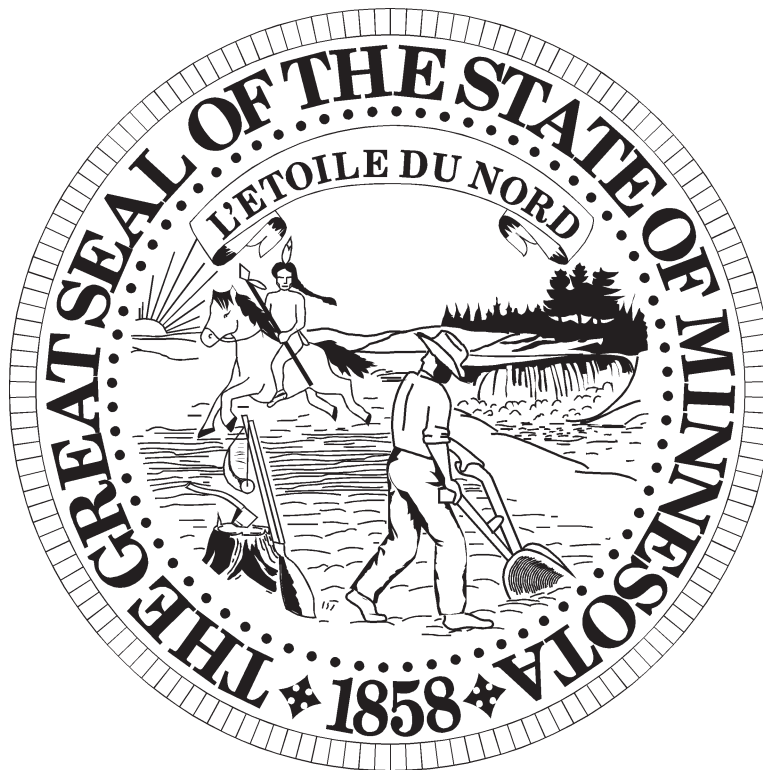


State of Minnesota

# 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 10 December 2012  
Volume 37, Number 24  
Pages 871 - 932**

# 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- Withdrawn Rules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. 37 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
# 25	Monday 17 December	Noon Tuesday 11 December	Noon Wednesday 5 December
# 26	Monday 24 December	Noon Tuesday 18 December	Noon Wednesday 12 December
# 27	Monday 31 December	<b>NOON MONDAY 24 December</b>	Noon Wednesday 19 December
# 28	Monday 7 January	<b>NOON MONDAY 31 December</b>	Noon Wednesday 26 December

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USPS Publication Number: 326-630 (ISSN: 0146-7751)

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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. TTY relay service phone number: (800) 627-3529.

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# Proposed Rules

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

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

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

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

## Minnesota Department of Natural Resources (DNR)

### Division of Ecological and Water Resources

#### Proposed Permanent Rules Relating to Endangered, Threatened, and Special Concern Species

#### NOTICE OF HEARING

#### Proposed Amendments to Rules Relating to Endangered, Threatened, and Special Concern Species, *Minnesota Rules*, parts 6134.0170, 6134.0200, 6134.0300, and 6134.0400; Revisor's ID Number R-03921

**Public Hearing.** The Department of Natural Resources intends to adopt rules after a public hearing following the procedures in the rules of the Office of Administrative Hearings, *Minnesota Rules*, parts 1400.2200 to 1400.2240, and the Administrative Procedure Act, *Minnesota Statutes*, sections 14.131 to 14.20. The department will hold public hearings on the above-named rules starting at 6:00 p.m. and continuing until the hearing is completed at the following locations and dates:

- Tuesday, January 29, 2013, at Ramada Hotel and Conference Room, 1517 16<sup>th</sup> Street SW, Rochester, Minnesota 55902
- Wednesday, January 30, 2013, at New Ulm Community Center, 600 North German, New Ulm, Minnesota 56073
- Tuesday, February 5, 2013, at The Sanford Center – Bemidji Regional Event Center, 1111 Event Center Drive NE, Bemidji, Minnesota 56601
- Wednesday, February 6, 2013, at Gitchee Gumees Conference Center, U.S. Environmental Protection Agency Mid-Continent Ecology Division, 6201 Congdon Boulevard, Duluth, Minnesota 55804
- Thursday, February 7, 2013, at Best Western Plus Kelly Inn, 2705 North Annapolis Lane, Plymouth, Minnesota 55441

The agency will schedule additional days of hearing if necessary. All interested or affected persons will have an opportunity to participate by submitting either oral or written data, statements, or arguments. Statements may be submitted without appearing at the hearing.

**Administrative Law Judge.** Administrative Law Judge James E. LaFave will conduct the hearing. The judge can be reached at the Office of Administrative Hearings, 600 North Robert Street, P.O. Box 64620, Saint Paul, Minnesota 55164-0620, **telephone:** (651) 361-7848, and **fax:** (651) 361-7936. The rule hearing procedure is governed by *Minnesota Statutes*, sections 14.131 to 14.20, and by the rules of the Office of Administrative Hearings, *Minnesota Rules*, parts 1400.2000 to 1400.2240. You should direct questions about the rule hearing procedure to the administrative law judge.

# Proposed Rules

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**Subject of Rules, Statutory Authority, and Agency Contact Person.** The proposed rules will update Minnesota's List of Endangered, Threatened, and Special Concern Species (List) in *Minnesota Rules*, chapter 6134, which was last revised in 1996. The statutory authority to adopt the rules is *Minnesota Statutes*, section 84.0895, subdivisions 3(a) and 3(c). A copy of the proposed rules is published in the *State Register*, posted on the DNR website at: <http://www.dnr.state.mn.us/ets/rulesrevision.html>, and attached to this notice as mailed. A free copy of the rules is available upon request from the agency contact person. The agency contact person is: Richard Baker at Division of Ecological and Water Resources, Minnesota Department of Natural Resources 500 Lafayette Road, St. Paul, Minnesota 55155-4025, **phone:** (651) 259-5073, and **e-mail:** [richard.baker@state.mn.us](mailto:richard.baker@state.mn.us). **TTY** users may call the Department of Natural Resources at (651) 296-5484 or 1-800-657-3929.

**Statement of Need and Reasonableness.** The statement of need and reasonableness contains a summary of the justification for the proposed rules, including a description of who will be affected by the proposed rules and an estimate of the probable cost of the proposed rules. It is now available from the agency contact person. You may review or obtain copies for the cost of reproduction by contacting the agency contact person.

**Public Comment.** You and all interested or affected persons, including representatives of associations and other interested groups, will have an opportunity to participate. The administrative law judge will accept your views either orally at the hearing or in writing at any time before the close of the hearing record. Submit written comments to the administrative law judge at the address above or to [rulecomments@state.mn.us](mailto:rulecomments@state.mn.us). All evidence that you present should relate to the proposed rules. You may also submit written material to the administrative law judge to be recorded in the hearing record for five working days after the public hearing ends. At the hearing, the administrative law judge may order this five-day comment period extended for a longer period but for no more than 20 calendar days. Following the comment period, there is a five-working-day rebuttal period during which the agency and any interested person may respond in writing to any new information submitted. No one may submit additional evidence during the five-day rebuttal period. The Office of Administrative Hearings must receive all comments and responses submitted to the administrative law judge no later than 4:30 p.m. on the due date. All comments or responses received are public and will be available for review at the Office of Administrative Hearings.

The agency requests that any person submitting written views or data to the administrative law judge before the hearing or during the comment or rebuttal period also submit a copy of the written views or data to the agency contact person at the address stated above.

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

**Modifications.** The agency may modify the proposed rules as a result of the rule hearing process. It must support modifications by data and views presented during the rule hearing process. The adopted rules may not be substantially different than these proposed rules, unless the agency follows the procedure under *Minnesota Rules*, part 1400.2110. If the proposed rules affect you in any way, the agency encourages you to participate.

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

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

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

Dated: 27 November 2012

Tom Landwehr, Commissioner  
Department of Natural Resources

## **6134.0170 SPECIES NAMES.**

Species designated as endangered, threatened, or of special concern in this chapter are identified by the species' scientific (Latin) names. Common (English) names, when available, follow the scientific names and are included for the convenience of the reader, but do not reliably identify the species so designated.

## **6134.0200 ANIMAL SPECIES.**

Subpart 1. **Mammals.** ~~The scientific names and the common names in this subpart are according to the Revised Checklist of North American Mammals North of Mexico, J. K. Jones, et al., 1992.~~ The following species of mammals are designated as:

A. Endangered: none.

B. Threatened:

(1) Spilogale putorius, eastern spotted skunk; and

(2) Thomomys talpoides, northern pocket gopher.

C. Of special concern:

~~(1)~~ Canis lupus, gray wolf;

(1) Alces americanus, moose;

(2) Cervus ~~elaphus~~ canadensis, elk;

(3) Cryptotis parva, least shrew;

~~(4)~~ Felis concolor, mountain lion;

(4) Eptesicus fuscus, big brown bat;

(5) Lynx canadensis, Canada lynx;

~~(5)~~ (6) Microtus ochrogaster, prairie vole;

~~(6)~~ (7) Microtus pinetorum, woodland vole;

~~(7)~~ (8) Mustela nivalis, least weasel;

(9) Myotis lucifugus, little brown bat;

~~(8)~~ (10) Myotis septentrionalis, northern myotis;

(11) Onychomys leucogaster, northern grasshopper mouse;

~~(9)~~ (12) Perognathus flavescens, plains pocket mouse;

(13) Perimyotis subflavus, eastern pipistrelle;

~~(10)~~ (14) Phenacomys ~~intermedius~~ ungava, heather vole;

(11) Pipistrellus subflavus, eastern pipistrelle;

(15) Puma concolor, mountain lion;

(16) Reithrodontomys megalotis, western harvest mouse;

# Proposed Rules

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~~(12)~~ (17) *Sorex fumeus*, smokey shrew;

(18) *Spermophilus richardsonii*, Richardson's ground squirrel; and

~~(13)~~ (19) *Synaptomys borealis*, northern bog lemming; and

~~(14)~~ *Thomomys talpoides*, northern pocket gopher.

Subp. 2. **Birds.** The scientific names and the common names in this subpart are according to the American Ornithologists Union Checklist, 1983, and Supplements (1985, 1987, 1989, 1991, 1993, and 1995). The following species of birds are designated as:

A. Endangered:

(1) *Ammodramus bairdii*, Baird's sparrow;

~~(2)~~ Ammodramus henslowii, Henslow's sparrow;

~~(3)~~ *Anthus spragueii*, Sprague's pipit;

~~(4)~~ (3) ~~*Speotyto*~~ *Athene* *cunicularia*, burrowing owl;

~~(5)~~ (4) *Calcarius ornatus*, chestnut-collared longspur;

~~(6)~~ (5) *Charadrius melodus*, piping plover; and

(6) *Lanius ludovicianus*, loggerhead shrike;

(7) *Podiceps auritus*, horned grebe; and

~~(7)~~ (8) *Rallus elegans*, king rail.

B. Threatened:

~~(1)~~ *Cygnus buccinator*, trumpeter swan;

(2) *Falco peregrinus*, peregrine falcon;

~~(3)~~ *Lanius ludovicianus*, loggerhead shrike;

(1) *Ammodramus henslowii*, Henslow's sparrow;

~~(4)~~ (2) *Phalaropus tricolor*, Wilson's phalarope; and

~~(5)~~ *Podiceps auritus*, horned grebe; and

~~(6)~~ (3) *Sterna hirundo*, common tern.

C. Of special concern:

(1) *Accipiter gentilis*, northern goshawk;

(2) *Aegolius funereus*, boreal owl;

~~(1)~~ (3) *Ammodramus nelsoni*, Nelson's sharp-tailed sparrow;

~~(2)~~ (4) *Asio flammeus*, short-eared owl;

~~(3)~~ (5) *Buteo lineatus*, red-shouldered hawk;



- (6) Chondestes grammacus, lark sparrow;
- ~~(4)~~ ~~(7)~~ Coturnicops noveboracensis, yellow rail;
- ~~(8)~~ Cygnus buccinator, trumpeter swan;
- ~~(5)~~ Dendroica cerulea, cerulean warbler;
- ~~(6)~~ ~~(9)~~ Empidonax virescens, acadian flycatcher;
- ~~(10)~~ Falco peregrinus, peregrine falcon;
- ~~(7)~~ ~~(11)~~ Gallinula chloropus galeata, common moorhen ~~gallinule~~;
- ~~(8)~~ Haliaeetus leucocephalus, bald eagle;
- ~~(9)~~ ~~(12)~~ Larus Leucophaeus pipixcan, Franklin's gull;
- ~~(10)~~ ~~(13)~~ Limosa fedoa, marbled godwit;
- ~~(14)~~ Parkesia motacilla, Louisiana waterthrush;
- ~~(11)~~ ~~(15)~~ Pelecanus erythrorhynchos, American white pelican;
- ~~(16)~~ Progne subis, purple martin;
- ~~(17)~~ Setophaga cerulea, cerulean warbler
- ~~(12)~~ Seiurus motacilla, Louisiana water thrush;
- ~~(18)~~ Setophaga citrina, hooded warbler;
- ~~(13)~~ ~~(19)~~ Sterna forsteri, Forster's tern;
- ~~(14)~~ ~~(20)~~ Tympanuchus cupido, greater prairie-chicken; and
- ~~(21)~~ Vireo bellii, Bell's vireo.
- ~~(15)~~ Wilsonia citrina, hooded warbler.

Subp. 3. **Amphibians and reptiles.** The scientific names and the common names in this subpart are according to Standard Common and Current Scientific Names for North American Amphibians and Reptiles, third edition, J.T. Collins, et al., 1990. The following species of amphibians and reptiles are designated as:

A. Endangered:

- (1) Acris crepitans, northern cricket frog; and
- (2) Sistrurus catenatus, massasauga.

B. Threatened:

- (1) Emmys insculpta, wood turtle;
- ~~(2)~~ Crotalus horridus, timber rattlesnake; and
- ~~(3)~~ ~~(2)~~ Emydoidea blandingii, Blanding's turtle;

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(3) Glyptemys insculpta, wood turtle; and

(4) Pantherophis obsoletus, ratsnake.

C. Of special concern:

(1) Ambystoma maculatum, spotted salamander;

(2) Anaxyrus cognatus, Great Plains toad;

(~~1~~) (3) Apalone mutica, smooth softshell;

(~~2~~) Chelydra serpentina, snapping turtle;

(~~3~~) (4) Coluber constrictor, racer;

(~~4~~) Elaphe obsoleta, rat snake;

(~~5~~) Eumeces fasciatus, five-lined skink;

(~~6~~) (5) Hemidactylium scutatum, four-toed salamander;

(~~7~~) (6) Heterodon nasicus, western hognose snake;

(7) Necturus maculosus, mudpuppy;

(8) Pituophis catenifer, gopher snake; and

(9) Plestiodon fasciatus, five-lined skink; and

(~~9~~) (10) Tropicodion lineatum, lined snake.

Subp. 4.Fish. The common names in this subpart are according to A List of Common and Scientific Names of Fishes from the United States and Canada, fifth edition, American Fisheries Society, 1991. The following species of fish are designated as:

A. Endangered: none:

(1) Alosa chrysochloris, skipjack herring;

(2) Crystallaria asprella, crystal darter;

(3) Hybopsis amnis, pallid shiner; and

(4) Noturus exilis, slender madtom.

B. Threatened:

(1) Erimystax x-punctatus, gravel chub;

(2) Fundulus sciadicus, plains topminnow;

(3) Ictiobus niger, black buffalo;

(4) Notropis anogenus, pugnose shiner; and

(5) Polyodon spathula (~~Walbaum~~), paddlefish.

C. Of special concern:

- (1) Acipenser fulvescens Rafinesque, lake sturgeon;
- (2) Alosa chrysochloris (Rafinesque), skipjack herring;
- (3) Ammocrypta asprella (Jordan), crystal darter;
- (2) Anguilla rostrata, American eel;
- (4) (3) Aphredoderus sayanus (Gilliams), pirate perch;
- (4) Clinostomus elongatus, redbreast dace;
- (5) Coregonus kiyi (Kœlzi), kiyi;
- (6) Coregonus nipigon, nipigon cisco;
- (6) (7) Coregonus zenithicus (Jordan & Evermann), shortjaw cisco;
- (8) Couesius plumbeus, lake chub;
- (7) (9) Cycleptus elongatus (Lesueur), blue sucker;
- (8) Erimystax x-punctata (Hubbs & Crowe), gravel chub;
- (10) Etheostoma chlorosoma, bluntnose darter;
- (9) (11) Etheostoma microperca Jordan & Gilbert, least darter;
- (10) Fundulus sciadicus Cope, plains topminnow;
- (12) Hybognathus nuchalis, Mississippi silvery minnow;
- (11) (13) Ichthyomyzon fossor Reighard & Cummins, northern brook lamprey;
- (12) (14) Ichthyomyzon gagei Hubbs & Trautman, southern brook lamprey;
- (13) Ictiobus niger (Rafinesque), black buffalo;
- (15) Lepomis gulosus, warmouth;
- (16) Lepomis peltastes, northern longear sunfish;
- (17) Lythrurus umbratilis, redbreast shiner;
- (14) (18) Morone mississippiensis Jordan and Eigenmann, yellow bass;
- (19) Moxostoma duquesnei, black redbreast;
- (15) Notropis amnis Hubbs and Greene, pallid shiner;
- (16) Notropis anogenus Forbes, pugnose shiner;
- (17) (20) Notropis nubilus (Forbes), Ozark minnow;

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~~(18)~~ (21) *Notropis topeka* (Gilbert), Topeka shiner;

~~(19)~~ *Noturus exilis* Nelson, slender madtom; and

~~(20)~~ (22) *Percina evides* (Jordan & Copeland), gilt darter;

(23) *Phenacobius mirabilis*, suckermouth minnow;

(24) *Platygobio gracilis*, flathead chub; and

(25) *Prosopium coulterii*, pygmy whitefish.

Subp. 5. [Repealed, 20 SR 2782]

Subp. 6. **Mollusks.** The common and scientific names in this subpart are according to *Common and Scientific Names of Aquatic Invertebrates from the United States and Canada: Mollusks*, American Fisheries Society, 1988 and *Summary Status Reports on Eight Species of Candidate Land Snails from the Driftless Area (Paleozoic Plateau), Upper Midwest (Report to USFWS)*, T.J. Frest, 1991. The following species of mollusks are designated as:

A. Endangered:

(1) *Arcidens confragosus* (Say), rock pocketbook;

(2) *Cumberlandia monodonta*, spectaclecase;

(3) *Cyclonaias tuberculata*, purple wartyback;

~~(2)~~ (4) *Elliptio crassidens* (Lamarek), elephant-ear;

(5) *Epioblasma triquetra*, snuffbox;

~~(3)~~ (6) *Fusconaia ebena* (f. Lea), ebonyshell;

~~(4)~~ (7) *Lampsilis higginsii higginsii* (f. Lea), Higgins eye;

(5) (8) *Lampsilis teres* (Rafinesque), yellow sandshell;

(9) *Megaloniaias nervosa*, washboard;

(6) *Novasuccinea* n. sp. Minnesota B Hoagland & Davis, Iowa pleistocene ambersnail;

~~(7)~~ (10) *Plethobasus cyphus* (Rafinesque), sheepnose;

~~(8)~~ (11) *Quadrula fragosa* (Conrad), winged mapleleaf;

(9) *Quadrula nodulata* (Rafinesque), wartyback; and

~~(10)~~ *Vertigo hubrichti hubrichti* (Pilsbry), midwest pleistocene vertigo.

(12) *Simpsoniaias ambigua*, salamander mussel; and

(13) *Tritogonia verrucosa*, pistolgrip.

B. Threatened:

(1) *Actinonaias ligamentina* (Lamarek), mucket;

- (2) *Alasmidonta marginata* Say, elktoe;
- (3) ~~*Cumberlandia monodonta* (Say), spectaclecase;~~
- (4) ~~*Cyclonaias tuberculata* (Rafinesque), purple wartyback;~~
- (5) ~~(3) *Ellipsaria lineolata* (Rafinesque), butterfly;~~
- (4) *Elliptio dilatata*, spike;
- (6) ~~*Epioblasma triquetra* (Rafinesque), snuffbox;~~
- (7) ~~*Megalonaias nervosa* (Rafinesque), washboard;~~
- (8) ~~*Novasuccinea* n. sp. Minnesota A Hoagland & Davis, Minnesota pleistocene ambersnail;~~
- (9) ~~*Pleurobema coccineum* (Conrad), round pigtoe;~~
- (5) *Lasmigona costata*, fluted-shell;
- (6) *Ligumia subrostrata*, pondmussel;
- (10) ~~(7) *Quadrula metanevra* (Rafinesque), monkeyface;~~
- (8) *Quadrula nodulata*, wartyback;
- (11) ~~*Simpsonaias ambigua* (Say), salamander mussel;~~
- (12) ~~*Fritogonia verrucosa* (Rafinesque), pistolgrip;~~
- (9) *Striatura ferrea*, black striate snail;
- (10) *Truncilla donaciformis*, fawnsfoot;
- (13) ~~(11) *Venustaconcha ellipsiformis* (Conrad), ellipse; and~~
- (14) ~~*Vertigo hubrichti variabilis* n. subsp., variable pleistocene vertigo; and~~
- (15) ~~(12) *Vertigo meramecensis* Van Dender, bluff vertigo.~~

C. Of special concern:

- (1) ~~*Elliptio dilatata* (Rafinesque), spike; *Anodonta suborbiculata*, flat floater;~~
- (2) *Elliptio complanata*, eastern elliptio;
- (3) *Gastrocopta rogersensis*, Rogers' snaggletooth snail;
- (2) ~~(4) *Lasmigona compressa* (Lea), creek heelsplitter;~~
- (3) ~~*Lasmigona costata* (Rafinesque), fluted-shell;~~
- (4) ~~(5) *Ligumia recta* (Lamarck), black sandshell; and~~
- (5) ~~*Obovaria olivaria* (Rafinesque), hickory nut.~~

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(6) Planogyra asteriscus, eastern flat-whorl snail;

(7) Pleurobema sintoxia, round pigtoe;

(8) Striatura ferrea, black striate snail; and

(9) Zonitoides limatulus, dull gloss.

Subp. 7. **Jumping spiders.** The following species of jumping spiders are designated as:

A. Endangered: none.

B. Threatened: ~~none~~ Tutelina formicaria.

C. Of special concern:

(1) Habronattus calcaratus maddisoni;

(~~1~~) (2) Habronattus texanus Griswold;

(~~2~~) Marpissa grata (Gertsch);

(3) Habronattus viridipes;

(4) Marpissa formosa;

(~~3~~) Metaphidippus arizonensis (Peckham & Peckham);

(~~4~~) (5) Paradamoetas fontana (Levi);

(6) Pelegrina arizonensis;

(~~5~~) (7) Phidippus apacheanus Chamberlin & Gertsch;

(~~6~~) (8) Phidippus pius Scheffer; and

(~~7~~) (9) Sassacus papenhoei Peckham & Peckham; and

(~~8~~) Tutelina formicaria (Emerton).

Subp. 8. **Butterflies and moths.** The following species of butterflies and moths are designated as:

A. Endangered:

(1) Erynnis persius persius (Seudder), persius dusky wing;

(2) Hesperia comma assiniboia (Lyman), assiniboia skipper;

(3) Hesperia dacotae, Dakota skipper;

(4) Hesperia ottoe, ottoe skipper

(~~3~~) (5) Hesperia uncas W.H. Edwards, uncas skipper;

(~~4~~) (6) Lycaeides melissa samuelis Nabokov, Karner blue; and

(7) Oarisma poweshiek, poweshiek skipperling; and

(5) ~~(8)~~ Oeneis uhleri varuna, ~~(W.H. Edwards)~~, Uhler's arctic.

B. Threatened:

(1) Hesperia dacotae (Skinner), Dakota skipper;

(2) Hesperia ottoe W.H. Edwards, ottoe skipper; and

(3) Oarisma garita ~~(Reakirt)~~, garita skipper.

C. Of special concern:

(1) Atrytone arogos iowa ~~(Boisduval & Leconte)~~, arogos skipper;

(2) Catocala abbreviatella, abbreviated underwing;

(3) Catocala whitneyi, Whitney's underwing;

(2) ~~(4)~~ Erebia disa mancinus ~~Doubleday & Hewitson~~, disa alpine;

(3) ~~(5)~~ Hesperia leonardus ~~Harris~~, leonardus skipper;

(4) ~~(6)~~ Lycaeides idas nabokovi ~~Masters~~, Nabokov's blue;

(5) Oarisma powesheik (Parker), powesheik skipper;

(6) ~~(7)~~ Pyrgus centaureae freija ~~(Warren)~~, grizzled skipper;

(7) ~~(8)~~ Schinia indiana ~~(J.B. Smith)~~, phlox moth; and

(9) Schinia lucens, leadplant flower moth; and

(8) ~~(10)~~ Speyeria idalia ~~(Drury)~~, regal fritillary.

Subp. 9. ~~Caddis flies~~ **Caddisflies**. The following species of ~~caddis flies~~ caddisflies are designated as:

A. Endangered:

Chilostigma itascae ~~Wiggins~~.

(1) Hydroptila waskesia, a species of purse casemaker caddisfly;

(2) Limnephilus janus, a species of northern caddisfly;

(3) Limnephilus secludens, a species of northern caddisfly;

(4) Ochrotrichia spinosa, a species of purse casemaker caddisfly; and

(5) Polycentropus milaca, a species of tube casemaker caddisfly.

B. Threatened: ~~none~~.

(1) Chilostigma itascae, headwaters chilostigman caddisfly

(2) Goera stylata;

(3) Hydroptila rono, a species of purse casemaker caddisfly;

(4) Ironoquia punctatissima, a species of northern caddisfly;

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- (5) Lepidostoma libum;
- (6) Limnephilus rossi, a species of northern caddisfly;
- (7) Oecetis ditissa, a species of long-horned caddisfly;
- (8) Oxyethira ecornuta, a species of purse casemaker caddisfly;
- (9) Parapsyche apicalis, a species of nestspinning caddisfly;
- (10) Polycentropus glacialis, a species of tube casemaker caddisfly; and
- (11) Ylodes frontalis, a species of long-horned caddisfly.

C. Of special concern:

- (1) Agapetus tomus ~~Ross~~;
- (2) Anabolia ozburni, a species of northern caddisfly;
- (2) Asynarchus rossi ~~Leonard & Leonard~~;
- (3) Ceraclea brevis ~~(Etnier)~~;
- (4) Ceraclea vertreesi ~~(Denning)~~;
- (5) (3) Hydroptila metoeca ~~Blickle & Morse~~, a species of purse casemaker caddisfly;;
- (6) Hydroptila novicola ~~Blickle & Morse~~;
- (4) Hydroptila quinola, a species of purse casemaker caddisfly;
- (7) (5) Hydroptila tortosa ~~Ross~~, a species of purse casemaker caddisfly;
- (8) Oxyethira ecornuta ~~Morton~~;
- (9) (6) Oxyethira itascae ~~Monson & Holzenthal~~, a species of purse casemaker caddisfly;
- (10) Polycentropus milaea ~~Etnier~~;
- (11) Protophila talola ~~Denning~~; and
- (12) Setodes guttatus ~~(Banks)~~;
- (7) Protophila erotica, a species of saddle casemaker caddisfly; and
- (8) Triaenodes flavescens, a species of long-horned caddisfly.

Subp. 10. **Tiger beetles.** The following species of tiger beetles are designated as:

A. Endangered:

- (1) Cicindela fulgida fulgida ~~Say~~, crimson saltflat tiger beetle, fulgida subspecies; and
- (2) Cicindela hirticollis rhodensis, hairy-necked tiger beetle; and
- (2) (3) Cicindela limbata nympha ~~Casey~~, sandy tiger beetle.



B. Threatened:

- (1) ~~Cicindela denikei~~ W.J. Brown;
- (2) ~~Cicindela fulgida westbournei~~ Calder, crimson saltflat tiger beetle, westbournei subspecies; and
- (3) ~~(2)~~ Cicindela lepida Dejean, little white tiger beetle.

C. Of special concern:

- (1) ~~Cicindela hirticollis rhodensis~~ Calder;
- (1) Cicindela denikei, Laurentian tiger beetle;
- (2) Cicindela macra macra Leconte, sandy stream tiger beetle;
- (3) Cicindela patruela patruela Dejean, northern barrens tiger beetle; and
- (4) Cicindela splendida cyanocephalata Eckhoff, splendid tiger beetle.

Subp. 11. **Leafhoppers.** The following species of leafhoppers are designated as:

A. Endangered: none.

B. Threatened: none.

C. Of special concern:

- (1) ~~Aflexia rubranura~~ (DeLong), red-tailed leafhopper;
- (2) Attenuipyga vanduzeei, hill prairie shovelhead leafhopper; and
- (3) Macrosteles clavatus, caped leafhopper.

Subp. 12. **Dragonflies.** The following species of dragonflies are designated as:

A. Endangered: none.

B. Threatened: ~~none~~ Ophiogomphus susbehcha, St. Croix snaketail.

C. Of special concern:

- (1) Aeshna sitchensis, zigzag darner;
- (2) Aeshna subarctica, subarctic darner;
- (3) Boyeria grafiana, ocellated darner;
- (1) ~~(4)~~ Ophiogomphus anomalis anomalus Harvey, extra-striped snaketail; and
- (2) Ophiogomphus susbehcha Vogt & Smith;
- (5) Ophiogomphus howei, pygmy snaketail;
- (6) Somatochlora brevicincta, Quebec emerald;
- (7) Somatochlora ensigera, plains emerald; and
- (8) Somatochlora forcipata, forcipate emerald.

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## 6134.0300 VASCULAR PLANTS.

The following species of vascular plants are designated as:

A. Endangered:

(1) Achnatherum hymenoides, Indian rice grass;

(+)(2) Agalinis auriculata (Michx.) Blake, Scrophulariaceae, eared false foxglove;

(2)(3) Agalinis gattereri (Sm.) Sm. ex Britt., Scrophulariaceae, round-stemmed false foxglove;

(4) Agrostis hyemalis, winter bentgrass;

(5) Allium schoenoprasum, wild chives;

(6) Aristida longespica var. geniculata, slimspike three-awn;

(3)(7) Asclepias stenophylla Gray, Asclepiadaceae, narrow-leaved milkweed;

(4)(8) Astragalus alpinus L., Fabaceae var. alpinus, alpine milk-vetch;

(5)(9) Bartonia virginica (L.) B.S.P., Gentianaceae, yellow bartonia;

(10) Botrychium ascendens, upswept moonwort;

(6)(11) Botrychium gallicomontanum Farrar & Johnson-Groh, Ophioglossaceae, Frenchman's bluff moonwort;

(7) Botrychium oneidense (Gilbert) House, Ophioglossaceae;

(8) Botrychium pallidum W.H. Wagner, Ophioglossaceae;

(9) Caecalia suaveolens L., Asteraceae;

(12) Botrychium lineare, slender moonwort;

(13) Botrychium spathulatum, spatulate moonwort;

(14) Calamagrostis purpurascens, purple reedgrass;

(+)(15) Caltha natans Pallas ex Georgi, Ranunculaceae, floating marsh marigold;

(16) Carex careyana, Carey's sedge;

(+)(17) Carex formosa Dewey, Cyperaceae, handsome sedge;

(+)(18) Carex pallescens L., Cyperaceae, pale sedge;

(+)(19) Carex plantaginea Lam., Cyperaceae, plantain-leaved sedge;

(20) Carex supina ssp. spaniocarpa, weak arctic sedge;

(+)(21) Castilleja septentrionalis Lindl., Scrophulariaceae, northern paintbrush;

(15) Cheilanthes lanosa (Michaux) D.C. Eaton, Pteridaceae;

(+)(22) Chrysosplenium iowense Rydb., Saxifragaceae, Iowa golden saxifrage;

- (23) Commelina erecta, slender dayflower;
- (17) Cristatella jamesii T. & G., Capparidaceae;
- (24) Diarrhena obovata, obovate beakgrain;
- (18) (25) Dodecatheon meadia L., Primulaceae var. meadia, prairie shooting star;
- (26) Draba cana, hoary whitlow grass;
- (19) (27) Draba norvegica Gunn., Brassicaceae, Norwegian whitlow grass;
- (28) Dryopteris marginalis, marginal shield fern;
- (20) (29) Eleocharis wolfii Gray, Cyperaceae, Wolf's spikerush;
- (30) Elodea bifoliata, two leaf waterweed;
- (21) (31) Empetrum eamesii Fern. & Wieg., Empetraceae atropurpureum, purple crowberry;
- (22) (32) Empetrum nigrum L., Empetraceae, black crowberry;
- (33) Erigeron acris var. kamschaticus, bitter fleabane;
- (23) (34) Erythronium propullans Gray, Liliaceae, dwarf trout lily;
- (24) (35) Escobaria vivipara (Nutt.) Buxbaum, Caetaceae, ball cactus;
- (25) (36) Fimbristylis puberula (Michx.) Vahl var. interior (Britt.) Kral, Cyperaceae, hairy fimbry;
- (26) Glaux maritima L., Primulaceae;
- (37) Hasteola suaveolens, sweet-smelling Indian plantain;
- (38) Hybanthus concolor, eastern green-violet;
- (27) (39) Hydrastis canadensis L., Ranunculaceae, goldenseal;
- (28) (40) Iodanthus pinnatifidus (Michx.) Steud., Brassicaceae, purple rocket;
- (29) (41) Isoetes melanopoda Gay & Dur., Isoetaceae, prairie quillwort;
- (42) Juglans cinerea, butternut;
- (43) Juncus articulatus, jointed rush;
- (44) Juncus marginatus, marginated rush;
- (45) Juncus subtilis, slender rush;
- (30) (46) Lechea tenuifolia Michx., Cistaceae var. tenuifolia, narrow-leaved pinweed;
- (31) Lesquerella ludoviciana (Nutt.) S. Wats., Brassicaceae;

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- (32) ~~(47)~~ *Listera auriculata* ~~Wieg.~~, Orchidaceae, auricled twayblade;
- (48) *Lysimachia maritima*, sea milkwort;
- (33) ~~(49)~~ *Malaxis paludosa* (L.) Sw., Orchidaceae, bog adder's mouth;
- (34) ~~(50)~~ *Marsilea vestita*, Hooker & Greville, Marsileaceae, hairy waterclover;
- (35) ~~(51)~~ *Montia chamissoi* (Ledeb. ex Spreng.) Greene, Portulacaceae, montia;
- (36) *Oryzopsis hymenoides* (R. & S.) Ricker ex Piper, Poaceae;
- (37) ~~(52)~~ *Osmorhiza berteroi* H. & A., Apiaceae, Chilean sweet cicely;
- (38) ~~(53)~~ *Oxytropis viscida* Nutt., Fabaceae, sticky locoweed;
- (54) *Packera cana*, gray ragwort;
- (55) *Packera indecora*, elegant groundsel;
- (56) *Paronychia canadensis*, Canada forked chickweed;
- (39) ~~(57)~~ *Paronychia fastigiata* (Raf.) Fern., Caryophyllaceae var. fastigiata, forked chickweed;
- (40) ~~(58)~~ *Parthenium integrifolium* L., Asteraceae, wild quinine;
- (59) *Phegopteris hexagonoptera*, broad beech fern;
- (41) *Platanthera flava* (L.) Lindl. var. *herbiola* (R. Br.) Ames & Correll, Orchidaceae;
- (60) *Physaria ludoviciana*, bladderpod;
- (42) ~~(61)~~ *Platanthera praeclara* Sheviak & Bowles, Orchidaceae, western prairie fringed orchid;
- (62) *Polanisia jamesii*, James' polanisia;
- (43) ~~(63)~~ *Polemonium occidentale* Greene ssp. lacustre Wherry, Polemoniaceae western Jacob's ladder;
- (44) ~~(64)~~ *Polygala cruciata* L., Polygalaceae, cross-leaved milkwort;
- (65) *Polystichum acrostichoides*, Christmas fern;
- (45) *Polystichum braunii* (Spencer) Fee, Dryopteridaceae;
- (46) ~~(66)~~ *Potamogeton bicupulatus* Fern., Potamogetonaceae, snailseed pondweed;
- (67) *Potamogeton confervoides*, algae-like pondweed;
- (47) ~~(68)~~ *Potamogeton diversifolius* Raf., Potamogetonaceae, diverse-leaved pondweed;
- (69) *Potamogeton oakesianus*, Oake's pondweed;
- (70) *Potamogeton pulcher*, spotted pondweed;

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## Proposed Rules

- (48) ~~(71)~~ *Psoralidium tenuiflorum* (Pursh) Rydb., ~~Fabaceae~~ tenuiflorum, slender-leaved scurfpea;
- (72) *Prosartes trachycarpa*, rough-fruited fairybells;
- (73) *Rhodiola integrifolia* ssp. *leedyi*, Leedy's roseroot;
- (74) *Rubus missouricus*, Missouri dewberry;
- (75) *Rubus stipulatus*, bristle-berry;
- (49) ~~(76)~~ *Sagina nodosa* (L.) *fenzi* ssp. *borealis* Crow, ~~Caryophyllaceae~~, knotty pearlwort;
- (77) *Sagittaria brevirostra*, short-beaked arrowhead;
- (50) ~~(78)~~ *Saxifraga cernua* L., ~~Saxifragaceae~~, nodding saxifrage;
- (51) ~~(79)~~ *Scleria triglomerata* Michx., ~~Cyperaceae~~, tall nutrush;
- (52) *Sedum integrifolium* (Raf.) A. Nels. ssp. *leedyi* (Rosend. & Moore) Clausen, ~~Crassulaceae~~;
- (53) ~~(80)~~ *Selaginella selaginoides* (L.) Link, ~~Selaginellaceae~~, northern spikemoss;
- (54) *Senecio canus* Hook., ~~Asteraceae~~;
- (55) *Talinum rugospermum* Holzinger, ~~Portulacaceae~~;
- (81) *Stuckenia vaginata*, sheathed pondweed;
- (56) ~~(82)~~ *Tofieldia pusilla* (Michx.) Pers., ~~Liliaceae~~, small false asphodel; and
- (83) *Tsuga canadensis*, eastern hemlock;
- (84) *Utricularia purpurea*, purple-flowered bladderwort;
- (85) *Vaccinium uliginosum*, alpine bilberry; and
- (57) ~~(86)~~ *Xyris torta* Sm., ~~Xyridaceae~~, twisted yellow-eyed grass.

### B. Threatened:

- (1) *Achillea sibirica* Ledeb., ~~Asteraceae~~ alpina, Siberian yarrow;
- (2) *Allium cernuum* Roth, ~~Liliaceae~~;
- (3) *Allium schoenoprasum* L. var. *sibiricum* (L.) Hartm., ~~Liliaceae~~;
- (4) ~~(2)~~ *Ammophila breviligulata* Fern., ~~Poaceae~~ ssp. breviligulata, beachgrass;
- (5) *Arabis holboellii* Hornem. var. *retrofracta* (Graham) Rydb., ~~Brassicaceae~~;
- (3) *Aristida tuberculosa*, seaside three-awn;
- (6) ~~(4)~~ *Arnica lonchophylla* Greene, ~~Asteraceae~~, long leaved-arnica;
- (7) ~~(5)~~ *Arnoglossum plantagineum* Raf., ~~Asteraceae~~, tuberous Indian plantain;

# Proposed Rules

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- (6) Arnoglossum reniforme, great Indian plaitain;
- (7) Asclepias amplexicaulis, clasping milkweed;
- (8) Asclepias hirtella (Pennell) Woodson, Aselepiadaceae, prairie milkweed;
- (9) Asclepias sullivantii Engelm., Aselepiadaceae, Sullivan's milkweed;
- (10) Asplenium trichomanes L., Aspleniaceae ssp. trichomanes, maidenhair spleenwort;
- (11) Aster shortii Lindl., Asteraceae;
- (12) Aureolaria pedicularia (L.) Raf., Scrophulariaceae, fernleaf false foxglove;
- (13) Bacopa rotundifolia, water hyssop;
- (14) Berula erecta, stream parsnip;
- (15) Besseyia bullii (Eaton) Rydb., Scrophulariaceae, kitten-tails;
- (16) Bistorta vivipara, alpine bistort;
- (17) Boechera retrofracta, Holboell's rock cress;
- (18) Botrychium lanceolatum (S.G. Gmelin) Angstr., Ophioglossaceae ssp. angustisegmentum, narrow triangle moonwort;
- (19) Botrychium lunaria (L.) Sw., Ophioglossaceae, common moonwort;
- (20) Botrychium rugulosum W.H. Wagner, Ophioglossaceae;
- (21) Carex careyana Torr. ex Dewey, Cyperaceae;
- (22) Botrychium mormo, goblin fern;
- (23) Botrychium oneidense, blunt-lobed grapefern;
- (24) Callitriche heterophylla, larger water starwort;
- (25) Cardamine pratensis, cuckoo flower;
- (26) Carex conjuncta Boott, Cyperaceae, jointed sedge;
- (27) Carex davisii Schwein. & Torr., Cyperaceae, Davis' sedge;
- (28) Carex festucacea Schkuhr ex Willd., Cyperaceae, fescue sedge;
- (29) Carex garberi Fern., Cyperaceae, Garber's sedge;
- (30) Carex jamesii Schwein., Cyperaceae, James' sedge;
- (31) Carex katahdinensis Fern., Cyperaceae;
- (32) Carex laevivaginata (Kukenth.) Mackenzie, Cyperaceae, smooth-sheathed sedge;

- (25) (29) Carex laxiculmis Schwein., Cyperaceae, loose-culmed sedge;
- (30) Carex novae-angliae, New England sedge;
- (31) Carex rossii, Ross' sedge;
- (26) (32) Carex sterilis Willd., Cyperaceae, sterile sedge;
- (27) (33) Crassula aquatica (L.) Schoenl., Crassulaceae, pygmyweed;
- (28) Crataegus douglasii Lindl., Rosaceae;
- (29) (34) Cyperus acuminatus Torr. & Hook., Cyperaceae, short-pointed umbrella sedge;
- (30) (35) Cypripedium arietinum R. Br., Orchidaceae, ram's head orchid;
- (36) Deschampsia flexuosa, slender hair grass;
- (37) Desmodium cuspidatum var. longifolium, big tick trefoil;
- (38) Desmodium nudiflorum, stemless tick trefoil;
- (31) (39) Diplazium pycnocarpon (Spreng.) M. Broun, Dryopteridaceae, narrow-leaved spleenwort;
- (32) Dryopteris marginalis (L.) Gray, Dryopteridaceae;
- (33) Eleocharis nitida Fern., Cyperaceae;
- (34) Eleocharis olivacea Torr., Cyperaceae;
- (40) Eleocharis flavescens var. olivacea, olivaceous spikerush;
- (41) Eleocharis robbinsii, Robbins' spikerush;
- (35) (42) Eleocharis rostellata Torr., Cyperaceae, beaked spikerush;
- (43) Erigeron lonchophyllus, short ray fleabane;
- (36) (44) Eupatorium sessilifolium L., Asteraceae, upland boneset;
- (37) (45) Floerkea proserpinacoides Willd., Limnanthaceae, false mermaid;
- (46) Gaylussacia baccata, black huckleberry
- (47) Hamamelis virginiana, witch-hazel;
- (38) (48) Heteranthera limosa (Sw.) Willd., Pontederiaceae, mud plantain;
- (49) Hudsonia tomentosa, beach heather;
- (39) (50) Huperzia porophila (Lloyd & Underwood) Holub, Lycopodiaceae, rock fir moss;
- (51) Leersia lenticularis, catchfly grass;

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- (40) (52) Lespedeza leptostachya Engelm., Fabaceae, prairie bush clover;
- (53) Luzula parviflora, small-flowered woodrush;
- (41) (54) Melica nitens (Scribn.) Nutt. ex Piper, Poaceae, three-flowered melic;
- (55) Minuartia dawsonensis, rock sandwort;
- (42) (56) Moehringia macrophylla (Hook.) Fenzl, Caryophyllaceae, large-leaved sandwort;
- (43) (57) Napaea dioica L., Malvaceae, glade mallow;
- (44) (58) Nymphaea leibergii (Morong) Boivin, Nymphaeaceae, small white waterlily;
- (45) Paronychia canadensis (L.) Wood, Caryophyllaceae;
- (46) Phegopteris hexagonoptera (Michx.) Fee, Thelypteridaceae;
- (47) Plantago elongata Pursh, Plantaginaceae;
- (59) Orobanche fasciculata, clustered broomrape;
- (60) Orobanche ludoviciana var. ludoviciana, Louisiana broomrape;
- (61) Orobanche uniflora, one-flowered broomrape;
- (62) Phacelia franklinii, Franklin's phacelia;
- (63) Phemeranthus rugospermus, rough-seeded fameflower;
- (64) Piptatherum canadense, Canadian ricegrass;
- (65) Platanthera flava var. herbiola, tubercled rein orchid;
- (48) (66) Poa paludigena Fern. & Wieg., Poaceae, bog bluegrass;
- (49) Polystichum acrostichoides (Michx.) Schott, Dryopteridaceae;
- (67) Polystichum braunii, Braun's holly fern;
- (50) (68) Rhynchospora capillacea Torr., Cyperaceae, hair-like beak rush;
- (51) (69) Rotala ramosior (L.) Koehne, Lythraceae, toothcup;
- (52) (70) Rubus chamaemorus L., Rosaceae, cloudberry;
- (71) Rubus fulleri, bristle-berry;
- (72) Rubus semisetosus, swamp blackberry;
- (73) Rudbeckia triloba var. triloba, three-leaved coneflower;
- (74) Sagittaria calycina var. calycina, hooded arrowhead;



(75) Salix pellita, satiny willow;

(53) ~~(76) Salicornia rubra Nelson, Chenopodiaceae, red saltwort;~~

(54) Saxifraga paniculata P. Mill., Saxifragaceae;

(55) ~~(77) Scleria verticillata Muhl., Cyperaceae, whorled nutrush;~~

(56) ~~(78) Scutellaria ovata Hill, Lamiales var. versicolor, ovate-leaved skullcap;~~

(57) ~~(79) Shinnersoseris rostrata (Gray) S. Tomb, Asteraceae, annual skeletonweed;~~

(58) ~~(80) Silene nivea (Nutt.) Muhl. ex Oth., Caryophyllaceae, snowy campion;~~

(81) Spiranthes casei var. casei, Case's ladies' tresses;

(59) ~~(82) Subularia aquatica L., Brassicaceae ssp. americana, awlwort;~~

(60) ~~(83) Sullivantia sullivantii (Forr. & Gray) Britt., Saxifragaceae reniform sullivantia;~~

(61) Vaccinium uliginosum L., Ericaceae;

(84) Trichophorum clintonii, Clinton's bullrush;

(85) Utricularia geminiscapa, hidden-fruit bladderwort;

(86) Utricularia resupinata, lavender bladderwort;

(62) ~~(87) Valeriana edulis Nutt. var. ciliata (T. & G.) Cronq., Valerianaceae, edible valerian;~~

(63) ~~(88) Viola lanceolata L., Violaceae var. lanceolata, lance-leaf violet;~~

(64) ~~(89) Viola nuttallii Pursh, Violaceae, yellow prairie violet;~~

(90) Vitis aestivalis var. bicolor, silverleaf grape;

(91) Woodsia alpina, alpine woodsia;

(65) ~~(92) Woodsia glabella R. Br., Dryopteridaceae, smooth woodsia; and~~

(66) ~~(93) Woodsia scopulina D.C. Eat., Dryopteridaceae ssp. laurentiana, Rocky Mountain woodsia.~~

C. Of special concern:

(1) Adoxa moschatellina L., Adoxaceae;

(2) Agrostis geminata Trin., Poaceae;

(1) Adlumia fungosa, Allegheny vine;

(2) Alisma gramineum, narrow-leaved water plantain;

(3) Allium cernuum, nodding wild onion;

(3) ~~(4) Androsace septentrionalis L. ssp. puberulenta (Rydb.) G.T. Robbins, Primulaceae, northern androsace;~~

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- (4) ~~(5)~~ Antennaria parvifolia Nutt., Asteraceae, small-leaved pussytoes;
- (6) Arabis laevigata var. laevigata, smooth rock cress;
- (7) Arisaema dracontium, green dragon;
- (5) ~~(8)~~ Aristida purpurea Nutt. var. longiseta (Steud.) Vasey, Poaceae, red three-awn;
- (6) Aristida tuberculosa Nutt., Poaceae;
- (7) Asclepias amplexicaulis Sm., Asclepiadaceae;
- (8) ~~(9)~~ Asplenium platyneuron (L.) Britt., Aspleniaceae, ebony spleenwort;
- (9) ~~(10)~~ Astragalus flexuosus (Hook.) Dougl., Fabaceae var. flexuosus, slender milk-vetch;
- (10) ~~(11)~~ Astragalus missouriensis Nutt., Fabaceae var. missouriensis, Missouri milk-vetch;
- (11) Bacopa rotundifolia (Michx.) Wettst., Scrophulariaceae;
- (12) Baptisia alba (L.) Bent., Fabaceae;
- (12) Avenula hookeri, spike oat;
- (13) Baptisia bracteata Muhl. ex Ell. var. leucophaea (Nutt.) Kartesz & Gandhi, Fabaceae glabrescens, plains wild indigo;
- (14) Baptisia lactea var. lactea, white wild indigo;
- (15) Bidens discoidea, discoid beggarticks;
- (16) Botrychium acuminatum, tailed grapefern;
- (14) ~~(17)~~ Botrychium campestre W.H. Wagner & Farrar, Ophioglossaceae, prairie moonwort;
- (15) ~~(18)~~ Botrychium minganense Victorin, Ophioglossaceae, Mingan moonwort;
- (16) Botrychium mormo W.H. Wagner, Ophioglossaceae;
- (19) Botrychium pallidum, pale moonwort;
- (20) Botrychium rugulosum, St. Lawrence grapefern;
- (17) ~~(21)~~ Botrychium simplex E. Hitchc., Ophioglossaceae, least moonwort;
- (18) ~~(22)~~ Buchloe dactyloides (Nutt.) Engelm., Poaceae, buffalo grass;
- (19) ~~(23)~~ Calamagrostis lacustris (Kearney) Nash, Poaceae, narrow reedgrass;
- (20) ~~(24)~~ Calamagrostis montanensis Scribn. ex Vasey, Poaceae, Plains reedgrass;
- (21) Calamagrostis purpurascens R. Br., Poaceae;
- (22) Callitriche heterophylla Pursh, Callitrichaceae;

- (23) (25) Carex annectens ~~Bickn.~~, Cyperaceae, yellow-fruit sedge;
- (24) Carex crus-corvi ~~Shuttlw. ex Kunze~~, Cyperaceae;
- (25) (26) Carex exilis ~~Dew.~~, Cyperaceae, coastal sedge;
- (26) (27) Carex flava ~~L.~~, Cyperaceae, yellow sedge;
- (28) Carex grayi, Gray's sedge;
- (27) (29) Carex hallii ~~Olney~~, Cyperaceae, Hall's sedge;
- (30) Carex hookerana, Hooker's sedge;
- (31) Carex media, intermediate sedge;
- (28) (32) Carex michauxiana, ~~Boeckl.~~, Cyperaceae, Michaux's sedge;
- (33) Carex muskingumensis, Muskingum sedge;
- (29) (34) Carex obtusata ~~Lilj.~~, Cyperaceae, blunt sedge;
- (35) Carex ormostachya, necklace sedge;
- (30) (36) Carex praticola ~~Rydb.~~, Cyperaceae, prairie-dweller sedge;
- (31) (37) Carex scirpoidea ~~Michx.~~, Cyperaceae, northern single-spike sedge;
- (32) Carex supina ~~Willd. ex Wahlenb. var. spaniocarpa (Steud.) Boivin~~, Cyperaceae;
- (33) (38) Carex typhina ~~Michx.~~, Cyperaceae, cattail sedge;
- (34) Carex woodii ~~Dew.~~, Cyperaceae;
- (35) (39) Carex xerantica ~~Bailey~~, Cyperaceae, dry sedge;
- (36) (40) Chamaesyce missurica (~~Raf.~~) ~~Shinners~~, Euphorbiaceae, Missouri spurge;
- (37) (41) Cirsium pumilum ~~var. hillii (Canby) Fern.~~, Asteraceae, Hill's thistle;
- (38) (42) Cladium mariscoides (~~Muhl.~~) ~~Torr.~~, Cyperaceae, twig rush;
- (39) Claytonia caroliniana ~~Michx.~~, Portulacaceae;
- (43) Crataegus calpodendron, late hawthorn;
- (44) Crataegus douglasii, black hawthorn;
- (45) Crotalaria sagittalis, rattlebox;
- (40) (46) Cymopterus acutis (~~Pursh~~) ~~Raf.~~, Apiaceae, glomeratus, plains spring parsley;
- (41) (47) Cypripedium candidum ~~Muhl.~~, Orchidaceae, small white lady's slipper;

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- (42) ~~(48)~~ *Dalea candida* Willd., var. *oligophylla* (Torr.) Shinn., Fabaceae, western white prairie clover;
- (43) ~~(49)~~ *Decodon verticillatus* (L.) Eh., Lythraceae, water willow;
- (44) *Deschampsia flexuosa* (L.) Trin., Poaceae;
- (50) *Deparia acrostichoides*, silvery spleenwort;
- (45) ~~(51)~~ *Desmanthus illinoensis* (Michx.) MacM., Fabaceae, prairie mimosa;
- (46) *Desmodium cuspidatum* (Muhl. ex Willd.) DC. ex Loud. var. *longifolium* (Torr. & Gray) Schub., Fabaceae;
- (47) *Desmodium nudiflorum* (L.) DC., Fabaceae;
- (48) *Diarrhena obovata* (Gleason) Brandenburg, Poaceae;
- (49) ~~(52)~~ *Dicentra canadensis* (Goldie) Walp., Fumariaceae, squirrel corn;
- (50) ~~(53)~~ *Draba arabisans* Michx., Brassicaceae, Arabian whitlow grass;
- (51) ~~(54)~~ *Drosera anglica* Huds., Droseraceae, English sundew;
- (52) ~~(55)~~ *Drosera linearis* Goldie, Droseraceae, linear-leaved sundew;
- (53) ~~(56)~~ *Dryopteris goldiana* (Hook.) Gray, Dryopteridaceae, Goldie's fern;
- (57) *Elatine triandra*, three-stamened waterwort;
- (54) ~~(58)~~ *Eleocharis parvula* (Roemer & J.A. Schultes) Link ex Bluff, Nees & Schauer, Cyperaceae, coloradoensis, dwarf spikerush;
- (59) *Eleocharis nitida*, neat spikerush;
- (55) ~~(60)~~ *Eleocharis quinqueflora* (F.X. Hartmann) Schwarz, Cyperaceae, few-flowered spikerush;
- (56) ~~(61)~~ *Eryngium yuccifolium* Michx., Apiaceae, rattlesnake master;
- (57) ~~(62)~~ *Euphrasia hudsoniana* Fern. & Wieg., Scrophulariaceae, var. ramosior, Hudson Bay eyebright;
- (58) ~~(63)~~ *Fimbristylis autumnalis* (L.) Roemer & J.A. Schultes, Cyperaceae, autumn fimbry;
- (59) ~~(64)~~ *Gaillardia aristata* Pursh, Asteraceae, blanket flower;
- (60) ~~(65)~~ *Gentiana affinis* Griseb., Gentianaceae, northern gentian;
- (61) ~~(66)~~ *Gentianella amarella* (L.) Borner ssp. *acuta* (Michx.) Gillett, Gentianaceae, felwort;
- (62) *Hamamelis virginiana* L., Hamamelidaceae;
- (67) *Gymnocarpium robertianum*, northern oak fern;
- (68) *Gymnocladus dioica*, Kentucky coffee tree;
- (69) *Helianthemum canadense*, Canada frostweed;

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## Proposed Rules

- (63) (70) Helianthus nuttallii F. & G. ssp. rydbergii (Br.) Long, Asteraceae, Nuttall's sunflower;
- (64) Helictotrichon hookeri (Scribn.) Henr., Poaceae;
- (65) Hudsonia tomentosa Nutt., Cistaceae;
- (71) Huperzia appalachiana, Appalachian fir moss;
- (66) (72) Hydrocotyle americana L., Apiaceae, American water-pennywort;
- (67) (73) Jeffersonia diphylla (L.) Pers., Berberidaceae, twinleaf;
- (68) Juglans cinerea L., Juglandaceae;
- (69) Juncus marginatus Rostk., Juncaceae;
- (70) (74) Juncus stygius L. var. americanus (Buch.) Hulten, Juncaceae, bog rush;
- (71) (75) Juniperus horizontalis Moench, Cupressaceae, creeping juniper;
- (72) Leersia lenticularis Michx., Poaceae;
- (73) (76) Limosella aquatica L., Scrophulariaceae, mudwort;
- (74) (77) Listera convallarioides (Sw.) Nutt. ex Ell., Orchidaceae, broad-leaved twayblade;
- (75) (78) Littorella uniflora (L.) Aschers., Plantaginaceae americana, American shore plantain;
- (76) Luzula parviflora (Ehrh.) Desv. ssp. melanocarpa (Michx.) Hamet-Ahti, Juncaceae;
- (77) (79) Lysimachia quadrifolia L., Primulaceae, whorled loosestrife;
- (78) Machaeranthera pinnatifida (Hook.) Shinnery, Asteraceae;
- (79) (80) Malaxis monophyllos (L.) Sw. var. brachypoda (Gray) Morris & Eames, Orchidaceae, white adder's mouth;
- (80) Minuartia dawsonensis (Britt.) House, Caryophyllaceae;
- (81) Muhlenbergia uniflora (Muhl.) Fern., Poaceae, one-flowered muhly;
- (82) Myriophyllum heterophyllum, broadleaf water milfoil;
- (82) (83) Najas gracillima (A. Braun ex Engelm.) Magnus, Najadaceae, slender naiad;
- (84) Najas guadalupensis ssp. olivacea, southern naiad;
- (83) (85) Najas marina L., Najadaceae, sea naiad;
- (86) Nuttallanthus canadensis, old field toadflax;
- (84) (87) Oenothera rhombipetala Nutt. ex T. & G., Onagraceae, rhombic evening primrose;
- (85) (88) Opuntia macrorhiza Engelm., Cactaceae, devil's tongue;

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- (86) *Orobanche fasciculata* Nutt., Orobanchaceae;
- (87) *Orobanche ludoviciana* Nutt., Orobanchaceae;
- (88) *Orobanche uniflora* L., Orobanchaceae;
- (89) *Osmorhiza depauperata* Phil., Apiaceae, blunt-fruited sweet cicely;
- (90) *Panax quinquefolius* L., Araliaceae, American ginseng;
- (91) *Pellaea atropurpurea* (L.) Link, Adiantaceae, purple cliff brake;
- (92) *Phacelia franklinii* (R.Br.) Gray, Hydrophyllaceae;
- (92) *Persicaria careyi*, Carey's smartweed;
- (93) *Phlox maculata*, wild sweet William;
- (93) (94) *Pinguicula vulgaris* L., Lentibulariaceae, butterwort;
- (95) *Plagiobothrys scouleri* var. *penicillatus*, Scouler's popcornflower;
- (96) *Plantago elongata*, slender plantain;
- (94) (97) *Platanthera clavellata* (Michx.) Luer, Orchidaceae, small green wood orchid;
- (95) (98) *Poa wolfii* Scribn., Poaceae, Wolf's bluegrass;
- (96) *Polygonum careyi* (Olney), Polygonaceae;
- (97) *Polygonum viviparum* L., Polygonaceae;
- (98) (99) *Polytaenia nuttallii* DC., Apiaceae, prairie parsley;
- (99) *Potamogeton vaginatus* Turcz., Potamogetonaceae;
- (100) *Potamogeton vaseyi* Robbins, Potamogetonaceae;
- (101) *Prenanthes crepidinea* Michx., Asteraceae;
- (102) (100) *Pyrola minor* L., Pyrolaceae, small shinleaf;
- (101) *Quercus bicolor*, swamp white oak;
- (103) (102) *Ranunculus lapponicus* L., Ranunculaceae, Lapland buttercup;
- (104) *Rhynchospora fusca* (L.) Ait. f., Cyperaceae;
- (105) (103) *Rorippa sessiliflora* (Nutt.) A.S. Hitchc., Brassicaceae, sessile-flowered yellow cress;
- (106) *Rudbeckia triloba* L., Asteraceae;
- (104) *Rubus multiflorus*, Kinnickinnick dewberry;

- (105) Rubus quaesitus, Prince Edward Island blackberry;
- (106) Rubus vermontanus, Vermont blackberry;
- (107) Ruellia humilis, wild petunia;
- (107) (108) Ruppia maritima L., Ruppiales, spirally ditchgrass;
- (108) (109) Salix maccalliana Rowlee, Salicaceae, McCalla's willow;
- (109) Salix pellita (Anderss.) Anderss. ex Schneid., Salicaceae;
- (110) Salix pseudomonticola, false mountain willow;
- (110) (111) Sanicula trifoliata Bickn., Apiaceae, beaked snakeroot;
- (112) Saxifraga paniculata, encrusted saxifrage;
- (111) (113) Schedonnardus paniculatus (Nutt.) Trel., Poaceae, tumble grass;
- (112) Scirpus clintonii Gray, Cyperaceae;
- (113) Senecio indecorus Greene, Asteraceae;
- (114) Shepherdia canadensis, soapberry;
- (114) (115) Silene drummondii Hook., Caryophyllaceae ssp. drummondii, Drummond's campion;
- (115) (116) Solidago mollis Bartl., Asteraceae, soft goldenrod;
- (116) Solidago sciaphila Steele, Asteraceae;
- (117) Sparganium glomeratum Laest., Sparganiaceae;
- (118) (117) Stellaria longipes Goldie, Caryophyllaceae ssp. longipes, long-stalked chickweed;
- (119) Symphoricarpos orbiculatus Moench, Caprifoliaceae;
- (118) Symphyotrichum shortii, Short's aster;
- (119) Taenidia integerrima, yellow pimpernel;
- (120) Tephrosia virginiana (L.) Pers., Fabaceae, goat's rue;
- (121) Thaspium barbinode, hairy-jointed meadow-parsnip;
- (121) (122) Torreyochloa pallida (Torr.) Church, Poaceae, Torrey's mannagrass;
- (122) (123) Trillium nivale Riddell, Liliaceae, snow trillium;
- (123) Trimorpha acris (L.) Nesom var. asteroides (Anderz. ex Bess.) Nesom, Asteraceae;
- (124) Trimorpha lonchophylla (Hook.) Nesom, Asteraceae;

# Proposed Rules

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- (125) (124) Triplasis purpurea (Walt.) Champm., Poaceae var. purpurea, purple sandgrass;
- (126) Tsuga canadensis (L.) Carr., Pinaceae;
- (127) Utricularia purpurea Walt., Lentibulariaceae;
- (128) Utricularia resupinata B.D. Greene ex Bigelow, Lentibulariaceae;
- (125) Trisetum spicatum, spike trisetum;
- (129) (126) Verbena simplex Lehm., Verbenaceae, narrow-leaved vervain;
- (130) Vitis aestivalis Michx., Vitaceae;
- (131) (127) Waldsteinia fragarioides (Michx.) Tratt., Rosaceae var. fragarioides, barren strawberry;
- (132) Woodsia alpina (Bolton) Gray, Dryopteridaceae; and
- (128) Woodsia oregana ssp. cathcartiana, Oregon woodsia;
- (129) Xanthisma spinulosum var. spinulosum, cutleaf ironplant; and
- (133) (130) Xyris montana Ries, Xyridaceae, montane yellow-eyed grass.

## 6134.0400 LICHENS; MOSSES; LIVERWORTS; FUNGI.

Subpart 1. **Lichens.** The following species of lichens are designated as:

A. Endangered:

- (1) Buellia nigra (Fink) Sheard;
- (2) Caloplaca parvula Wetm.;
- (3) (2) Dermatocarpon moulinii (Mont.) Zahlbr.;
- (4) (3) Leptogium apalachense (Tuck.) Nyl.;
- (5) (4) Lobaria scrobiculata (Scop.) DC;
- (6) (5) Parmelia stictica (Del.) Nyl.;
- (7) (6) Pseudocyphellaria crocata (L.) Vain; and
- (8) (7) Umbilicaria torrefacta (Lightf.) Schrad.

B. Threatened:

- (1) Alloctraria oakesiana;
- (2) Arthrorhaphis citronella, golden-dot lichen;
- (1) Cetraria oakesiana Tuck.;
- (2) (3) Coccocarpia palmicola (Sprengel) Arvid. & Galloway; and
- (4) Lecanora epanora, a species of rim lichen;



~~(3)~~ (5) Parmelia stuppea Tayl.;

(6) Peltula bolanderi, Bolander's peltula lichen;

(7) Protopannaria pezizoides, brown-gray moss-shingle lichen;

(8) Ramalina roesleri, frayed ramalina lichen; and

(9) Usnea mutabilis, bloody beard lichen.

C. Of special concern:

(1) Ahtiana aurescens;

(2) Amygdalaria panaeola, powdery almond lichen;

~~(1)~~ (3) Anaptychia setifera crinalis Ras;

(4) Arctoparmelia centrifuga, concentric ring lichen;

(5) Arctoparmelia subcentrifuga, a species of ring lichen;

(6) Bryoria fuscescens, pale-footed horsehair lichen;

(7) Buellia nigra, black disk lichen;

(8) Caloplaca stellata, a species of fire-dot lichen;

~~(2)~~ (2) Cetraria aurescens Tuck.;

~~(3)~~ (9) Cladonia pseudorangiformis Asah.;

~~(4)~~ (4) Lobaria quercizans Michx.;

(10) Heterodermia obscurata, orange-tinted fringe lichen;

(11) Melanelia subolivacea, brown-eyed camouflage lichen;

(12) Menegazzia terebrata, port-hole lichen;

(13) Ochrolechia androgyna, powdery saucer lichen;

~~(5)~~ (14) Peltigera venosa (L.) Hoffm.; and

(15) Platismatia glauca, ragbag lichen;

(16) Ramalina thrausta, Angel's hair lichen;

(17) Stereocaulon pileatum, pixie foam lichen;

~~(6)~~ (18) Sticta fuliginosa (Dicks.) Ach.;

(19) Thelocarpon epibolum, a species of thelocarpon lichen;

(20) Usnea longissima, Methusela's beard lichen; and

# Proposed Rules

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(21) Usnea rubicunda, red beard lichen.

Subp. 2. **Mosses and liverworts.** The scientific names in this subpart are according to A New List of Mosses of North America North of Mexico, H.A. Crum, et al., 1973. The following species of mosses and liverworts are designated as:

A. Endangered:

(1) Bryoxiphium norvegicum, sword moss;

(2) Schistostegia Schistostegia pennata (Hedw.) Web. & Mohr., luminous moss; and

(3) Splachnum rubrum, red parasol moss.

B. Threatened: ~~none~~:

(1) Cirriphyllum piliferum, hair-pointed feather moss;

(2) Cryptocolea imbricata, hidden perianth liverwort;

(3) Cynodontium schisti, mowed mosquito moss;

(4) Lescurea saxicola, lustrous bow moss;

(5) Sphagnum compactum, cushion peat moss;

(6) Sphagnum lescurii, red twisted peat moss; and

(7) Trichocolea tomentella, down liverwort.

C. Of special concern:

(1) Bryoxiphium norvegicum (Brid.) Mitt.; and

(2) Tomenthypnum falcifolium (Ren ex. Nich.) Tuom.

(1) Aphanorhagma serratum, lidden earth moss;

(2) Atrichum crispum, wave-leaved crane's-bill moss;

(3) Atrichum tenellum, little saw moss;

(4) Aulacomnium androgynum, bud-headed thread moss;

(5) Aulacomnium heterostichum, differential branched crease capsule moss;

(6) Bryum cyclophyllum, egg-leaf true moss;

(7) Buxbaumia aphylla, bug-on-stick moss;

(8) Cyrto-hypnum pygmaeum, pygmy plume moss;

(9) Encalypta procera, tall extinguisher moss;

(10) Frullania selwyniana, Selwyn's ear-leaf liverwort;

(11) Heterocladium dimorphum, spaced-out tangle moss;

(12) Hyophila involuta, rolled-leaf wet-ground moss;

(13) Jaffuelobryum wrightii, Wright's blunt-leaved true moss;

(14) Meesia uliginosa, swan moss;

(15) Pogonatum urnigerum, urn-bearing hair moss;

(16) Thelia hirtella, nipple moss; and

(17) Tortella inclinata, shortleaf chalk moss.

Subp. 3. **Fungi.** The following species of fungi are designated as:

A. Endangered:

~~(1)~~ Fuscoboletinus weaverae A.H. Smith & Shaffer;

~~(2)~~ (1) Psathyrella cystidiosa (Peck) A.H. Smith; and

~~(3)~~ (2) Psathyrella rhodospora Weaver & A.H. Smith; and

(3) Suillus weaverae.

B. Threatened: none.

C. Of special concern:

(1) Boletus subcaerulescens, a species of Porcini mushroom;

~~(1)~~ (2) Laccaria trullisata (Ellis) Peck;

~~(2)~~ (3) Lactarius fuliginellus A.H. Smith & Hesler; and

~~(3)~~ (4) Lysurus cruciatus (Lepr. & Mont.) Lloyd; and

(5) Sarcosoma globosum, a species of cup fungus.

## 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) Adopted Exempt Permanent Rules Regarding OSHA Workplace Accident and Injury Reduction

The rules proposed and published at *State Register*, Volume 37, Number 16, pages 557-586, October 15, 2012 (37 SR 557), are adopted as proposed.

## Commissioners' Orders

Various agency commissioners are authorized to issue "commissioner's orders" on specified activities governed by their agency's enabling laws. See the *Minnesota Statutes* governing each agency to determine the specific applicable statutes. Commissioners' orders are approved by assistant attorneys general as to form and execution and published in the *State Register*. These commissioners orders are compiled in the year-end subject matter index for each volume of the *State Register*.

## Minnesota Department of Natural Resources (DNR) Potato Lake SNA Commissioner's Designation Order #229

**EFFECTIVE DATE:** December 10, 2012  
**Statutory authority:** *Minnesota Statutes* 84.033, 86A.05, Subd. 5 and 97A.093

**WHEREAS**, certain lands in Itasca County, Minnesota, described as:

Lots Two (2) and Three (3), Section Seven (7), Township Sixty-two (62) North, Range Twenty-three (23), according to the United States Government survey thereof;

containing 84 acres, more or less, is under the control and possession of the Department of Natural Resources;

and

**WHEREAS**, such lands contain undisturbed examples of old Red Pine-White Pine Woodland along with other high-quality native Aspen-Birch Forest, Aspen-Birch-Red Maple Forest, Poor Black Spruce Swamp, and Low Shrub Poor Fen, undeveloped lakeshore, and

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# Commissioner's Orders

potential habitat for rare plant and animal species;

and

**WHEREAS**, the most effective means by which such lands can be protected and perpetuated in their natural state and used for educational and research purposes in such a manner as will leave them conserved for future generations is by designation as a Scientific and Natural Area;

**THEREFORE, IT IS HEREBY ORDERED**, pursuant to authority vested in me by law, including but not limited to *Minnesota Statutes*, sections 84.033; 86A.05, subd. 5; and 97A.093, that the above-described lands are designated as the Potato Lake Scientific and Natural Area.

**FURTHERMORE**, the Potato Lake Scientific and Natural Area is designated as a Public Use unit, open to the public for nature observation and general educational and research activities.

**IT IS FURTHER ORDERED** that the provisions of *Minnesota Rules* 6136.0100 through 6136.0600 shall apply to the above-designated area, except that continued use of a timber haul trail located in the SE of NW of SW, S7, shall be permitted by persons issued a Road Access Permit, and the Forest Roads known as Horseshoe Forest Trail and minimum maintenance road # 133 will remain open to motorized use, boats may be transported by non-motorized means from the parking area to a designated place on the lake shore, and the area shall be open to hunting (including with dogs), shore fishing and dogs under control, with such limitations as the Commissioner determines are necessary for protection of the values for which the site was designated.

This order takes effect upon publication in the *State Register*.

Dated: 3 December 2012

Tom Landwehr, Commissioner  
Department of Natural Resources

## Minnesota Department of Natural Resources (DNR) Little Too Much Lake SNA Commissioner's Designation Order #230

**EFFECTIVE DATE: December 10, 2012**

**Statutory authority: *Minnesota Statutes* 84.033, 86A.05, Subd. 5 and 97A.093**

**WHEREAS**, certain lands in Itasca County, Minnesota, described as:

Lot two (2) of Section four (4), Township Fifty-nine (59) North, of Range Twenty-seven (27) West of the Fourth Principal Meridian, except that part lying Northeasterly of the centerline of County Road 313, formerly known as Minnesota State Highway 6.

AND

Government Lot one (1), Section Twenty-four (24), Township One Hundred Forty-eight (148) North, Range Twenty-five (25) West of the Fifth Principal Meridian,

containing 57.45 acres, more or less, is under the control and possession of the Department of Natural Resources;

and

**WHEREAS**, such lands contain undisturbed examples of Aspen-Birch-Red Maple Forest, Sugar Maple-Basswood (Horsetail) Forest, Black Ash-Alder Swamp (Northern), undeveloped lake shore, and potential habitat for rare plant and animal species;

and

**WHEREAS**, the most effective means by which such lands can be protected and perpetuated in their natural state and used for  
(Cite 37 SR 907) *State Register*, Monday 10 December 2012 Page 907

# Commissioner's Orders

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educational and research purposes in such a manner as will leave them conserved for future generations is by designation as a Scientific and Natural Area;

**THEREFORE, IT IS HEREBY ORDERED**, pursuant to authority vested in me by law, including but not limited to *Minnesota Statutes*, sections 84.033; 86A.05, subd. 5; and 97A.093, that the above-described lands are designated as the Little Too Much Lake Scientific and Natural Area.

**FURTHERMORE**, the Little Too Much Lake Scientific and Natural Area is designated as a Public Use unit, open to the public for nature observation and general educational and research activities.

**IT IS FURTHER ORDERED** that the provisions of *Minnesota Rules* 6136.0100 through 6136.0600 shall apply to the above-designated area, except that boats may land at a specified place on the lake shore and the area shall be open to hunting (including with dogs) and dogs under control, with such limitations as the Commissioner determines are necessary for protection of the values for which the site was designated.

This order takes effect upon publication in the *State Register*.

Dated: 3 December 2012

Tom Landwehr, Commissioner  
Department of Natural Resources

## 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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**Minnesota Department of Health (MDH)  
 Division of Compliance Monitoring  
 Managed Care Systems Section  
 Notice of Application for Essential Community Provider Status**

**NOTICE IS HEREBY GIVEN** that an application for designation as an Essential Community Provider (ECP) has been submitted to the Commissioner of Health by The Center Clinic, Inc., 103 - 1<sup>st</sup> Street NW, Dodge Center, MN 55927.

An ECP is a health care provider that serves high-risk, special needs, and underserved individuals. In order to be designated as an ECP, a provider must demonstrate that it meets the requirements of *Minnesota Statutes* Section 62Q.19 and *Minnesota Rules* Chapter 4688. The public is allowed 30 days from the date of the publication of this notice to submit written comments on the application. The commissioner will approve or deny the application once the comment period and compliance review is complete.

For more information contact:

Michael McGinnis  
 Managed Care Systems Section  
 Division of Compliance Monitoring  
 Department of Health  
 P.O. Box 64882  
 St. Paul, MN 55164-0882  
 Phone: (651) 201-5174

**Minnesota Department of Health (MDH)  
 Health Promotion and Chronic Disease Division  
 Minnesota Cancer Surveillance System (MCSS)  
 Public Notice of Reportable Data Items to MCSS**

**NOTICE IS HEREBY GIVEN** to cancer registries, medical laboratories, hospitals, medical clinics, physicians and dentists of the list of data items to be reported to MCSS.

*Minnesota Statute* 144.672 subd. 1 gives the Commissioner of Health authority to collect cancer incidence information, analyze the information, and conduct special studies designed to determine the potential public health significance of an increase in cancer incidence.

**MCSS Required Data Items  
 NAACCR Record Layout Version 13 (in layout order)**

R= required, R\* = if available, RH = required to be reported for historic records within date range given,

MCSS	NAACCR ITEM#	NAACCR ITEMNAME	NOTE
R	10	Record type	
R	50	NAACCR record version	
R	20	Patient ID number	
R*	21	Patient system ID-hosp	
R	70	Addr at dx—city	
R	80	Addr at dx—state	
R	100	Addr at dx—postal code	
R	90	County at dx	

# Official Notices

R	160	Race 1	
R	161	Race 2	
R	162	Race 3	
R	163	Race 4	
R	164	Race 5	
R	170	Race coding sys—current	
R	180	Race coding sys—original	
R	190	Spanish/Hispanic origin	
R	220	Sex	
R	230	Age at diagnosis	
R	240	Date of birth	
R	241	Date of birth flag	
R*	310	Text—usual occupation	
R*	320	Text—usual industry	
<b>R</b>	<b>102</b>	<b>Addr at dx—country</b>	new field 2013
<b>R*</b>	<b>1832</b>	<b>Addr current—country</b>	new field 2013
R	390	Date of diagnosis	
R	391	Date of diagnosis flag	
R	400	Primary site	
R	410	Laterality	
RH	420	Histo (92-00) ICD-O-2	dx 2000
RH	430	Behavr (92-00) ICD-O-2	dx 2000
R	522	Histologic type ICD-O-3	
R	523	Behavior code ICD-O-3	
R	440	Grade	
R	441	Grade path value	dx 2010 & later
R	449	Grade path system	dx 2010 & later
R	450	Site coding sys—current	
R	460	Site coding sys—original	
R	470	Morph coding sys-current	
R	480	Morph coding sys—orig	
R	490	Diagnostic confirmation	
R	500	Type of reporting source	
R	442	Ambiguous term dx	dx 2007 & later
R	443	Date conclusive dx	dx 2007 & later
R	448	Date conclusive dx flag	dx 2007 & later
R	444	Mult tumor rpt as 1 Prim	dx 2007 & later
R	445	Date of mult tumors	dx 2007 & later
R	439	Date of mult tumors flag	dx 2007 & later
R	446	Multiplicity counter	dx 2007 & later
R	545	NPI—Reporting facility	dx 2007 & later
R	540	Reporting hospital	
RL	550	Accession number—hosp	Rpt also in state spec fld - start col 2412, if no s/w spec pt ID # used
R	560	Sequence number—hosp	
R	570	Abstracted by	
R	580	Date of 1st contact	
R	581	Date of 1st contact flag	
R	590	Date of inpt adm	
R	591	Date of inpt adm flag	
R	600	Date of inpt dischg	
R	601	Date of inpt dischg flag	
R	610	Class of case	
R*	630	Primary payer at dx	dx 2006 & later



R	670	Rx hosp—surg prim site	
R	672	Rx hosp—scope reg LN surg	
R	674	Rx hosp—surg oth reg/dis	
RH*	676	Rx hosp—reg LN removd	dx 1998-2002
RH*	690	Rx hosp—radiation	
R	700	Rx hosp—chemo	
R	710	Rx hosp—hormone	
R	720	Rx hosp—BRM	
R	730	Rx hosp—other	
RH	746	Rx hosp—surg site 98-02	dx 2002
RH	747	Rx hosp—scope reg 98-02	dx 2002
RH	748	Rx hosp—surg oth 98-02	dx 2002
R	759	SEER sum stage 2000	dx 2001-2003
R	760	SEER sum stage 1977	dx 2000
RH*	780	EOD—tumor size	dx 2003
R	820	Regional nodes positive	
R	830	Regional nodes examined	
R	1060	TNM edition number	
R	880	TNM path T	
R	890	TNM path N	
R	900	TNM path M	
R	910	TNM path stage group	
R	920	TNM path descriptor	
R	940	TNM clin T	
R	950	TNM clin N	
R	960	TNM clin M	
R	970	TNM clin stage group	
R	980	TNM clin descriptor	
RH*	1150	Tumor marker 1	dx 2002
RH*	1160	Tumor marker 2	dx 2002
RH*	1170	Tumor marker 3	dx 2002
R*	1182	Lymph-vascular invasion	dx 2010 & later
R	2800	CS tumor size	dx 2004 & later
R	2810	CS extension	dx 2004 & later
R	2820	CS tumor size/ext eval	dx 2004 & later
R	2830	CS lymph nodes	dx 2004 & later
R	2840	CS lymph nodes eval	dx 2004 & later
R	2850	CS mets at dx	dx 2004 & later
R	2860	CS mets eval	dx 2004 & later
R	2851	CS mets at dx-bone	dx 2010 & later
R	2852	CS mets at dx-brain	dx 2010 & later
R	2853	CS mets at dx-liver	dx 2010 & later
R	2854	CS mets at dx-lung	dx 2010 & later
R	2880	CS site-specific factor 1	dx 2004 & later
R	2890	CS site-specific factor 2	dx 2004 & later
R	2900	CS site-specific factor 3	dx 2004 & later
R	2910	CS site-specific factor 4	dx 2004 & later
R	2920	CS site-specific factor 5	dx 2004 & later
R	2930	CS site-specific factor 6	dx 2004 & later
R	2861	CS site-specific factor 7	dx 2010 & later
R	2862	CS site-specific factor 8	dx 2010 & later
R	2863	CS site-specific factor 9	dx 2010 & later
R	2864	CS site-specific factor 10	dx 2010 & later
R	2865	CS site-specific factor 11	dx 2010 & later

# Official Notices

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R	2866	CS site-specific factor 12	dx 2010 & later
R	2867	CS site-specific factor 13	dx 2010 & later
R	2868	CS site-specific factor 14	dx 2010 & later
R	2869	CS site-specific factor 15	dx 2010 & later
R	2870	CS site-specific factor 16	dx 2010 & later
R	2871	CS site-specific factor 17	dx 2010 & later
R	2872	CS site-specific factor 18	dx 2010 & later
R	2873	CS site-specific factor 19	dx 2010 & later
R	2874	CS site-specific factor 20	dx 2010 & later
R	2875	CS site-specific factor 21	dx 2010 & later
R	2876	CS site-specific factor 22	dx 2010 & later
R	2877	CS site-specific factor 23	dx 2010 & later
R	2878	CS site-specific factor 24	dx 2010 & later
R	2879	CS site-specific factor 25	dx 2010 & later
R	2937	CS version input current	dx 2004 & later
R	2935	CS version input original	dx 2004 & later
R	1270	Date 1st crs rx CoC	
R	1271	Date 1st crs rx CoC flag	
R	1200	Rx date surgery	
R	1201	Rx date surgery flag	
R	3170	Rx date mst defn srg	dx 2003 & later
R	3171	Rx date mst defn srg flag	dx 2003 & later
R	1210	Rx date radiation	
R	1211	Rx date radiation flag	
R	3230	Rx date systemic	
R	3231	Rx date systemic flag	
R*	1220	Rx date chemo	
R*	1221	Rx date chemo flag	
R*	1230	Rx date hormone	
R*	1231	Rx date hormone flag	
R*	1240	Rx date BRM	
R*	1241	Rx date BRM flag	
R	1250	Rx date other	
R	1251	Rx date other flag	
R	1285	Rx sum-treatment status	dx 2010 & later
R	1290	Rx sum—surg prim site	
R	1292	Rx sum-scope reg LN sur	
R	1294	Rx sum—surg oth reg/dis	
R*	1296	Rx sum-reg LN examined	dx 1998-2002
R	1340	Reason for no surgery	
R*	1360	Rx sum—radiation	
R	1380	Rx sum—surg/rad seq	
R	3250	Rx sum—transplnt/endocr	
R	1390	Rx sum—chemo	
R	1400	Rx sum—hormone	
R	1410	Rx sum—BRM	
R	1420	Rx sum—other	
R	1430	Reason for no radiation	
R	1460	Rx coding sys—current	
R	1550	Rad—location of rx dx 2003 & later	
R	1570	Rad—regional rx modality	dx 2003 & later
R	3200	Rad—boost rx modality	dx 2003 & later
R	1639	Rx sum—sys surg seq	dx 2006 & later
R*	1640	Rx sum—surgery type	dx 1997

## Official Notices

RH	1646	Rx sum—surg site 98-02	dx 2002
RH	1647	Rx sum—scope reg 98-02	dx 2002
RH	1648	Rx sum—surg oth 98-02	dx 2002
R	1960	Site (73-91) ICD-O-1	dx 1991
R*	1971	Histology(73-91) ICD-O-1	dx 1991
R*	1972	Behavior(73-91) ICD-O-1	dx 1991
RH	1980	ICD-O-2 conversion flag	dx 2000
R	2140	CoC coding sys—current	
R	2150	CoC coding sys—original	
R	2170	Vendor name	
R	2090	Date case completed	
R	2116	ICD-O-3 conversion flag	
R	1750	Date of last contact	
R	1751	Date of last contact flag	
R	1760	Vital status	
R	1810	Addr current—city	
R	1820	Addr current—state	
R	1830	Addr current—postal code	
R	1840	County—current	
R	1860	Recurrence date—1st	
R	1861	Recurrence date—1st flag	
R	1880	Recurrence type—1st	
R	2220	State/requestor items	
		“Managing MD last name”	col 2340-2359
		“Managing MD 1st name”	col 2360-2374
		“Managing MD M I”	col 2375-2375
		“Followup MD Last Name”	col 2376-2395
		“Followup MD 1st name”	col 2396-2410
		“Followup MD M I”	col 2411-2411
		“Patient identification number”	S/W -spec pt ID # if other than accession #, col 2412-2426, or accession #
R	2230	Name—last	
R	2240	Name—first	
R	2250	Name—middle	
R*	2280	Name—alias	
R	2390	Name—maiden	
R	2300	Medical record number	
R	2320	Social security number	
R	2330	Addr at dx—no & street	
R	2335	Addr at dx—supplementl	
R	2350	Addr current—no & street	
R*	2355	Addr current-supplementl	
R*	2360	Telephone	
R	2415	NPI—Inst referred from	dx 2007 & later
R	2410	Institution referred from	
R	2425	NPI—Inst referred to	dx 2007 & later
R	2420	Institution referred to	
R*	2465	NPI—physician—managing	dx 2007 & later
R	2460	Physician—managing	
R*	2475	NPI—physician—follow-up	dx 2007 & later
R	2470	Physician—follow-up	
R*	7010	Path reporting fac ID 1	dx 2010 & later
R*	7090	Path report number 1	dx 2010 & later

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R*	7320	Path date spec collect 1	dx 2010 & later
R*	7480	Path report type 1	dx 2010 & later
R*	7190	Path ordering fac no 1	dx 2010 & later
R*	7100	Path order phys lic no 1	dx 2010 & later
R*	7011	Path reporting fac ID 2	dx 2010 & later
R*	7091	Path report number 2	dx 2010 & later
R*	7321	Path date spec collect 2	dx 2010 & later
R*	7481	Path report type 2	dx 2010 & later
R*	7191	Path ordering fac no 2	dx 2010 & later
R*	7101	Path order phys Lic no 2	dx 2010 & later
R*	7012	Path reporting fac ID 1	dx 2010 & later
R*	7092	Path report number 3	dx 2010 & later
R*	7322	Path date spec collect 3	dx 2010 & later
R*	7482	Path report type 3	dx 2010 & later
R*	7192	Path ordering fac no 3	dx 2010 & later
R*	7102	Path order phys lic no 3	dx 2010 & later
R*	7013	Path reporting fac ID 4	dx 2010 & later
R*	7093	Path report number 4	dx 2010 & later
R*	7323	Path date spec collect 4	dx 2010 & later
R*	7483	Path report type 4	dx 2010 & later
R*	7193	Path ordering fac no 4	dx 2010 & later
R*	7103	Path order phys lic no 4	dx 2010 & later
R*	7014	Path reporting fac ID 5	dx 2010 & later
R*	7094	Path report number 5	dx 2010 & later
R*	7324	Path date spec collect 5	dx 2010 & later
R*	7484	Path report type 5	dx 2010 & later
R*	7194	Path ordering fac no 5	dx 2010 & later
R*	7104	Path order phys lic no 5	dx 2010 & later
R*	2520	Text—dx proc—PE	
R*	2530	Text—dx proc—X-ray/scan	
R*	2540	Text—dx proc—scopes	
R*	2550	Text—dx proc—lab tests	
R*	2560	Text—dx proc—op	
R*	2570	Text—dx proc—path	
R*	2580	Text—primary site title	
R*	2590	Text—histology title	
R*	2600	Text—staging	
R*	2610	Rx text—surgery	
R*	2620	Rx text—radiation (beam)	
R*	2630	Rx text—radiation other	
R*	2640	Rx text—chemo	
R*	2650	Rx text—hormone	
R*	2660	Rx text—BRM	
R*	2670	Rx text—other	
R*	2680	Text—remarks	
R*	2690	Text—place of diagnosis	

This notice is published pursuant to Minnesota Rule 4606.3304 subpart 1a, which requires publication of a list of the data items to be reported under part 4606.3303 subpart 1.

Written comments and requests for information may be sent to:

Sally Bushhouse, DVM, MPH, PhD, Director  
Minnesota Cancer Surveillance System  
Minnesota Department of Health

85 E. 7th Place  
P.O. Box 64882  
St. Paul, Minnesota 55164-0882

## **Department of Labor and Industry (DLI) Labor Standards Unit Notice of Correction to Highway Heavy Prevailing Wage Rates**

Corrections have been made to the Highway Heavy Prevailing Wage Rates certified 10/29/2012, for Group 6 (**Labor Codes 387 through 397**) in Region 2.

Copies with the corrected certified wage rate for this Region may be obtained by writing the Minnesota Department of Labor and Industry, Prevailing Wage Section, 443 Lafayette Road North, St. Paul, Minnesota 55155-4306, or by calling (651) 284-5091, or accessing our web site at [www.dli.mn.gov](http://www.dli.mn.gov). Charges for the cost of copying and mailing are \$.25 per page for the first 100 pages, \$.65 per page after that. Make check or money order payable to the State of Minnesota.

Ken B. Peterson, Commissioner  
Department of Labor and Industry

## **Minnesota Department of Natural Resources (DNR) Division of Fish and Wildlife REQUEST FOR COMMENTS on Possible Amendments to and Repeal of Rules Governing Fishing Regulations and Aquatic Plant Requirements, *Minnesota Rules*, Chapters 6212, 6262, 6264, 6266, and 6280**

**Subject of Rule.** The Minnesota Department of Natural Resources (DNR) requests comments on its possible amendments to and repeal of rules governing various fishing regulations. The proposed rules would: make changes related to trout angling in southeastern Minnesota; repeal obsolete rules; make changes to improve consistency in trout fishing regulations and other fishing regulations on border waters; propose changes in fishing seasons for some species; make changes due to statutory changes; and make the specific changes described below.

### **Licenses and Permits**

Repeal obsolete rules in Chapter 6212, subparts 6212.0100 through 6262.1300 due to the development and implementation of the electronic licensing system. These rules are either no longer pertinent to the sale of a license, or are covered in Chapter 6213.

### **Fishing Regulations and Requirements**

- Remove the barbless hook gear restrictions on all designated trout streams and seasons in southeast.
- Clarify the regulations regarding gear restrictions (artificial and flies only) for southeast Minnesota trout streams.
- Extend the current southeast winter season to all designated trout streams in southeast Minnesota
- Allow catch-and-release angling on designated trout streams in some southeast Minnesota State Parks from October 15<sup>th</sup> to December 31<sup>st</sup>.
- Extend the current southeast Minnesota fall catch-and-release season to October 15<sup>th</sup>.
- Consider opening lakes for trout fishing that are currently closed to winter fishing.
- Consider adding regulations to manage smelt harvest on Grindstone Lake in Pine County.
- Add or delete lakes listed as open to whitefish and cisco netting, specifically open Spring Lake in Itasca County (near Spring Lake, Minnesota).
- Consider prohibiting the taking of flathead catfish during the winter.

# Official Notices

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- Consider other water bodies for catch-and-release seasons for sturgeon.
- Clarify the rule or make them consistent with other laws.
- Change or add to existing fishing regulations to reflect recently enacted statute changes, make other existing emergency rules permanent, or eliminate obsolete or redundant rules.

## Border Waters

- Changes in spearing rules and clarifications of angling rule for South Dakota border waters.
- Changes in regulations for the Minnesota border waters to make them consistent between the states, especially those that are now different on the Iowa and Wisconsin borders.
- Changes in regulations on the Canadian border to either make them consistent with inland regulations or standardize opening dates for specific water bodies, including walleye on Basswood Lake in Lake County.

## Aquatic Plants

- Eliminate obsolete or redundant rules that are part of the standards for aquatic plant management permit issuance regarding lotus protection.

**Persons Affected.** The rules may affect anglers, whitefish and cisco netters, and people who fish for trout. Individuals and businesses, such as resorts, motels, stores, and guides that provide goods or services to anglers may also be affected. Individuals and businesses that use or own property on or bordering Minnesota waters may be affected. The public and businesses that receive aquatic plant permits might be affected.

**Statutory Authority.** The adoption of the rules is authorized in general by *Minnesota Statutes*, section 97A.045, subs. 1, 2, 3, 4 and 5, that describes the general powers and duties of the commissioner of natural resources to protect wild animals, modify seasons, regulate boundary waters, and prescribe permits and licenses; and *Minnesota Statutes*, section 97A.501, subs. 1 and 2, that authorizes the Department to regulate the taking, buying, selling, transporting, and possession of protected wild animals and endangered species. Other statutory authorities specific to the areas being considered for changes are as follows:

*Minnesota Statutes*, sections 14.05; 14.3895; 97C.205 (b); 97C.401; 97C.345, subd. 5; 97C.411; 97C.415; 97C.395; 97C.041; 97C.325; 97C.371; 97C.375; 97C.001; 97C.005; 97C.805, subd. 1; and 103G.615.

**Public Comment.** Interested persons or groups may submit comments or information on these possible rules in writing or orally until 4:30 p.m. on Monday, February 11, 2013. The DNR does not anticipate appointing an advisory committee to comment on the possible rules.

**Rules Drafts.** The DNR has not yet prepared a draft of the possible rules amendments or repeals and does not anticipate that a draft of the rules will be available before the publication of the proposed rules.

**Agency Contact Person.** Written or oral comments, questions, requests to receive a draft of the rules when it has been prepared, and requests for more information on these possible rules should be directed to:

Linda Erickson-Eastwood  
Department of Natural Resources  
500 Lafayette Road, Box 20  
St. Paul, Minnesota 55155-4020  
**Telephone:** (651) 259-5206  
or 1-888-MINNDNR  
**TTY** users may call the Department at (651) 296-5484 or 1-800-657-3929.

**Alternative Format.** Upon request, this information can be made available in an alternative format, such as large print, braille, or audio. To make such a request, please contact the agency contact person at the address or telephone number listed above.

**NOTE:** Comments submitted in response to this notice will be considered in drafting rules, but comments submitted in response to this notice will not be included in the formal rulemaking record when a proceeding to adopt rules is started. .

Dated: December 3, 2012

Tom Landwehr, Commissioner  
Department of Natural Resources

**Board of Nursing****Notice of Meetings of the Minnesota Board of Nursing**

**NOTICE IS HEREBY GIVEN** that the February - December 2013 meetings of the Minnesota Board of Nursing have been scheduled at 8:30 a.m., at 2829 University Avenue SE, 4<sup>th</sup> Floor, Conference Rooms A & B, Minneapolis, Minnesota on the following dates:

February 7, 2013  
April 4, 2013  
June 6, 2013  
August 1, 2013  
October 3, 2013  
December 5, 2013

A portion of each meeting is review of disciplinary cases and is closed to the public.

For details about time of the open meeting, the agenda or other information, please call (612) 617-2297.

**Minnesota Public Utilities Commission (PUC)****REQUEST FOR COMMENTS on Possible Amendments to Rules Governing Certificates of Need and Site and Route Permits for Large Electric Power Plants and High-Voltage Transmission Lines, *Minnesota Rules*, Chapters 7849 and 7850; and to Rules Governing Notice Plan Requirements for High-Voltage Transmission Lines, *Minnesota Rules*, part 7829.2550; Revisor's ID Number R-04151; PUC Docket No. E,ET,IP-999/R-12-1246**

**Subject of Rules.** The Minnesota Public Utilities Commission requests comments on possible amendments to two rule chapters governing large electric power plants and high-voltage transmission lines: Chapter 7849 and Chapter 7850. The Commission also intends to move the notice plan requirements for high-voltage transmission lines contained in Minn. R., part 7829.2550 into Chapter 7849. The Commission is considering rule amendments to streamline and enhance the effectiveness and efficiency of both processes. The Commission aims to align the procedures of both rule chapters to the extent feasible, to clarify the structural framework of the processes, to resolve inherent timing conflicts, to maximize citizen participation, and to incorporate new statutory criteria required for demonstrating that a project is needed.

**Persons Affected.** The rule amendments would likely affect anyone who is a party to or participant in a certificate of need proceeding or a siting or routing proceeding, as well as landowners, tribal governments, local units of government, counties, and others affected by a proposed project.

**Statutory Authority.** *Minnesota Statutes* § 216A.05, subd.1 gives the Commission general rulemaking authority. *Minnesota Statutes* § 216B.243, subd. 1, authorizes the Commission to adopt rules governing the certificate of need process. And *Minnesota Statutes* § 216E.16 authorizes the Commission to adopt rules governing the siting and routing process.

**Public Comment.** Interested persons or groups may submit comments or information on these possible rules in writing until 4:30 p.m. on Thursday, January 24, 2013. The Commission will not publish a notice of intent to adopt the rules until more than 60 days have elapsed from the date of this request for comments. Please refer to PUC Docket No. E,ET,IP-999/R-12-1246 in your comments. You may also electronically file your comments using the Commission's electronic filing system located at: <https://www.edockets.state.mn.us/EFiling>.

**Advisory Committee.** The Commission plans to appoint an advisory committee under *Minnesota Statutes* §14.101 to comment on the possible rules. Persons interested in serving on the advisory committee should include a request to do so in their comments.

# Official Notices

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**Rules Drafts.** The Commission has not yet drafted the possible rule amendments.

**Agency Contact Person.** Written comments, questions, and requests for more information on these possible rules should be directed to: Kate Kahlert, Staff Attorney, Public Utilities Commission, 121 Seventh Place East, Suite 350, Saint Paul, Minnesota 55101-2147; **telephone:** (651) 201-2239, **fax:** (651) 297-7073; and **e-mail:** [kate.kahlert@state.mn.us](mailto:kate.kahlert@state.mn.us). **TTY** users may call the Commission at 1-800-627-3529.

**Alternative Format.** Upon request, this information can be made available in an alternative format, such as large print, braille, or audio. 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 if and 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 submit 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.

## Minnesota Racing Commission REQUEST FOR COMMENTS on Possible Amendment to Rules Governing Horse Racing, *Minnesota Rules*, 7895 Breeders' Fund

**Subject of Rules.** The Minnesota Racing Commission requests comments on its possible amendment to rules governing Breeders' Fund distribution. The Commission is considering rule amendments that would change the division of the distribution of money available from the breeders' fund for the Quarter Horse breed category. It would also redefine and expand eligibility.

**Persons Affected.** The amendment to the rules would likely affect the horse owners and breeders.

**Statutory Authority.** *Minnesota Statutes*, sections 240.03, 240.18, authorize the Racing Commission to amend rules which affect the integrity of racing or the public health, welfare, or safety, and rules governing the distribution of the Breeders' Fund.

**Public Comment.** Interested persons or groups may submit comments or information on these possible rules in writing or orally until further notice is published in the *State Register* that the Commission intends to adopt or to withdraw the rules. The Thoroughbred Breeders Fund Advisory Committee appointed by the Commission proposed and unanimously recommends that this change to rule be adopted.

**Rules Drafts.** The Commission has prepared a draft of the possible rule amendment. It is available on the Commission website at [www.mrc.state.mn.us](http://www.mrc.state.mn.us).

**Agency Contact Person.** Written or oral comments, questions, requests to receive a draft of the rules, and requests for more information on these possible rule changes should be directed to:

Marlene Swanson, Rules Coordinator  
Minnesota Racing Commission  
P. O. Box 630  
Shakopee, MN 55379  
**Phone:** (952) 496-7950  
**Fax:** (952) 496-7954  
**E-mail:** [marlene.swanson@state.mn.us](mailto:marlene.swanson@state.mn.us)  
**TTY** users may call the Commission 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 if and 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: 27 November 2012

Marlene B. Swanson  
Minnesota Racing Commission

### **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 (“MnDOT”) has ordered that the following vendors be suspended for a period of sixty (60) days, effective November 30, 2012 until January 29, 2013:

- Marlon Louis Danner and his affiliates, South St. Paul, MN
- Danner, Inc. and its affiliates, South St. Paul, MN
- Bull Dog Leasing, Inc. and its affiliates, Inver Grove Heights, MN
- Danner Family Limited Partnership and its affiliates, South St. Paul, MN
- Ell-Z Trucking, Inc. and its affiliates, South St. Paul, MN
- Danner Environmental, Inc. and its affiliates, South St. Paul, MN

#### **NOTICE OF DEBARMENT**

**NOTICE IS HEREBY GIVEN** that the Department of Transportation (“MnDOT”) 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

**NOTICE IS HEREBY GIVEN** that the Department of Transportation (“MnDOT”) has ordered that the following vendors be debarred for a period of three (3) years, effective March 25, 2011 until March 25, 2014:

- Philip Joseph Franklin, Leesburg, VA
- Franklin Drywall, Inc. and its affiliates, Little Canada, MN
- Master Drywall, Inc. and its affiliates, Little Canada, MN

*Minnesota Statute* 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 to a relative or any other party over whose actions the debarred person exercises substantial influence or control, remains ineligible during the duration 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.

## Grant Funds and Loans

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 \$10.20 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 **phone:** (651) 297-8777, or **fax:** (651) 297-8260, or **e-mail:** [loretta.diaz@state.mn.us](mailto:loretta.diaz@state.mn.us)

## Minnesota Department of Human Services (DHS)

### Alcohol and Drug Abuse Division

### Notice of Request for Proposals for Innovative Service Models for Chronically Substance Dependent and Homeless Populations

This request is to provide case management and support services using an innovative model approach for individuals with chronic substance dependence that are homeless. Funds are made available through the Federal Block Grant.

**NOTICE IS HEREBY GIVEN** that the Minnesota Department of Human Services is requesting proposals to qualified responders and makes available \$800,000 State Fiscal Year (SFY) 2013 (July 1, 2013 to June 30, 2014) and \$800,000 for State Fiscal Year 2014 (July 1, 2014 to June 30, 2015).

Work is proposed to start July 1, 2013. To obtain a complete copy of the Request for Proposal, the RFP can be viewed by visiting the Minnesota Department of Human Services RFP web site: [http://www.dhs.state.mn.us/main/id\\_000102](http://www.dhs.state.mn.us/main/id_000102) click on Alcohol and Drug Abuse Division on the left of the page then click Grants and RFP's. Scroll down until you find the correct RFP.

For more information regarding this RFP, Dianne Wilson is the only person designated to answer questions by potential responders regarding this request.

Dianne Wilson, Grants Consultant  
Alcohol and Drug Abuse Division  
540 Cedar Street, St. Paul, MN 55101  
**Phone:** (651)431-2024  
**Fax:** (651) 651-431-7449  
**E-mail:** [dianne.c.wilson@state.mn.us](mailto:dianne.c.wilson@state.mn.us)

Responders' Conference will be held on **December 21<sup>st</sup> 2012, at 2:00-4:00 PM Central Time** at 540 Cedar Street, St. Paul, MN. 55101.

Proposals submitted in response to this Request for Proposals must be received at:

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## State Grants & Loans

444 Lafayette Road North, St. Paul, MN 55155 no later than **4:00 p.m., Central Time, January 18, 2013**. **Late proposals will not be considered.** Faxed or e-mailed proposals will **not** be considered.

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

### State Contracts

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

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

**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.

### On-going State Contracts

The state spends \$2-3 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 \$10.20 each 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**
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Subscriptions cost \$180 a year (an \$80 savings). It's all E-MAILED to you, at end-of-day on Friday, instead of waiting for the non-subscriber's issue released on Monday. Contact Loretta J. Diaz, our subscriptions manager, at (651) 297-8777, or **fax:** (651) 297-8260, or **e-mail:** [loretta.diaz@state.mn.us](mailto:loretta.diaz@state.mn.us).

# State Contracts

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## State Department of Administration

### State Designer Selection Board Project No. 12-18

#### Notice of Availability of Request for Proposal (RFP) for Designer Selection for: Renovation of the National Guard Armory in Austin, Minnesota

The State of Minnesota, Department of Administration is soliciting proposals from interested, qualified consultants for architectural and engineering design services for the above referenced project.

A full Request for Proposals is available on the Minnesota National Guard's website <http://www.MinnesotaNationalGuard.org/rfp>.

There will **NOT** be a mandatory informational meeting prior to project shortlist. Any questions should be directed to Mr. Pat Rolph at **fax:** (320) 632-7473 or *e-mail:* [Pat.Rolph@us.army.mil](mailto:Pat.Rolph@us.army.mil) Project questions will be taken by this individual only. Questions regarding this RFP must be received by January 3, 2013 no later than 4:30 pm Central Time.

Proposals must be delivered to Kathy Grochowski, Executive Secretary, State Designer Selection Board, Real Estate and Construction Services, Room 309, Administration Building, 50 Sherburne Ave., St. Paul, MN 55155 (651) 201-2389) not later than **12:00 noon on Thursday, January 10, 2013**. Late responses will not be considered.

The Minnesota National Guard is not obligated to complete the proposed project and reserves the right to cancel the solicitation if it is considered to be in its best interest.

## State Department of Administration

### State Designer Selection Board Project No. 12-19

#### Notice of Availability of Request for Proposal (RFP) for Designer Selection for: Renovation of the National Guard Armory in Chisholm, Minnesota

The State of Minnesota, Department of Administration is soliciting proposals from interested, qualified consultants for architectural and engineering design services for the above referenced project.

A full Request for Proposals is available on the Minnesota National Guard's website <http://www.MinnesotaNationalGuard.org/rfp>.

There will **NOT** be a mandatory informational meeting prior to project shortlist. Any questions should be directed to Mr. Dennis Arntson at **fax:** (320) 632-7473 or *e-mail:* [Dennis.Arntson1@us.army.mil](mailto:Dennis.Arntson1@us.army.mil) Project questions will be taken by this individual only. Questions regarding this RFP must be received by January 7, 2013 no later than 4:30 pm Central Time.

Proposals must be delivered to Kathy Grochowski, Executive Secretary, State Designer Selection Board, Real Estate and Construction Services, Room 309, Administration Building, 50 Sherburne Ave., St. Paul, MN 55155, (651) 201-2389) not later than **12:00 noon on Monday, January 14, 2013**. Late responses will not be considered.

The Minnesota National Guard is not obligated to complete the proposed project and reserves the right to cancel the solicitation if it is considered to be in its best interest.

**Minnesota State Colleges and Universities (MnSCU)****Northland Community and Technical College****Notice of Request for Proposal for Welding Simulators for the Welding Program at Northland Community and Technical College**

**NOTICE IS HEREBY GIVEN** that Northland Community & Technical College Request for Proposal (RFP) for Welding Simulators. The vendor selected will be expected to provide simulation workstations and software that allow for simulation of welding competencies specific to the Northland Community and Technical College welding programs. To receive a copy of the full RFP, please contact Curtis Zoller either by telephone at (218) 683-8829 or e-mail at: [curtis.zoller@northlandcollege.edu](mailto:curtis.zoller@northlandcollege.edu).

Proposals are due by 5:00 p.m. central time, Monday, December 17, 2012 and are to be addressed to Shannon Jesme, Northland Community and Technical College, 1011 Highway 1 East, Thief River Falls, MN 56701. Any questions should be in the form of an RFI and directed to Curtis Zoller at e-mail: [curtis.zoller@northlandcollege.edu](mailto:curtis.zoller@northlandcollege.edu). Late responses will not be considered.

Minnesota State Colleges and Universities (MnSCU) is not obligated to complete the proposed project and reserves the right to cancel the solicitation.

**Minnesota State Colleges and Universities (MnSCU)****South Central College****Notice of Request for Proposal for an Automated Tablet/Capsul Counting System for Pharmacy Technician Program****Request for Proposal**

South Central College (hereafter SCC) is soliciting proposals for an automated tablet/capsule counting system to be used by our Pharmacy Technician Program. This equipment would be supported under the Department of Labor grant received by South Central College.

**Automated tablet/capsule counting System**

The pharmacy counting and verification system includes important advances in workflow management, order tracking and patient medication safety. This system will benefit the pharmacy technician students by introducing them to community pharmacy automation. As pharmacies become more automated it is important for the pharmacy technician student to understand how this automation works. Having this automation in the classroom ensures that the student will get hands-on experience using automation in a safe, simulated environment. The American Society of Health-System Pharmacists (ASHP) along with our program advisory board believes that it is important that our students are able to adapt to emerging technologies and new environments. This technology will help to bring together the concepts of maintaining workflow and triaging within the community pharmacy.

1. System does not need to fully interface with the QS1 pharmacy software.
2. Customized software to use within the classroom
3. Built in workflow software can be turned on/off as needed.
4. Fits on the countertop
5. Includes barcode checking, onscreen drug images, finger print scan-tracking, inventory reporting and the ability to count and verify oral solids as well as unit of use items.
6. Price should also include one year warranty, cassette adaptor for conversion to KL30 Drug image database fee and shipping and handling charges.

**BIDS:**

South Central College is requesting sealed bids on this project. Please address any questions or concerns to Anne Willaert, 1920 Lee Boulevard, North Mankato, MN 56003, and (507) 389-7217 or at: [anne.willaert@southcentral.edu](mailto:anne.willaert@southcentral.edu). The bid opening will be held on December 17th, 2012 at 10:30 am in Donna Sampson's office on the SCC North Mankato campus.

# State Contracts

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Sealed bids can be mailed to:

“Automated Tablet/Capsule Counting System”  
Attn: Donna Sampson  
South Central College  
1920 Lee Blvd  
North Mankato, MN 56003  
**E-mail:** [Donna.sampson@southcentral.edu](mailto:Donna.sampson@southcentral.edu)

## Minnesota Department of Education (MDE) Division of Special Education Request for Proposals for Development and Evaluation of Training and Coaching Content (DETCC)

### NATURE OF CONTRACT:

The Minnesota Department of Education (MDE), Division of Special Education, with federal funds from CFDA 84.027A, Special Education – Grants to States, is soliciting proposals from **individual** qualified contractors to: 1) develop content and materials related to the six (6) areas of work identified below; to be used by trainers to train and coach practitioners in the field of special education; 2) meet with department staff and other contractors who are on master work orders when necessary to align training content and 3) evaluate both the quality of the content and the effectiveness of the training delivery. This request for proposals will establish a master roster of **multiple** qualified individuals, with knowledge and skills in one (1) or more of the six areas listed below, from which the Department of Education will assign work tasks on an as-needed basis. Previously, these related areas have been managed as separate scopes of work. The department’s ability to retain the services of qualified contractors to assist the department in carrying out this work for training, coaching and evaluation materials will improve their ability for consistency in conveying information to the field of practitioners.

### DESCRIPTION OF PROJECT:

These six areas are considered to be high priority needs for Minnesota educators and other personnel serving students with disabilities, who will be the recipients of the content, training, and coaching developed through this contract. Responders will identify one or more areas of expertise they are qualified and experienced in providing. These areas include:

- Understanding Minnesota’s K-12 Academic Content Standards in English Language Arts and Mathematics for the purpose of designing standards-based Individualized Education Programs (IEPs), learning progressions/instructional sequences, and formative assessments. (see <http://education.state.mn.us/MDE/EdExc/StanCurri/K-12AcademicStandards/index.htm> for Minnesota’s Academic Content Standards)
- Using assessment data (formative/summative) to match student’s needs with placement on a learning progression in order to select the best research-based practice, accommodations/ modifications, and assistive technology.
- Developing training and coaching on the guidance and practice articulated in the *Manual for Determining Eligibility of Students with Specific Learning Disabilities*. (See <http://education.state.mn.us/MDE/EdExc/SpecEdClass/DisabCateg/SpecLearnDisab/index.html> for a copy of the manual.)
- Literacy and math research-based practices for students with mild to moderate Developmental Cognitive Disabilities, Language Impairments and Specific Learning Disabilities.
- Developing training and coaching content on School-wide Positive Behavior Interventions and Supports (SW-PBIS), as well as strategies to identify, analyze, and reduce suspensions, expulsions, and out of class time for students with challenging behaviors. (See <http://PBISMN.org> for more information).
- Using performance and evaluation data to make continuous improvements to training content, training delivery, coaching of trainers, and job aides.

Responders preparing their proposals should be aware that subcontracting out the work will not be an option that MDE will consider. However, organizations with staff interested in responding may submit a **separate** proposal from their organization on behalf of **each** staff person who would provide the services. The required proposal content, experience and qualifications, letters of recommendation must be specific to each area of expertise for the specific person from the organization that would provide the services.

Question and answer due dates are outlined in the complete solicitation.

## **ESTIMATED CONTRACT PERIOD**

The department anticipates the initial two year master contract period to run from April, 2013 through March, 2015. Selected contractors will then enter into master contracts and then master contract work orders that will outline specific work assignments for specific pay during specific work periods. The state reserves the option to extend master contracts up to an additional 3 years contingent on statewide needs, agency determination and future funding.

## **GEOGRAPHICAL LOCATION OF WORK:**

Contractors will be assigned work based on statewide needs specific to their area of expertise and availability. Work will be performed in Minnesota and involve some travel.

## **AGENCY'S ESTIMATED COST OF SERVICES:**

Responders must identify one hourly rate for their services and another hourly rate for travel time. Hourly rates must be capped at \$70 per hour for services and \$35 per hour for travel time. Contractors will be reimbursed for approved and necessary travel expenses incurred to carry out the work order tasks.

**PROPOSAL DUE DATE:** January 14, 2013, 3:30 pm, Central Time.

## **AGENCY CONTACT PERSON:**

A copy of the complete request for proposal will be available through the proposal due date from the person below by submitting a request through e-mail to:

Victoria Weinberg, Division of Special Education  
**E-mail:** [Vicki.weinberg@state.mn.us](mailto:Vicki.weinberg@state.mn.us)  
**Phone:** (651) 582-8245 (if email not functional)  
**TTY:** (651) 582-8501

# **Minnesota Department of Education**

## **Division Charter Center**

### **Request for Proposals to Contract with the Minnesota Department of Education to Establish Clear Standards for Authorizer Quality for Charter Schools**

## **NATURE OF CONTRACT:**

The Minnesota Department of Education (MDE), Division of Charter Center, is soliciting proposals from qualified contractors to establish clear standards for authorizer quality leading to increased charter school quality and performance. This will include updating MDE Charter Center's strategic plan and developing a system for gathering data to effectively evaluate authorizers as determined by school performance data and authorizer practices. Ultimately, the consultant will guide MDE through the initial renewal evaluation of Minnesota's first cohort of approved authorizers with a projected completion date of May 31, 2014.

## **ESTIMATED CONTRACT PERIOD:**

The department anticipates the contract period to run from January 1, 2013 through May 31, 2014.

**GEOGRAPHICAL LOCATION OF WORK:** St Paul, MN and surrounding areas

**AGENCY'S ESTIMATED COST OF SERVICES:** The department estimates this project will cost from \$90,000 - \$110,136.

# State Contracts

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**PROPOSAL DUE DATE:** January 14, 3:30 p.m. Central Standard Time.

**AGENCY CONTACT PERSON:**

A copy of the complete request for proposal may be requested through e-mail through the proposal due date from:

Daniel DeBruyn, Authorizer Specialist

**E-mail:** *daniel.debruyn@state.mn.us*

**Telephone:** (651) 582-8351

## Legislative Coordinating Commission (LCC) Mississippi River Parkway Commission of Minnesota (MN-MRPC) Notice of Request for Proposals for Printing and Shipping of the Minnesota Great River Road Map/Travel Planner

The Legislative Coordinating Commission (LCC), on behalf of the Mississippi River Parkway Commission of Minnesota (MN-MRPC) is requesting proposals for printing and shipping of the Minnesota Great River Road Map/Travel Planner.

The selected vendor will be responsible for printing 32,000 copies of the Minnesota Great River Road Map/Travel Planner, as well as shipping various quantities to approximately 50 different Minnesota addresses. Storage of 5,000 (out of the 32,000 printed) maps may also be needed, with shipment later to the MN-MRPC office based on usage rates.

For a copy of the full text of the RFP, please go to: <http://www.lcc.leg.mn/lcc/RFPs.htm> or contact:

Diane Henry-Wangenstein

Minnesota Legislative Coordinating Commission

Room 72 State Office Building

100 Rev. Dr. Martin Luther King, Jr. Blvd.

St. Paul, MN 55155-1298

**Phone:** (651) 296-1121 (voice)

**E-mail:** *diane.henry@lcc.leg.mn*

All proposals must satisfy the criteria as outlined in the full text of the RFP. **Proposals must be received by Friday, December 21, 2012 at 4:00 p.m. Late applications may not be accepted.** All expenses incurred in responding to this notice shall be borne by the responder.

## Minnesota Pollution Control Agency (MPCA) Notice of Request for Proposal (RFP): Costs & Benefits Analysis of School Waste Management Programs

The Minnesota Pollution Control Agency (MPCA) is requesting proposals from qualified Responders to work with the MPCA to conduct an in-depth analysis of Minnesota kindergarten -12th grade (K-12) school solid waste management programs. Tasks include developing and administering a survey instrument designed to collect waste management program information (including costs and benefits) from Minnesota K-12 schools, conducting outreach to schools to improve survey response rates, gathering and summarizing results, conducting an analysis of the results, and providing recommendations.

The MPCA has approximately \$45,000 for a contract with the Responder selected as best meeting the evaluation criteria stated in the RFP. The primary goal of this project is to gain an understanding of the costs associated with mixed municipal solid waste (MMSW) programs and the potential for net cost reduction for Minnesota K-12 schools that utilize best practices with respect to recycling and organics program operations and contracting practices.



The complete RFP, application materials, and additional information are published on the MPCA website at

<http://www.pca.state.mn.us/bkzq5a3>)

Questions about this RFP should be directed to [contracts.pca@state.mn.us](mailto:contracts.pca@state.mn.us) (Subject line: "CR 6005 K-12 Analysis").

Proposals are due **Tuesday, January 8, 2013, by 2:00 p.m. Central Time** and must be electronically submitted to: [contracts.pca@state.mn.us](mailto:contracts.pca@state.mn.us) (Subject line: "CR 6005 K-12 Analysis"). It is the Responder's sole responsibility to ensure that their electronic submittal is received by the deadline.

### **State Court Administration REQUEST FOR PROPOSALS for eCourtMN Appellate Initiative Combined Project Manager / Business Analyst**

The State of Minnesota, State Court Administrator's Office is using a competitive selection process to select a vendor to serve as the combined Project Manager / Business Analyst for the eCourtMN Appellate Initiative to move the Minnesota state appellate courts from a framework of paper files to an electronic information environment. The eCourtMN Appellate Initiative is part of the larger eCourtMN Initiative, which will result in increased productivity for judges and court staff, and ensure convenient, timely and appropriate access to court information for court users. The engagement for the Project Manager / Business Analyst is anticipated to begin on or around January 15, 2013, and end September 30, 2013, with the option to be extended past this date.

#### **Proposal Timeline:**

Posting Date:	December 10, 2012.
Questions Due:	December 14, 2012.
Answers Posted:	December 21, 2012.
Proposal Submission Deadline:	December 28, 2012, by 2:00 p.m.

Questions about this RFP or the selection process **MUST** be submitted in writing and directed to the State's sole point of contact:

Erik Reseland  
State Court Administrator's Office  
Court Services Division  
25 Rev. Dr. Martin Luther King Jr. Blvd.  
St. Paul, Minnesota 55155  
E-mail: [erik.reseland@courts.state.mn.us](mailto:erik.reseland@courts.state.mn.us)

The complete RFP can be found on the Court website: [www.mncourts.gov](http://www.mncourts.gov) under Public notices.

### **Minnesota 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 Kelly Arneson 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

# State Contracts

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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

## Minnesota 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](http://www.dot.state.mn.us/consult)

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

## Minnesota Department Of Veterans Affairs (MDVA) Notice of Availability of Contract for Minnesota Veterans Homes Attending Physician Services for the Minnesota Veterans Home Hastings

The Minnesota Department of Veterans Affairs (MDVA) requests proposals to provide physician services to the Minnesota Veterans Home Hastings (Home). The Minnesota Veterans Home Hastings is a 200 bed domiciliary, providing care to veterans and their spouses. It is located at 1200 East 18<sup>th</sup> Street, Hastings, Minnesota 55033. The selected contractor shall provide the Home residents with physician services.

Work is proposed to start after February 1, 2013.

A Request for Proposals will be available without charge, by direct mail or e-mail from this office. **A written request (by direct mail, e-mail or fax) is required to receive the Request for Proposals.**

The Request for Proposals can be obtained from:

Mark Kryzer

Minnesota Veterans Home Hastings  
Minnesota Department of Veterans Affairs  
1200 East 18<sup>th</sup> Street  
Hastings, Minnesota 55033  
**E-mail:** *mark.kryzer@state.mn.us*  
**Telephone:** (651) 438-8532  
**Fax:** (651) 438-8511

Proposals submitted in response to the Request for Proposals in this advertisement must be received at the address above no later than **December 31, 2012, 2:30 PM Central Time.**

**Late proposals will NOT be considered.** Fax or e-mailed proposals will **NOT** be considered.

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

## Non-State Public 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.

## Vendors Sought for these Projects

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).

# Non-State Public Bids, Contracts & Grants

## Minnehaha Creek Watershed District (MCWD)

### Advertisement for Bids for Installation of Riprap and Bioengineering Practice to the Shoreline and Near Shore Bluff Areas of Big Island in Lake Minnetonka

#### BIG ISLAND SHORELINE STABILIZATION

<b>Owner:</b>	<b>Three Rivers Park District</b>
<b>Class of Work:</b>	<b>Installation of riprap and bioengineering practice to the shoreline and near shore bluff areas of Big Island in Lake Minnetonka</b>
<b>Project Location:</b>	<b>Orono, Hennepin County, Minnesota</b>
<b>Pre-Bid Meeting:</b>	<b>1:00 PM, December 13, 2012</b>
<b>Bids Close At:</b>	<b>1:00 PM, December 19, 2012</b>

#### 1.1 NOTICE TO CONTRACTORS

Sealed Bid Proposals for the furnishing of all labor, materials and all other items necessary to complete the work described herewith, will be received by Minnehaha Creek Watershed District at its office located at 18202 Minnetonka Blvd., Deephaven, MN, until 1:00 PM, December 19, 2012, at which time such bids will be opened and read aloud. The work, in accordance with drawings and specifications prepared by Barr Engineering Co. consists of the following major items of work:

- Mobilization/Demobilization - Clearing & Grubbing
- Remove and Dispose of Selected Trees
- Collect and Place On-Site Trees
- Install Fieldstone Riprap (including filter fabric and granular filter)
- Install Biolog 9" diameter type 3
- Install Imported Topsoil
- Install Imported Common Fill
- Install Compost
- Install Live Stakes
- Install Fascines
- Install Erosion Control Blanket
- Install Vegetated Reinforced Soil Slope (VRSS)
- Install Native Prairie Seeding and Cover Crop
- Install Wetland Plants - 1 gallon pots
- Install Bare Root Tree - 1-inch Caliper
- Install Shrubs - # 2 Container
- Two-year maintenance agreement for vegetation

Contractors desiring a copy of the bid package, plans, specifications and proposal forms may obtain them from the offices of Minnehaha Creek Watershed District, the payment of a \$65.00 **non-refundable** fee for each bid package. Bid packages are also available for examination at the District office. All communications relative to this project should be addressed to the ENGINEER Attn: Jeff Weiss, [jweiss@barr.com](mailto:jweiss@barr.com) or (952) 832-2706 prior to opening of the Bid.

Bid Proposals shall be submitted on forms furnished for that purpose.

Each bid proposal shall be accompanied by a "Bid Security" in the form of a certified or cashier's check made payable to Minnehaha Creek Watershed District ("PROJECT MANAGER") in an amount not less than five percent (5%) of the total bid, or a surety bond in the same amount, running to the PROJECT MANAGER, with a surety company duly authorized to do business in the state of Minnesota, such Bid Security to be a guarantee that the bidder, if awarded a contract, will enter into a contract with Minnehaha Creek Watershed District; and the amount of the certified check will be retained or the bond enforced by the PROJECT MANAGER in case the bidder fails to do so. The PROJECT MANAGER will retain the deposits for the three lowest bidders until the contract has been awarded and executed but not longer than sixty (60) days. No bid may be withdrawn for a period of sixty (60) days following the bid opening.

A **MANDATORY** PRE-BID meeting will be held at the Minnehaha Creek Watershed District office at 1:00 pm on December 13, 2012.

The bid of the lowest responsible bidder is intended to be accepted on or before the expiration of sixty (60) days after the date of the opening of bids. The OWNER and PROJECT MANAGER, however, reserve the right to reject any or all bids and to wave any minor

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# Non-State Public Bids, Contracts & Grants

irregularities, informalities or discrepancies, and further reserve the right to award the contract in the best interest of Three Rivers Park District and Minnehaha Creek Watershed District.

Dated: December 3, 2012

## Minnesota Sports Facilities Authority Advertisement for Qualifications and Proposals for Construction Management Services and Related Stadium Infrastructure

1. **Proposals** – Submit qualifications and indication of interest in response to a Request for Proposals issued by the Minnesota Sports Facilities Authority – Construction Management Services, Minneapolis, Minnesota, to Steven C. Maki, Director of Facilities, at the Minnesota stadium and to Don Becker, Project Executive for Minnesota Vikings Football, LLC on or before 4:00 pm CST, on December 20, 2013. Proposals by shortlisted firms will be due on or before 4:00pm CST on January 11, 2013.
2. **Work Includes** – Provide construction management services for a new stadium and related stadium infrastructure that will serve as a venue for professional football and a broad range of other civic, community, athletic, educational, cultural, and commercial activities.
3. **Pre-Proposal Meeting** – A pre-proposal meeting will be held on January 4, 2013, at 1:00 pm CST in the Authority's Halsey Hall Room. It is mandatory that prime proposers attend the meeting.
4. **Examining Documents** – Documents will be available for review, at the office of the MSFA, 900 South 5<sup>th</sup> Street, Minneapolis, MN and on the website, MSFA.com after December 6, 2012
5. **Obtaining Documents** – Proposers may obtain a copy of documents after December 6, 2012, from the Authority, at the MSFA office, 900 South 5<sup>th</sup> Street, Minneapolis, MN 55415.
6. **Affirmative Action** – All proposers, applicants, prime contractors and prospective subcontractors will be subject to a pre-award compliance review to ensure the employment of minorities, women and disabled persons.

The Minnesota Sports Facilities Authority in conjunction with Minnesota Vikings Football, LLC reserves the right to reject any and all proposals and to waive any informalities in any proposals received without explanation.

Ted Mondale, CEO/Executive Director  
Minnesota Sports Facilities Authority

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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

**PREPAYMENT REQUIRED. Prices and availability subject to change.**

**Fax and phone orders:** Credit card purchases ONLY (American Express/Discover/MasterCard/VISA). Please allow 1-2 weeks for delivery. **Mail orders:** Complete order blank and send to address above. Enclose check or include credit card information. Please allow 4-6 weeks for delivery. Please make checks payable to "Minnesota's Bookstore." A \$20.00 fee will be charged for returned checks.

Stock No.	Title	Quantity	Unit Price	Total

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Name \_\_\_\_\_

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City ( ) State Zip \_\_\_\_\_

Daytime phone (In case we have a question about your order) \_\_\_\_\_

Credit card number: \_\_\_\_\_

Expiration date: \_\_\_\_\_ Signature: \_\_\_\_\_

**Shipping Charges**

<i>If Product</i>	<i>Please</i>
<i>Subtotal is:</i>	<i>Add:</i>
Up to \$15.00	\$ 5.00
\$15.01-\$25.00	\$ 6.00
\$25.01-\$50.00	\$ 9.00
\$50.01-\$100.00	\$ 14.00
\$100.01-\$1,000	\$ 17.00*
*\$17 to an address in MN, WI, SD, ND, IA. If delivered to an address in other states, Canada or internationally, we will contact you if there are additional charges.	
More than \$1,000	Call

Product Subtotal \_\_\_\_\_

Shipping \_\_\_\_\_

Subtotal \_\_\_\_\_

Sales tax \_\_\_\_\_

*(6.875% sales tax if shipped to MN address, 7.625% if shipped to St. Paul address. 7.125% MN transit tax or other local sales tax if applicable)*

**TOTAL** \_\_\_\_\_

If tax exempt, please provide ES number or completed exemption form.  
ES# \_\_\_\_\_