

C. date of processing.

Executive Orders

The governor has the authority to issue written statements or orders, called Executive Orders, as well as Emergency Executive Orders. The governor's authority is specified in the *Constitution of the State of Minnesota*, Article V, and in *Minnesota Statutes* § 4.035. Emergency Executive Orders, for protection from an imminent threat to health and safety, become effective immediately, are filed with the secretary of state, and published in the *State Register* as soon as possible after they are issued. Other Executive Orders become effective 15 days after publication in the *State Register* and filing with the secretary of state. Unless otherwise specified, an executive order expires 90 days after the date the governor who issued the order vacates office.

Office of the Governor

Emergency Executive Order #10-14: Declaring a State of Emergency in the State of Minnesota

I, **TIM PAWLENTY, GOVERNOR OF THE STATE OF MINNESOTA**, by virtue of the authority vested in me by the Constitution and applicable statutes, including *Minnesota Statutes 2009*, Chapter 12, do hereby issue this Executive Order:

WHEREAS, a heavy rainfall has resulted in flooding in southern Minnesota, which necessitated road closures and threatened both public and private property; and

Executive Orders

WHEREAS, near-record rainfall has been forecast for multiple locations in the southern half of the state and additional significant rainfall is expected in the next week; and

WHEREAS, it is anticipated that U.S. Army Corps of Engineers Emergency Operations Assistance for multiple affected communities will be required; and

WHEREAS, dangerous flooding conditions are likely to persist in the coming weeks and these conditions have created an imminent danger to persons and property including areas in Blue Earth, Brown, Carver, Chippewa, Cottonwood, Dakota, Dodge, Faribault, Fillmore, Freeborn, Goodhue, Houston, Jackson, Lac Qui Parle, Le Sueur, Lincoln, Lyon, Martin, Mower, Murray, Nicollet, Nobles, Olmsted, Pipestone, Ramsey, Rice, Rock, Scott, Sibley, Steele, Wabasha, Waseca, Watonwan, Winona and Yellow Medicine Counties; and

WHEREAS, the conditions present an immediate need to activate emergency resources to prepare for and combat the flood conditions and the resources of the affected local and county governments are inadequate to meet the demands generated by the flooding conditions; and

WHEREAS, emergency assets and personnel from the Minnesota National Guard may be needed.

NOW, THEREFORE, I hereby order that:

1. A State of Emergency pursuant to *Minnesota Statutes 2009*, Section 12.31 exists.
2. The Department of Public Safety, Division of Homeland Security and Emergency Management will activate the Minnesota Emergency Operations Plan, the provision of on-site support and assistance to the affected local governments, and determine the need for supplementary disaster aid.
3. All state agencies are directed to provide the assistance necessary to help local units of government respond to and recover from this emergency.
4. The Adjutant General of Minnesota will order to state active duty on or about September 23, 2010, in the service of the State, such personnel and equipment of the military forces of the State as required to provide assistance in preparing for the emergency and in providing emergency relief services.
5. The Adjutant General is authorized to purchase, lease or contract goods or services necessary to accomplish the mission. The cost of subsistence, transportation, fuel, pay and allowances of said individuals shall be defrayed from the general fund of the State, as provided for in *Minnesota Statutes 2009*, Sections 192.49, 192.52 and 192.54.

Pursuant to *Minnesota Statutes 2009*, Section 4.035, Subdivision 2, this Order is effective immediately and shall remain in effect until the emergency status no longer requires emergency response. The peacetime emergency can be extended by the Executive Council or the Legislature in accordance with *Minnesota Statutes 2009*, Section 12.31, Subdivision 2. The portion of this order activating the National Guard is not subject to any time limitation contained in *Minnesota Statutes 2009*, Chapter 12.

IN TESTIMONY WHEREOF, I have set my hand this 23rd day of September, 2010.

Signed: **TIM PAWLENTY**
Governor

Filed According to Law:

Signed: **Mark Ritchie**
Secretary of State

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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Emergency Medical Services Regulatory Board (EMSRB) Notice of Completed Application in the Matter of the License Application of the Glencoe Regional Health Services Ambulance Service, Glencoe, Minnesota

PLEASE TAKE NOTICE that the Emergency Medical Services Regulatory Board (hereinafter EMSRB) has received a completed application from **Glencoe Regional Health Services Ambulance Service, Glencoe, Minnesota**, for a new license, part-time advanced ambulance.

NOTICE IS HEREBY GIVEN that, pursuant to *Minnesota Statutes*, section 144E.11, subd. 3, each municipality, county, community health board, governing body of a regional emergency medical services system, ambulance service and other person wishing to make recommendations concerning the disposition of the application, shall make written recommendations or comments opposing the application to the EMSRB within 30 days or by November 2, 2010, 4:30 p.m.

Written recommendations or comments opposing the application should be sent to:

Katherine Burke Moore, Executive Director
EMSRB
2829 University Avenue S.E., Suite 310,
Minneapolis, Minnesota 55414-3222

If fewer than six comments opposing the application are received during the comment period, and the EMSRB approves the application, the applicant will be exempt from a contested case hearing, pursuant to *Minnesota Statutes*, section 144E.11, subd. 4. If six or more comments in opposition to the application are received during the comment period or the EMSRB denies the application, the applicant may immediately request a contested case hearing, or may try to resolve the objections of the public and/or the EMSRB within 30 days, pursuant to *Minnesota Statutes*, section 144E.11, sub. 5(a), (b). If the applicant is unable to resolve the objections within 30 days, or if

the applicant initially requests a contested case hearing one will be scheduled and notice of the hearing given pursuant to *Minnesota Statutes*, section 144E.11, subd. 5(c), (e).

Dated: 20 September 2010

Katherine Burke Moore, Executive Director
Emergency Medical Services Regulatory Board (EMSRB)

Minnesota Environmental Quality Board (EQB) REQUEST FOR COMMENTS on Proposed Amendment to Rules Governing the Environmental Review Program, *Minnesota Rules*, chapter 4410: Amendment of part 4410.4300, subpart 15, Mandatory EAW Category for Air Pollution, With Respect to Greenhouse Gas Emissions

Pursuant to *Minnesota Statutes*, section 14.101 and *Minnesota Rules* 1400.2050, the Minnesota Environmental Quality Board (EQB) hereby requests comments on a potential amendment to administrative rules governing Minnesota's environmental review program.

Subject of Rules. The EQB is considering amending the existing rules governing the Environmental Review program to clarify how greenhouse gases (GHGs) are to be treated under the Air Pollution mandatory EAW category, at part 4410.4300, subpart 15. This subpart requires preparation of an EAW "for construction of a stationary source facility that generates 250 tons or more per year, or modification of a stationary source facility that increases generation by 250 tons or more per year, of any single air pollutant after installation of air pollution control equipment." The Minnesota Pollution Control Agency (MPCA) is assigned responsibility for preparing all EAWs under this category.

The Environmental Review program rules do not define "air pollutant." In practice the MPCA has applied this mandatory category to substances permitted as air pollutants under the federal Clean Air Act. (The MPCA issues Clean Air Act permits for facilities in Minnesota.) In the past, GHGs have not been issued permits. However, in response to a U.S. Supreme Court ruling in a lawsuit in 2007, the U.S. Environmental Protection Agency (EPA) has recently issued a regulation under which GHG emissions will be covered by Clean Air Act permits under certain circumstances beginning in January 2011. For Minnesota, the permits will be issued by the MPCA. The permits will cover GHG emissions of at least 75,000 tons per year or 100,000 tons per year, depending on other factors, of carbon dioxide equivalents (carbon dioxide equivalents is a way of accounting for the differing potencies of the various GHGs). These levels are much higher than the permitting thresholds that apply to other air pollutants, which are 100 or 250 tons per year, depending on circumstances, and are intended to cover only the largest types of GHG emitting facilities, such as power plants and refineries.

The new EPA regulation raises the question of whether GHG emissions will also be subject to the State's mandatory EAW category for air pollutants, and if so, whether the existing 250 tons per year threshold is appropriate for GHG emissions. The EQB is now soliciting comments about these questions and related matters.

To date, the EQB staff has identified the following possible options for amending the rules with respect to these issues:

- Explicitly exclude GHGs from application of the Air Pollution category by defining the term "air pollutant" in a manner that excludes GHGs.
- Explicitly include GHGs under the category by defining the term "air pollutant" in a manner that includes GHGs.
- Subdivide the Air Pollution category into two items: one item applying to air pollutants other than GHGs, with the same threshold (250 tons per year) as the existing category; and a new item B that would apply specifically to GHGs, with an appropriate threshold (or multiple thresholds) which would be higher than the existing 250 tons per year threshold. The threshold(s) specific to GHGs would likely be chosen to correspond to one of the permitting threshold(s) in the EPA regulations as mentioned above, e.g., 75,000 or 100,000 tons per year of carbon dioxide equivalent emissions, but could be set at some other number.

Official Notices

The EQB is not contemplating changing the responsibility for preparing EAWs under this category to any unit of government other than the MPCA. The EQB presumes that if it amends the rules to apply to GHGs its amendment would apply to the same GHGs as the EPA regulation and would also measure emissions in terms of carbon dioxide equivalents.

Persons Affected. The proposed amendments may specifically affect project proposers whose projects emit GHGs. Since many projects emit relatively large amounts of carbon dioxide, one of the GHGs, depending upon the option chosen by the EQB and the specific threshold quantity chosen (if a numerical threshold is chosen) it is possible that many developers could be directly affected by the proposed rule amendment. On the other hand, if the EQB chooses an option that excludes coverage of GHGs under the Air Pollution mandatory category or sets a threshold in the range of the permitting thresholds in EPA's recent regulation (i.e., 75,000 or more tons per year), no or only the largest emitters would be affected. Nationally, EPA projects that about 900 additional new or expanding facilities per year will require permits due to the impending coverage of GHGs; this implies that in Minnesota something in the range of 10 -25 projects per year may be affected if the EQB adopts EAW thresholds similar to the EPA's permitting thresholds. Among governmental units, the proposed amendments will directly affect the MPCA, since the MPCA will be responsible for preparing whatever EAWs are required under the amendment.

Statutory Authority. *Minnesota Statutes*, sections 116D.04 & 116D.045, establish the Environmental Review Program and authorize the EQB to adopt administrative rules governing its operation. Specifically, section 116D.04, subdivision 2a (a) directs the EQB to "by rule establish categories of actions for which EISs and EAWs shall be prepared as well as categories of actions for which no environmental review is required."

Public Comment. Interested persons or groups may submit comments or information on possible rule amendments in writing or orally until Wednesday, November 3, 2010.

Rule Drafts. The EQB has not yet prepared a draft of the proposed amendments. The options for the amendment being considered are described above.

Agency Contact Person. Written or oral comments, questions, requests to be appointed to an advisory group, requests to receive the preliminary draft of the proposed amendments, or requests for more information on these possible amendments to rules should be directed to:

Jon Larsen
Environmental Quality Board
300 Centennial Building
658 Cedar Street
St. Paul, MN 55155
Telephone: (651) 201-2477
Fax: (651) 296-3698
E-mail: jon.larsen@state.mn.us
TTY users may call the Board at 1-800-627-3529

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

NOTE: Comments received in response to this notice will not necessarily be included in the formal rulemaking record submitted to the administrative law judge when a proceeding to adopt rules is started. The agency is required to submit to the judge only those written comments received in response to the rules after they are proposed. If you submitted comments during the development of the rules and you want to ensure that the administrative law judge reviews the comments, you should resubmit the comments after the rules are formally proposed.

Dated: 28 September 2010

Gene Hugoson, Chair
Environmental Quality Board

**Minnesota Higher Education Facilities Authority (MHEFA)
Notice of Public Hearing on Revenue Obligations on behalf of Macalester College**

NOTICE IS HEREBY GIVEN that a public hearing will be held by the Minnesota Higher Education Facilities Authority (the "Authority") with respect to a proposal to issue revenue bonds or other obligations on behalf of Macalester College (the "College"), as owner and operator of Macalester College, at the Authority's offices at 380 Jackson Street, Suite 450, Saint Paul, Minnesota on Wednesday, October 20, 2010 at 2:00 p.m. Under the proposal, the Authority would issue its revenue bonds or other obligations in the maximum principal amount of \$25,000,000 to finance a project (the "Project") consisting of (a) the initial phase of renovation and expansion of the approximately 95,500 square foot Janet Wallace Fine Arts Center complex including construction, equipping and furnishing of approximately 56,500 square feet of additional space, for a new two-story commons area, new art history classrooms, a new and expanded art gallery, faculty offices, new music ensemble rehearsal rooms, a renovated concert hall, and renovated and expanded space for the facilities services department including offices, shops, and storage; and (b) reimbursement for the cost of replacement and expansion of the College's chiller capacity undertaken to address design concerns, add capacity and utilize more efficient technology; all owned or to be owned and operated by the College and located on the College's campus, the principal street address of which is 1600 Grand Avenue, Saint Paul, Minnesota.

At said time and place the Authority shall give all parties who appear or have submitted written comments an opportunity to express their views with respect to the proposal to undertake and finance the Project.

Dated: October 4, 2010

By Order of the
Minnesota Higher Education Facilities Authority
Marianne Remedios, Executive Director

**Department of Natural Resources (DNR)
Division of Lands and Minerals
Notice of Plans to Issue State Industrial Minerals Lease**

NOTICE IS HEREBY GIVEN, that the Minnesota Department of Natural Resources, Division of Lands and Minerals, is planning to issue a state mineral lease to explore for, mine and remove industrial minerals in Saint Louis County in accordance with *Minnesota Rules*, parts 6125.8000 through 6125.8700, the industrial minerals rules, issued under authority of *Minnesota Statutes*, section 93.25. The industrial mineral covered by the lease is dimension stone.

The area located in Saint Louis County to be covered by the industrial minerals lease is as follows:

South Half of Northwest Quarter of Southeast Quarter of Northeast Quarter (S1/2-NW1/4-SE1/4-NE1/4), Southwest Quarter of Southeast Quarter of Northeast Quarter (SW1/4-SE1/4-NE1/4), those parts of Lot One (1), Lot Two (2), Lot Four (4), Lot Seven (7), and Lot Eight (8), more specifically described as Southwest Quarter of Northeast Quarter (SW1/4-NE1/4), East Half of Southeast Quarter of Northwest Quarter (E1/2-SE1/4-NW1/4), East Half of Northeast Quarter of Southwest Quarter (E1/2-NE1/4-SW1/4), Northwest Quarter of Southeast Quarter (NW1/4-SE1/4), West Half of Northeast Quarter of Southeast Quarter (W1/2-NE1/4-SE1/4), including those parts of the erroneously meandered lakebed of Gustafson Lake and lands accreted thereto, all in Section Thirty-six (36), Township Sixty-five (65) North, Range Sixteen (16) West.

The applicant for the lease is Cold Spring Granite Company, 17482 Granite West Road, Cold Spring, Minnesota 56320. The effective date of the lease is November 4, 2010.

For more information, contact:

Vicki Sellner
Department of Natural Resources
Division of Lands and Minerals

Official Notices

1525 Third Avenue East
Hibbing, Minnesota 55746
Telephone: (218) 231-8484
TTY: 1-800-657-3929

Minnesota Pollution Control Agency (MPCA) Regional Division

Public Notice of Availability of Draft Medicine Lake Nutrient TMDL Report and Request for Comment

Public Notice Period Begins: October 4, 2010
Public Notice Period Ends: November 3, 2010

The Minnesota Pollution Control Agency (MPCA) is requesting comments on the draft Report for the Medicine Lake Nutrient Total Maximum Daily Load (TMDL). The draft TMDL Report for Medicine Lake is available for review at <http://www.pca.state.mn.us/index.php/water/water-types-and-programs/minnesotas-impaired-waters-and-tmdls/tmdl-projects/draft/public-noticed-tmdls.html>. Following the comments, the MPCA will revise the draft TMDL Report and submit it to the U.S. Environmental Protection Agency (EPA) for approval. Comments must be sent to the MPCA contact person listed below by November 3, 2010.

Required by the federal Clean Water Act, a TMDL is a scientific study that calculates the maximum amount of a pollutant that a waterbody can receive and still meet water quality standards for that pollutant. It is a process that identifies all the sources of the pollutant causing an impairment and allocates necessary reductions among them. This multi-year effort results in a pollution reduction plan and engages stakeholders and the general public. An approved TMDL is followed by implementation activities for achieving the necessary reductions.

Medicine Lake is located in the city of Plymouth in Hennepin County, Minnesota. Areas of land that drain into the lake include portions of the cities of Plymouth, Medicine Lake, Minnetonka, Golden Valley, New Hope, and Medina. The land in this watershed is mostly developed, and a high percentage of the land is covered by impervious surfaces such as concrete. The lake occupies approximately 900 surface acres in size, with a maximum depth of 11 meters. The outlet of Medicine Lake is the headwater of Bassett Creek which drains into the Mississippi River.

The state placed Medicine Lake on the 2004 impaired waters list for aquatic recreation because it exceeds the water quality standard for nutrients. Excess nutrients such as phosphorus from stormwater runoff create poor water quality conditions causing frequent summer algal blooms, which limit recreational activities. For Medicine Lake to consistently meet water quality standards under average precipitation conditions, phosphorus loading to Medicine Lake must be reduced by 28 percent in the watershed and in-lake phosphorus must also be controlled. This will require continued management of in-lake phosphorus loading and retrofitting Best Management Practices (BMPs) to reduce phosphorus from urban runoff.

Agency Contact Person: Written or oral comments, petitions, questions, or requests to receive a draft of the TMDL Reports, and requests for more information should be directed to:

Brooke Asleson
Minnesota Pollution Control Agency
520 Lafayette Road North
St. Paul, MN 55155-4194
Phone: 651- 757-2205
TTY users may call the MPCA teletypewriter at 651-282-5332 or 1-800-657-3864.

Preliminary Determination on the Draft TMDL Report: The MPCA Commissioner has made a preliminary determination to submit this TMDL Report to the EPA for final approval. A draft TMDL Report and fact sheet are available for review at the MPCA office at the address listed above, and at the MPCA Web site: <http://www.pca.state.mn.us/water/tmdl/project-medicinelake-phosphorus.html>. Suggested changes will be considered before the final TMDL Report is sent to the EPA for approval.

Written Comments: You may submit written comments on the conditions of the draft TMDL Report or on the Commissioner's preliminary determination. Written comments must include the following:

1. A statement of your interest in the draft TMDL Report;
2. A statement of the action you wish the MPCA to take, including specific references to sections of the draft TMDL that you believe should be changed; and
3. The reasons supporting your position, stated with sufficient specificity as to allow the Commissioner to investigate the merits of your position.

Petition for Public Informational Meeting: You also may request that the MPCA Commissioner hold a public informational meeting. A public informational meeting is an informal meeting that the MPCA may hold to solicit public comment and statements on matters before the MPCA, and to help clarify and resolve issues.

A petition requesting a public informational meeting must include the following information:

1. A statement identifying the matter of concern;
2. The information required under items 1 through 3 of "Written Comments," identified above;
3. A statement of the reasons the MPCA should hold a public informational meeting; and
4. The issues that you would like the MPCA to address at the public informational meeting.

Petition for Contested Case Hearing: You also may submit a petition for a contested case hearing. A contested case hearing is a formal evidentiary hearing before an administrative law judge. In accordance with *Minnesota Rules* 7000.1900, the MPCA will grant a petition to hold a contested case hearing if it finds that: (1) there is a material issue of fact in dispute concerning the application or draft TMDL Report; (2) the MPCA has the jurisdiction to make a determination on the disputed material issue of fact; and (3) there is a reasonable basis underlying the disputed material issue of fact or facts such that the holding of the contested case hearing would allow the introduction of information that would aid the MPCA in resolving the disputed facts in making a final decision on the draft TMDL Report. A material issue of fact means a fact question, as distinguished from a policy question, whose resolution could have a direct bearing on a final MPCA decision.

A petition for a contested case hearing must include the following information:

1. A statement of reasons or proposed findings supporting the MPCA decision to hold a contested case hearing according to the criteria in *Minnesota Rules* 7000.1900, as discussed above; and
2. A statement of the issues proposed to be addressed by a contested case hearing and the specific relief requested or resolution of the matter.

In addition and to the extent known, a petition for a contested case hearing should also include the following information:

1. A proposed list of prospective witnesses to be called, including experts, with a brief description of proposed testimony or summary of evidence to be presented at a contested case hearing;
2. A proposed list of publications, references, or studies to be introduced and relied upon at a contested case hearing; and
3. An estimate of time required for you to present the matter at a contested case hearing.

MPCA Decision: You may submit a petition to the Commissioner requesting that the MPCA Citizens' Board (Board) consider the TMDL Report approval. To be considered timely, the petition must be received by the MPCA by 4:30 p.m. on the date the public comment period ends, identified on page 1 of this notice. Under the provisions of *Minnesota Statutes* § 116.02, subd 6(4), the decision whether to submit the TMDL Report and, if so, under what terms will be presented to the Board for decision if:

1. The Commissioner grants the petition requesting the matter be presented to the Board;
2. One or more Board members request to hear the matter before the time the Commissioner makes a final decision on the TMDL Report; or
3. A timely request for a contested case hearing is pending. You may participate in the activities of the MPCA Board as provided in *Minnesota Rules* 7000.0650.

Official Notices

The written comments, requests, and petitions submitted on or before the last day of the public comment period will be considered in the final decision on this TMDL Report. If the MPCA does not receive written comments, requests, or petitions during the public comment period, MPCA staff, as authorized by the Board, will make the final decision on the draft TMDL Report.

Dated: October 2010

Department of Transportation (Mn/DOT) Engineering Services Division, Office of Construction and Innovative Contracting Notices of Suspension and Debarment

NOTICE OF SUSPENSION

NOTICE IS HEREBY GIVEN that the Department of Transportation (Mn/DOT) has ordered that the following vendors be suspended effective December 28, 2009, until final disposition of the hearing or hearing appeal:

Riley Bros. Companies Inc. and its affiliates, Morris MN
Riley Bros. Construction Inc. and its affiliates, Morris MN
Riley Bros. Properties, LLC, and its affiliates, Morris MN
Riley Bros. Utilities, Inc. dba/Chris Riley Utilities, Inc. and its affiliates, Morris MN

NOTICE OF DEBARMENT

NOTICE IS HEREBY GIVEN that the Department of Transportation (Mn/DOT) has ordered that the following vendors be debarred for a period of three (3) years effective February 24, 2010 until February 24, 2013:

Joseph Edward Riley, Morris, MN
John Thomas Riley, Morris, MN

Minnesota Statutes, Section 161.315, prohibits the Commissioner, counties, towns or home rule or statutory cities from awarding or approving the award of a contract for goods or services to a person who is suspended or debarred; including

- 1) any contract under which a debarred or suspended person will serve as a subcontractor or material supplier,
- 2) any business or affiliate which the debarred or suspended person exercises substantial influence or control, and
- 3) any business or entity which is sold or transferred by a debarred person remains ineligible during the period of the seller's or transfer's debarment.

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.

Community Grants

The *State Register* is one of the best ways to advertise your grants - it's a required read for public works projects. And it's cost is one of the least expensive legal advertising rates in Minnesota. At \$13.60 per 1/10 of a page you cannot go wrong.

Check up on all the "active" state grants in the "Contracts & Grants" section, available only to *State Register* subscribers. Open the *State Register* and click on Bookmarks on the left. You will also see a list of ALL the current rules, a growing INDEX, and previous years' indices. Subscribers also receive LINKS to the *State Register*. Subscriptions cost \$180 a year (an \$80 savings). Here's what you receive via e-mail:

- Word Search Capability
- LINKS, LINKS, LINKS
- Easy Access to *State Register* Archives
- Updates to Index to Vol. 31
- "Contracts & Grants" Open for Bid
- Early delivery, on Friday
- E-mailed to you . . . its so easy
- Indexes to Vols. 31, 30, 29, 28 and 27

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 Loretta J. Diaz, our subscriptions manager, at (651) 297-8777, or Fax: (651) 297-8260, or E-mail: loretta.diaz@state.mn.us

Department of Health (MDH)

Public Hearing Regarding the Minnesota Department of Health Application to the Federal Department of Health and Human Services for Federal Fiscal Year 2011 Preventive Health and Health Services Block Grant Funding

The Minnesota Department of Health will sponsor a public hearing to obtain comments on the proposed uses of the Preventive Health and Health Services Block Grant funds during federal fiscal year 2011. The draft application for those funds is available for inspection upon request.

The public hearing will be conducted as part of a meeting of the State Preventive Health Advisory Committee held Thursday, October 7, 2010 at the Minnesota Counties Intergovernmental Trust Building (MCIT) located at 100 Empire Drive in St. Paul, MN. The meeting and public hearing will begin at 10 a.m. Any person or group may submit either written or oral comments at the meeting.

Written comments must be submitted by noon Wednesday, October 6, 2010 to the address below. For further information contact:

Debra Burns, Director
Office of Public Health Practice
Minnesota Department of Health
85 East 7th Place, Suite 220
P.O. Box 64882
St. Paul, Minnesota 55164-0882
Phone: (651) 201-3873
E-mail: debra.burns@state.mn.us

State Grants & Loans

Minnesota Department of Human Services (DHS)

Alcohol and Drug Abuse Division

Notice of Request for Proposals to Implement Comprehensive, Integrated, Evidence-Based Prevention Programs & Strategies in Local Communities to Reduce Youth Alcohol Use Through Community-Based Planning & Implementation (P&I) Grants

NOTICE IS HEREBY GIVEN that the Minnesota Department of Human Services is requesting proposals to implement comprehensive, integrated, evidence-based prevention programs & strategies in local communities to reduce youth alcohol use through community-based Planning & Implementation (P&I) Grants.

In order to accomplish this work, the State intends to contract with approximately 10 entities to carry out this work within specific communities.

Responders' Conferences will be held at the following dates and locations:

Date	Location	Time
October 20, 2010	Community Health Board 404 W. Superior St. Suite 290 Duluth, MN 55802 (located on the top floor of the Stanley Center building)	9-11 AM
October 20, 2010	Community Partnership with Youth & Families 38460 Lincoln Trail North Branch, MN 55056	2-4 PM
October 21, 2010	Brookdale Library Room C 6125 Shingle Creek Pkwy. Brooklyn Center, MN 55430	9-11 AM
October 21, 2010	Rochester Public Library Auditorium (main floor) 101 2nd Street SE Rochester, MN 55904	2-4 PM
October 25, 2010	Project Turnabout (gym) 660 - 18 th Street Granite Falls, MN 56241	2-4 PM
October 26, 2010	Polk County Sheriff Office 600 Bruce Street Crookston, MN 5671	9-11 AM
October 26, 2010	Moorhead Public Library 118 - 5 th Street S. Moorhead, MN 56560	2-4 PM

A total of **\$2,000,000** per year from the State's Federal Substance Abuse Prevention and Treatment Block Grant will be awarded for these grants. Eligible applicants are non-profit organizations and local units of government. These grants require extensive cooperation between ADAD and funded communities.

State Grants & Loans

Work is proposed to start July 1, 2011. For more information, or to obtain a copy of the Request for Proposal, contact:

Phyllis L. Bengtson
Department of Human Services
Alcohol & Drug Abuse Division
P.O. Box 64977
444 Lafayette Road North
St. Paul, MN 551550977
Phone: (651) 431-2476
Fax: (651) 431-7449
E-mail: *Phyllis.bengtson@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, December 13, 2010. 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 Division's RFP web site:

http://www.dhs.state.mn.us/main/idcplg?IdcService=GET_DYNAMIC_CONVERSION&RevisionSelectionMethod=LatestReleased&dDocName=id_003462

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

State Contracts

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

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

Requirements: There are no statutes or rules requiring contracts to be advertised for any specific length of time, but the Materials Management Division strongly recommends meeting the following requirements:

- \$0 - \$5000 does not need to be advertised. Contact the Materials Management Division: (651) 296-2600
- \$5,000 - \$25,000 should be advertised in the *State Register* for a period of at least seven calendar days;
- \$25,000 - \$50,000 should be advertised in the *State Register* for a period of at least 14 calendar days; and
- anything above \$50,000 should be advertised in the *State Register* for a minimum of at least 21 calendar days

Business Expansion Opportunities

The state spends about \$2 billion a year on contracts. The *State Register* is one of the best ways to advertise your contracts - it's a required read for public works projects. And it's cost is one of the least expensive legal advertising rates in Minnesota. At \$13.60 per 1/10 of a page you cannot go wrong.

Subscribers receive a list of **all current contracts and grants**, as well as LINKS to the *State Register*, Bookmarks, and a growing INDEX to each volume, including the current issue, and previous volumes. To view, open the *State Register* and click on BOOKMARKS in the left hand corner. Here's what you receive via e-mail:

- **Word Search Capability**
- **LINKS, LINKS, LINKS**
- **Easy Access to *State Register* Archives**
- **Updates to Index to Vol. 31**
- **"Contracts & Grants" Open for Bid**
- **Early delivery, on Friday**
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- **Indexes to Vols. 31, 30, 29, 28 and 27**

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 Loretta J. Diaz, our subscriptions manager, at (651) 297-8777, or **Fax:** (651) 297-8260, or **E-mail:** loretta.diaz@state.mn.us

Department of Administration (Admin) Minnesota Multistate Contracting Alliance for Pharmacy (MMCAP) Notice of Request for Proposals for Regional Business Consultant

The Department of Administration, on behalf of the Minnesota Multistate Contracting Alliance for Pharmacy (MMCAP), is requesting proposals for a Regional Business Consultant to manage customer relationships in the states of Florida, Georgia, North Carolina, South Carolina, Virginia, West Virginia, Kentucky, Tennessee, Alabama, Mississippi, Louisiana, Arkansas, Oklahoma, and Texas. MMCAP is a voluntary group purchasing organization made up of governmental entities which contracts for pharmaceuticals. MMCAP members currently purchase over \$1.2 billion per year. For more information, go to www.mmcap.org (no password necessary).

To request a copy of the RFP, send an e-mail to: mn.multistate@state.mn.us Or write to:

Regional Business Consultant Request
MMCAP
c/o Minnesota Department of Administration
50 Sherburne Avenue, Suite 112
St. Paul, MN 55155

Proposals submitted in response to the Request for Proposals in this notice must be received at the address specified in the Request for Proposals no later than October 29, 2010. **Late proposals will NOT be considered.**

The State reserves the right to cancel this solicitation. All expenses incurred in responding to this notice are solely the responsibility of the responder.

Department of Administration Real Estate and Construction Services Notice of Availability of Request for Proposal (RFP) for Owner's Project Representative (individual)

The State of Minnesota, Department of Administration, Real Estate and Construction Services ("State") is soliciting proposals from interested, qualified individuals to manage and oversee construction projects. This will be a "contract" position lasting approximately one year.

A full Request for Proposals is available on the Department of Administration, Real Estate and Construction Services website: www.admin.state.mn.us/recs, click on "Solicitation Announcements." This RFP provides the duties and responsibilities of the position and instructions for responding.

The Department of Administration, Real Estate and Construction Services Division reserves the right to cancel the solicitation if it is considered to be in its best interest.

Minnesota Department of Agriculture Pesticide and Fertilizer Management Division Notice of Request for Proposals (RFP) for Research Related to Ways Agricultural Practices Contribute to Restoring Impaired Waters and Assist with the Development of Total Maximum Daily Limits (TMDL) Plans

NOTICE IS HEREBY GIVEN of availability of contracts to select scientists and researchers to conduct research related to impaired waters in agricultural watersheds. The following are the research priorities in no particular order:

- 1) Conduct a comprehensive inventory of agricultural Best Management Practices (BMPs) that address current Minnesota water quality impairments including excess nutrients (nitrogen and phosphorus), *E. coli* bacteria, herbicides, and turbidity. The inventory should address the following factors:
 - a. Definition for each BMP;
 - b. Effectiveness estimates based on existing literature;
 - c. Costs and other economic considerations for each BMP;
 - d. Potential barriers to adoption of the BMP.
- 2) Investigate the relationship between artificial drainage systems (surface and subsurface) and surface water quality and hydrology with the use of new or existing pilot projects. Studies may be supported by computer models but should not exclusively rely on a modeling approach. Projects should address the following questions:
 - a. What are the impacts at different scales ranging from field to large watershed?
 - b. What are the integrated effects of multiple agricultural practices such as tillage, nutrient management, cover crops, and drainage practices and designs within a watershed?
 - c. How do artificial drainage systems impact water quality, hydrology, and agricultural production?
 - d. What are the installation and operational costs associated with artificial drainage systems?
- 3) Develop a process for identifying Priority Management Zones (PMZs) related to water quality impairments within an 8-digit HUC that can be translated to other regions throughout the state. Non-point source pollution is diffuse in nature, but some areas contribute significantly more pollutant per unit area than others. Areas that contribute disproportionate pollutant loads are often referred to as PMZs or Critical Source Areas (CSAs) and are good targets for on the ground conservation practices. Implementing selected practices in identified PMZs can be more cost-effective than implementing the same practices elsewhere, because more pollutants are prevented from impacting water quality. Identifying PMZs in non-impaired areas will help in the development of protection plans, while identifying PMZs in impaired areas will aid the development of restoration plans (e.g., TMDL implementation plans). The PMZs should be characterized by three areas

State Contracts

of emphasis: source reduction; interception treatment; an in-channel assimilative capacity. The process should utilize a combination of the following tools/data sources:

- a. Best Professional Judgment: Provided by a group of local natural resource professionals such as soil and water district staff, hydrologists, agronomists, and landowners;
- b. GIS Assessment: Inventory and evaluation of applicable mapping layers such as land use, topography, geology, and soils;
- c. Modeling: Supported by other data sources including GIS layers and observed monitoring data to aid in the identification of PMZs;
- d. Stressor Identification Data Sets: These are data sets that are related to aquatic life including: hydrology; water quality; geomorphology; and energy pathways/connectivity to surface water bodies;
- e. Field Assessments: Collection of field data that may not previously exist related to the stressor of interest such as information on geomorphology, land use, and existing management practices.

The contract period begins in January of 2011 and may extend up to 5 years through fiscal year 2015.

Information on previously funded projects can be found at the following web site:

<http://www.mda.state.mn.us/en/protecting/cleanwater/research.aspx>.

Prospective responders who have any questions regarding this request for proposal or would like to receive the full RFP may contact:

Minnesota Department of Agriculture
Adam Birr, Impaired Waters Technical Coordinator
625 Robert Street North
St. Paul, MN 55155-2538
Phone: (507) 206-2881
E-mail: Adam.Birr@state.mn.us

No other personnel or representatives are authorized to discuss this RFP with responders before the proposal submission deadline. Contact regarding this RFP with any other personnel not listed above could result in disqualification.

This request for proposal does not obligate the state to award a contract or complete the project, and the state reserves the right to cancel the solicitation if it is considered to be in its best interest.

NOTE: Responses are due on Friday, November 19, 2010 - **NO LATER THAN 3:00 PM CST.**

Minnesota State Arts Board Notice of Request for Proposals for a Statewide Census of Artists and Arts Organizations

The Minnesota State Arts Board is seeking proposals from qualified contractors for the design and implementation a comprehensive census of artists and arts organizations in the state of Minnesota. Contractor also will advise the board on how best to store, manage, and disseminate data collected through the census.

Individuals or firms interested in receiving a copy of the request for proposals should send an e-mail to: Sue Gens, executive director, Minnesota State Arts Board:

E-mail address: sue.gens@arts.state.mn.us

Proposals submitted in response to the request for proposals in this advertisement must be received in the Arts Board office no later than 4:30 p.m. Central Time, Friday, October 29, 2010. **Late proposals will NOT be considered.** Fax or e-mailed proposals will NOT be considered.

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

Minnesota State Colleges and Universities (MnSCU)**Announcements - Advertisements for Bids****MnSCU Transitioning to a Web-based Distribution for Project Bid Documents**

Minnesota State Colleges & Universities is transitioning to a web-based distribution process for project bid documents. MnSCU offers 24-hour/day, 7-day/week access to the Request for Bids/Proposals through its web-based system. Interested parties may view the Bidding Documents at no cost on the website: <http://www.finance.mnscu.edu/facilities/design-construction/index.html> and click on "Announcements", then click on "**Advertisement for Bids (E-Plan Room)**". Bidding Documents can be downloaded for a non-refundable fee of \$10.00. MnSCU will be utilizing this system to advertise and deliver bidding documents for many of its future construction projects.

Minnesota State Colleges and Universities (MnSCU)**Board of Trustees****Notice of Request for Information (RFI) for Architectural, Owner's Representative, Real Estate and Other Related Professional and Technical Services for a Master List of Consultants**

The State of Minnesota, acting through its Board of Trustees of the Minnesota State Colleges and Universities ("MnSCU"), requests information of Minnesota registered consultants, as appropriate, to assist MnSCU in providing Architectural/Engineering, Owner Representative, Real Estate and other related Professional and Technical services as needed for up to a two-year period. Projects will vary in scope and may involve due diligence services, new construction, remodeling, commissioning, site and utility work, facilities, roads and grounds, and land development.

The Request for Information documents can be found online at: www.finance.mnscu.edu/facilities/index.html under Announcements. This RFI is to permit a consultant to be added to the current MnSCU Master List of Consultants. The consultants currently on the List do not need to respond to this RFI. The current List can be viewed at:

www.finance.mnscu.edu/facilities/design-construction/pm_emanual/index.html

and click on "#37 - Facilities P/T Consultants Master List".

If unable to access the RFI electronically, copies of the RFI may also be requested from:

Nancy Marandola - Minnesota State Colleges & Universities

Phone: (651) 201-1780, or

E-mail: Nancy.marandola@so.mnscu.edu

Proposals must be delivered to:

Minnesota State Colleges & Universities
ATTN: Facilities Design and Construction
Wells Fargo Place
30 Seventh Street East, Suite 350
St. Paul, Minnesota 55101-7804

Proposals must be received NOT later than November 5, 2010 at 12:00 P.M. CST; late responses will not be considered.

MnSCU reserves the right to cancel this solicitation if it is considered to be in MnSCU's best interest. The RFI is not a guarantee of work and does not obligate MnSCU to award any contracts. MnSCU reserves the right to discontinue the use or cancel all or any part of this Master List of Consultants program if it is determined to be in its best interest. All expenses incurred in responding to this notice are solely the responsibility of the responder.

State Contracts

Iron Range Resources

Notice of Availability of a Contract for Central Reservation Services Management

Iron Range Resources is requesting proposals for the development, implementation and management of a central reservation system in northeastern Minnesota. The purpose of the project is to provide both online and telephone based lodging and vacation package reservation services in the Biwabik, MN area.

Work is proposed to start after December 1, 2010.

A Request for Proposal will be available by mail or e-mail from this office through October 14, 2010. **A written request (by direct mail, e-mail or fax) is required to receive the Request for Proposal.** After October 15, 2010, the Request for Proposal must be picked up in person.

The Request for Proposal can be obtained from:

Leah Wilhelmy
Iron Range Resources
PO Box 441
4261 Highway 53 S
Eveleth, MN 55734
Fax: (218) 735-3048
E-mail: Leah.wilhelmy@state.mn.us

Proposals submitted in response to the Request for Proposal in this advertisement must be received at the address above no later than Friday, October 29, 2010, 2:00 p.m., Central Standard Time. **Late proposals will NOT be considered.** Fax or e-mail proposals will **NOT** be considered.

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

Minnesota Historical Society (MHS)

Notice of Request for BIDs for Reconstructing a Pedestrian Stairway to the Historic Harkin Store

The Minnesota Historical Society is seeking bids from qualified firms to provide all labor, materials, equipment, and supplies to reconstruct a pedestrian access stairway from County Road 21 to the Harkin Store building at the Harkin Store Historic Site, 66250 County Road 21, New Ulm, MN 56073 in Nicollet County, Minnesota:

There will be a **MANDATORY** pre-bid meeting for all interested parties at 1:00 p.m. Local Time on Thursday, October 7, 2010.

Bids must be received by 2:00 P.M. Local Time on Tuesday, October 19, 2010. Late bids will not be accepted.

The Request for Bids and other front-end documents are available by contacting Mary Green-Toussaint, Purchasing Coordinator, Minnesota Historical Society, via e-mail only: mary.green-toussaint@mnhs.org.

Dated: 27 September 2010

**Minnesota House of Representatives
Public Information Services Office
Public Notice of Request for Bid for Printing of *Session Weekly***

NOTICE IS HEREBY GIVEN that the Minnesota House of Representatives Public Information Services Office is seeking bids from qualified printers to provide printing services for the publication *Session Weekly*.

The size of the publication is 8.5" x 11" , 24-pages, self cover.

All work must be done in-house, unless specifically approved by us.

All bids must be submitted on the forms accompanying the specifications in a sealed envelope and delivered to 100 Rev. Dr. Martin Luther King Jr. Blvd, Room 175, State Office Building, no later than October 18, 2010 at 2:15 p.m. Bid submittals will be opened publicly on that date and time.

A copy of the Request for Bid packet can be obtained by contacting: Paul Battaglia, 175 State Office Building, St. Paul, Minnesota 55155-1298, **phone:** (651) 296-8904, **e-mail:** Paul.Battaglia@house.mn.

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

Minnesota House of Representatives
Public Information Services

**Minnesota House of Representatives
Public Information Services Office
Public Notice of Request for Bid for Mailing of *Session Weekly***

NOTICE IS HEREBY GIVEN that the Minnesota House of Representatives Public Information Services Office is seeking bids from qualified mail houses to provide mailing services for the publication *Session Weekly*.

The size of the publication will be 8.5" X 11" and it is mailed at the Periodicals Rate.

All bids must be submitted on the forms accompanying the specifications in a sealed envelope and delivered to 100 Rev. Dr. Martin Luther King Jr. Blvd, Room 175, State Office Building, no later than October 18, 2010 at 2:30 p.m. Bid submittals will be opened publicly on that date and time.

A copy of the Request for Bid packet can be obtained by contacting: Paul Battaglia, 175 State Office Building, St. Paul, Minnesota 55155-1298, **phone:** (651) 296-8904, **e-mail:** Paul.Battaglia@house.mn.

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

**Minnesota House of Representatives
Minnesota Senate
Public Notice of Request for Bid for Printing the *Members Directory of the
Minnesota Legislature and the Official Directory of the Minnesota Legislature***

NOTICE IS HEREBY GIVEN that the Minnesota House of Representatives and the Minnesota Senate are seeking bids from qualified printers to provide printing services for the *Members Directory of the Minnesota Legislature* and the *Official Directory of the Minnesota Legislature*.

State Contracts

The size of the publications will be 4 x 6. The *Members Directory of the Minnesota Legislature* will contain approximately 216 pages plus cover, and the *Official Directory of the Minnesota Legislature* will contain approximately 424 pages plus cover.

All bids must be submitted on the forms accompanying the specifications in a sealed envelope and delivered to 100 Rev. Dr. Martin Luther King Jr. Blvd, Room 175, State Office Building, no later than October 18, 2010 at 2 p.m. Bid submittals will be opened publicly on that date and time.

A copy of the Request for Bid packet can be obtained by contacting: Paul Battaglia, 175 State Office Building, St. Paul, Minnesota 55155-1298, **phone:** (651) 296-8904, **e-mail:** Paul.Battaglia@house.mn.

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

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.

Department of Natural Resources (DNR) Division of Forestry Notice of Request for Proposal (RFP) for the Operation and Maintenance Services for Two (2) State-owned CL-215 Multi Engine Amphibious Water Scooping Aircraft

NOTICE IS HEREBY GIVEN that the DNR is requesting proposals for operation and maintenance services for two (2) State-owned CL-215 multi-engine amphibious water scooping aircraft. The successful responder must provide specialized personnel, facilities, training, tools, equipment and experience needed to perform CL-215 tactical firefighting missions and FAA required maintenance. Responders must be qualified to do business in Minnesota.

The Term of the contract shall be for a period of approximately 2 years and 3 months, commencing at contract signature and ending February 28, 2013. This contract may be extended on a year-by-year basis with the approval of both parties up to a total of 5 years for the original contract and amendments combined.

Proposals shall be based on the RFP requirements and delivered to the Department of Natural Resources by **2:00 p.m., November 15, 2010**.

To obtain complete RFP requirements, please contact:

Sheldon Mack
Minnesota Dept. of Natural Resources – MIFC
402 SE 11th Street
Grand Rapids MN 55744
Telephone: (218) 327-4530 or 4436
Fax: (218) 327-4527
E-mail: *Sheldon.mack@state.mn.us*

Department of Public Safety (DPS) Bureau of Criminal Apprehension/MNJIS Notice of Informational Meeting for October 13, 2010

The Minnesota Bureau of Criminal Apprehension will hold a meeting from 9 a.m. to 11:30am on Wednesday, October 13, 2010 to discuss progress on several BCA initiatives regarding criminal justice information sharing in the state of Minnesota. Specific project updates will be provided, including Identity & Access Management Project, License Plate Recognition, and NIEM/MCJE, in addition to new MNJIS (LEMS) Web Services and how CJIS Security/MNJIS Security protocols impact vendors and agencies. An update will also be provided on the budget and the impact of the past and upcoming legislative sessions. Plus, the FBI's N-DEx and its future in Minnesota.

State Contracts

The meeting will take place at the Bureau of Criminal Apprehension offices at 1430 Maryland Ave. E. in St. Paul. In addition, limited participation may take place via web conference. (To make arrangements to participate remotely, please contact Jill Oliveira at the information listed below.)

Vendors, particularly those working with local agencies to manage records, as well as agency information technology staff are encouraged to attend this meeting. Please RSVP. For more information, or to RSVP, contact Jill Oliveira, Public Information Officer, at **phone:** (651) 793-2726 or **e-mail:** jill.oliveira@state.mn.us

Department of Transportation (Mn/DOT) Engineering Services Division Notice of Potential Availability of Contracting Opportunities for a Variety of General Organizational Related Activities

This document is available in alternative formats for persons with disabilities by calling Melissa McGinnis at (651) 366-4644; for persons who are hearing or speech impaired by calling the Minnesota Relay Service at 1-800-627-3529.

Mn/DOT, in conjunction with the Department of Administration, have developed a streamlined approach for fast-tracking select general organization service projects. These general organizational projects may include, but are not limited to, work in the following categories: 1) Develop, implement and summarize internal and external surveys; 2) Recommend best practices in an organizational structure; 3) Assist with organizational health structure; 4) Provide marketing support; 5) Develop, implement and provide support of ad hoc forums; 6) Establish and facilitate collaborative groups, including cross-organization and public-private teams; 7) Provide project management for non-technical initiatives; and 8) Facilitate non-technical activities and events.

This streamlined approach includes developing an email list of firms that are interested in receiving direct notification of general organizational projects. Firms will be added on an on-going basis. Fast-tracked projects will have a shorter advertising period and turn-around time. Firms will be asked to submit responses within 5 business days and will be required to work diligently with Mn/DOT toward establishing a contract upon selection. All projects will be advertised to the public. Your firm will be directly notified that there is a project posted on the Consultant Services Website (www.dot.state.mn.us/consult) that requires general organizational skills. Please note that this notice is not a solicitation or request for proposals of any kind. Being placed on the list does not guarantee work nor does it obligate Mn/DOT to provide any contracting opportunities under this program

Interested firms should send the following information to the email address below: Firm name, firm contact person, phone number, and email address.

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 are 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:

Kelly Arneson
Consultant Services
Office of Technical Support
Minnesota Department of Transportation
395 John Ireland Blvd. Mail Stop 680
St. Paul, MN 55155

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: 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.

Minnesota Zoo Notice of Request for Proposals for the Design, Fabrication, and Installation of Interpretive Materials Related to Our Heart of the Zoo (Phase I)

Requests for proposals for the design, fabrication, and installation of interpretive materials related to our current improvement project known as Heart of the Zoo (Phase I). In particular, this RFP relates to a new indoor penguin exhibit and a children's discovery area known as the Kids' Den. This is a rebid to the previously posted project due to some slight changes in scope.

Details are included in the complete Request for Proposals which is available by e-mailing Angie Guggisberg, Minnesota Zoo Project Manager at angie.guggisberg@state.mn.us. The deadline for submitting a proposal is 11:00AM., CST, October 26, 2010.

This Request for Proposals does not obligate the State of Minnesota or the Minnesota Zoo to complete the work contemplated in this notice and the State reserves the right to cancel this solicitation. All expenses incurred in response to this notice are solely the responsibility of the responder.

State Contracts

Minnesota Zoo

Notice of Requests Proposals for the Hardware and Software Design, Integration, Acquisition, for a Custom Video Projection that Reacts to Visitors

Requests proposals for the hardware and software design, integration, acquisition, for a custom video projection that reacts to visitors. The subject of this projection is African black-footed penguins underwater.

This is a rebid to the previously posted project due to some slight changes in scope.

Details are included in the complete Request for Proposals which is available by e-mailing Angie Guggisberg, Minnesota Zoo Project Manager at angie.guggisberg@state.mn.us. The deadline for submitting a proposal is 11:00AM., CST, October 26, 2010.

This Request for Proposals does not obligate the State of Minnesota or the Minnesota Zoo to complete the work contemplated in this notice and the State reserves the right to cancel this solicitation. All expenses incurred in response to this notice are solely the responsibility of the responder.

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.

Local Business Opportunities

The *State Register* offers one of the cheapest, yet far reaching methods, of notifying the public about your agency's bids, contracts and grants. It is available to any government, non-profit, or private agency. Space is charged at the current rate of \$13.60 per each 1/10th of a page used in the *State Register*. Agencies are only billed for the space used in the *State Register*.

Agencies wishing to take advantage of this offer should submit what you want printed in the *State Register* via e-mail to: robin.panlener@state.mn.us. Attach to your entry a short note indicating when you wish the notice to be published (one, or many dates), if you want a copy of the issue your notice a

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.

Minnesota's Bookstore

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Fishing Hot Spots

***Woodworking for Wildlife* - updated, Stock No. 275, \$19.95**

Minnesota author Carrol Henderson's popular book, *Woodworking for Wildlife*, Along with designs for 28 different nest box projects, this newly-expanded edition includes 300 color photographs and information on deterring nest predators, placing and maintaining boxes, and setting up remote cameras in nest boxes. The 164-page book, which has a soft cover that opens flat for easy use, features new designs for great crested flycatchers, mergansers, dippers, bumblebees and toads. *Woodworking for Wildlife* was printed in Minnesota on recycled paper manufactured in Cloquet and certified by the Forest Stewardship Council.



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- ♦ **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 (nationwide toll-free)
- ♦ **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

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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 4-6 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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