

Minnesota State Register

(Published every Monday (Tuesday when Monday is a holiday.)



**Proposed, Adopted, Emergency, Expedited, Withdrawn, Vetoed Rules;
Executive Orders; Appointments; Commissioners' Orders; Revenue Notices;
Official Notices; State Grants & Loans; State Contracts;
Non-State Public Bids, Contracts & Grants**

Monday 30 December 2013

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Minnesota State Register

Judicial Notice Shall Be Taken of Material Published in the *Minnesota State Register*

The *Minnesota 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. It 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- Withdrawn Rules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. 38 Issue Number	PUBLISH DATE (BOLDFACE shows altered publish date)		Deadline for: all Short Rules, Executive and Commissioner's Orders, Revenue and Official Notices, State Grants, Professional-Technical-Consulting Contracts, Non-State Bids and Public Contracts		Deadline for LONG, Complicated Rules (contact the editor to negotiate a deadline)	
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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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Secretary of State

8200.2900; .3200; .3600; .5100; .5400; .5500; .5710; .9300; .9940; 8205.1050; .3000; .3200; 8210.0200; .0500; .0600; .2200; .2300; .2400; .2450; .2500; .3000; 8230.4050; .4355; .4365; .4375; .4380; .4385; 8235.0200; .0300; .1200; 8250.0200; .0375; .0385; .1810 (proposed).....	703
8200.5100 s.4; 9300 s.11; 8240.2850; 8250.0100; .0300; .0350; .0365; .0370; .0375 s. 2; .0390; .0395; .0397; .0398; .0400; .0500; .0600; .0800; .0900; .1000; .1100; .1200 (proposed repealer).....	703

Human Services Department

9505.0390; .0391; .0412 (adopted).....	246
9533.0010; .0020; .0030; .0040; .0050; .0060; .0070; .0080; .0090; .0100; .0110; .0120; .0130; .0150; .0160; .0170; .0180 (adopted).....	523

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.

Minnesota Department of Employment and Economic Development (DEED)

Adopted Exempt Permanent Rules Relating to Minnesota Job Creation Fund Policies and Procedures

The rules proposed and published at *State Register*, Volume 38, Number 22, pages 729-734, November 25, 2013 (38 SR 729), are adopted with the following modifications:

4301.0200 DEFINITIONS.

Subp. 6. **Capital investment.** "Capital investment" has the meaning given in *Minnesota Statutes*, section 116J.8748, subdivision 1, paragraph (d). Capital investment does not include costs associated with acquiring real property but does include expenditures made by a third-party business only if expenditures are reimbursed directly by the designated job creation fund business.

Subp. 15. **Retained job.** "Retained job" has the meaning given in *Minnesota Statutes*, section 116J.8748, subdivision 1, paragraph (h). If the workers formerly working at another Minnesota facility will be located in a new facility, the workers at the former facility must be counted as retained. To determine the number of retained jobs, the commissioner shall use the employment period at the time of application and during the previous 12 months.

4301.0400 APPLICATION PROCEDURES.

Subp. 2. **Application content.** The application must include the following information:

G. certification that the business will comply with *Minnesota Statutes*, sections 116J.871, ~~116J.993~~, 116J.994, and 116L.66;

4301.0600 BUSINESS SUBSIDY PROVISIONS.

Subpart 1. **Requirements.** All projects are subject to the business subsidy requirements under *Minnesota Statutes*, ~~sections 116J.993 and section~~ 116J.994.

4301.0700 CERTIFICATION AND DISBURSEMENT.

Subp. 2. ~~Retention~~ **Retained jobs projects.** If the project is a ~~retention~~ retained jobs project, a business may be certified by the commissioner to receive benefits upon receiving verification that the business has:

Expedited Emergency Rules

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

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

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

Minnesota Department of Natural Resources (DNR) Adopted Expedited Emergency Game and Fish Rules: Mukooda Lake Trout Restrictions

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

The emergency conditions that do not allow compliance with *Minnesota Statutes*, sections 97A.0451 to 97A.0459, are as follows. The lake trout population in this lake has reached such a low point that protection of the spawning stock is immediately necessary to prevent continued decline due to angler harvest. In 2014, we will initiate the normal exempt rule making process, which invites broad public input, to make the rule permanent in the spring of 2015.

Dated: December 2, 2013

Tom Landwehr, Commissioner
Department of Natural Resources

6262.0575 WATERS WITH RESTRICTIONS ON TAKING FISH.

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

[For text of subp 8, see 37 SR 675]

[For text of subps 9 to 13, see M.R.]

Subp. 14. **Mukooda Lake trout regulations.** While on or fishing in the following waters, angling for lake trout is limited to catch and release only. Any lake trout caught must be immediately returned to the water. Catch and release angling for lake trout is legal during the open season for lake trout in inland waters. It is unlawful for anyone to have in possession, regardless of where taken, any lake trout while on or fishing in these waters.

<u>Name</u>	<u>Location</u>	<u>County</u>
<u>Mukooda Lake</u>	<u>T.68, R.17, S.35</u>	<u>St. Louis</u>

EFFECTIVE PERIOD. The expedited emergency amendment to *Minnesota Rules*, part 6262.0575, subpart 14, is effective January 15, 2014.

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)

Commissioner's Order – WMA 13-002: Designation of Wildlife Management Areas

EFFECTIVE DATE: 12/19/2013
Statutory authority: *Minnesota Statutes*, section 97A.135, subdivision 1,
and
Minnesota Statutes, section 97A.145, subdivision 1
Supersedes: N/A

WHEREAS, certain lands in Minnesota, described as:

Raguet Wildlife Management Area tract 7, Carver County

All that part of the following described land lying Westerly of Highway Right-of-Way:

Government Lot five (5), section thirty-six (36), Township One Hundred Sixteen (116), Range Twenty-three (23), Carver County, Minnesota, including the accretions and relictions and all other riparian rights thereto EXCEPTING THEREFROM that part described as follows:

That part of Government Lot five (5), section thirty-six (36), Township One Hundred Sixteen (116), Range Twenty-three (23), described as follows:

Beginning at the northwest corner of Government Lot 6; thence north along the west line of section 36 aforesaid, to a point where the Shakopee Road intersects the same; thence southeasterly along the Shakopee Road to a point which is one rod due east from the west line of section 36 aforesaid; thence south parallel with the west section line aforesaid, to a point which is one rod east of the Place of Beginning; thence west one rod to the Place of Beginning; and excepting therefrom a tract conveyed to the City of Shakopee by a deed recorded in Book 9 of Deeds, page 595; and excepting therefrom tracts conveyed to or taken by the State of Minnesota.

Byholt Marsh Wildlife Management Area tract 1a, Chippewa County

That part of the South Half of the Northwest Quarter (S1/2 NW1/4) of Section Five (5), Township One hundred eighteen (118) North, Range Forty (40) West, Chippewa County, Minnesota, described as follows:

Commencing at the northwest corner of the South Half of the Northwest Quarter (S1/2 NW1/4) of said Section; thence South 01 degrees 12 minutes 34 seconds West, assumed bearing along the west line of the Northwest Quarter (NW1/4) of said Section, a distance of 460.00 feet; thence South 89 degrees 27 minutes 11 seconds East a distance of 2646.49 feet to a point on the east line of said South Half of the Northwest Quarter (S 1/2 NW1/4); thence North 00 degrees 55 minutes 34 seconds East, along said east line, a distance of 460.00 feet to the northeast corner of said South Half of the Northwest Quarter (S1/2 NW1/4); thence North 89 degrees 27 minutes 12 seconds West, along the north line of said South Half of the Northwest Quarter (S1/2 NW1/4), a distance of 2644.21 feet to the point of beginning.

Said tract contains 27.93 acres more or less and is subject to any easements of record including an existing road right of way over the westerly portion thereof.

Northern White Cedar Wildlife Management Area - tract 1, Cook County

Government Lots 1, 2, 3, 4, Section 19 and Government Lot 2, Section 20, Township 60 North, Range 2 West, in Cook County, Minnesota.

Pomroy Pastures Wildlife Management Area - tract 1, Kanabec County

The South Half of the Northwest Quarter, the North Half of the Southwest Quarter, the Northwest Quarter of the Southeast Quarter,

Commissioner's Orders

the West Half of the East Half of the Northeast Quarter, and the Southwest Quarter of the Northeast Quarter, all in Section 11,

AND

The Southwest Quarter and the Northwest Quarter in Section 13,

AND

The Southeast Quarter of the Northeast Quarter, the East Half of the Southeast Quarter, the Northwest Quarter of the Southeast Quarter, the West Half of the Northeast Quarter, the Northeast Quarter of the Southwest Quarter, the Southeast Quarter of the Southwest Quarter, and the Southeast Quarter of the Northwest Quarter in Section 14,

all in Township 41, Range 22, Kanabec County, Minnesota.

Shaokatan Wildlife Management Area tract 8, Lincoln County

All that part of the South Half of the Northeast Quarter of Section 4, Township 111 North, Range 46 West, Lincoln County, Minnesota, being more particularly described as follows:

Commencing at the southeast corner of said Northeast Quarter; thence North 89 degrees 29 minutes 06 seconds West, bearing based on Lincoln County Coordinate System, along the south line of said Northeast Quarter, a distance of 760.00 feet, to the point of beginning; thence North 00 degrees 06 minutes 42 seconds West, parallel with the east line of said Section 4, a distance of 900.00 feet; thence North 89 degrees 29 minutes 06 seconds West a distance of 1666.69 feet; thence North 00 degrees 14 minutes 29 seconds West a distance of 204.48 feet; thence North 89 degrees 29 minutes 06 seconds West a distance of 215.00 feet, to a point on the west line of said Northeast Quarter; thence South 00 degrees 14 minutes 29 seconds East, along said west line, a distance of 1104.50 feet, to the southwest corner of said Northeast Quarter; thence South 89 degrees 29 minutes 06 seconds East, along the south line of said Northeast Quarter, a distance of 1879.65 feet, to the point of beginning.

Center Creek Wildlife Management Area tract 9, Martin County

The North 20.00 feet of the North Half of the Southeast Quarter of Section 20, Township 103 North, Range 29 West, Martin County, Minnesota.

AND

The Northwest Quarter of the Southwest Quarter of Section 21, Township 103 North, Range 29 West, Martin County, Minnesota.

Klinker Wildlife Management Area tract 10, Murray County

All that Part of the North Half of Section 10, Township 107 North, Range 43 West, Murray County, Minnesota, being more particularly described as follows:

Commencing at the northwest corner of the Northwest Quarter of said Section 10; thence South 89 degrees 46 minutes 43 seconds East, bearing based on Minnesota State Plane Coordinate System Murray County Datum, along the north line of said Northwest Quarter, a distance of 945 feet, more or less, to a point on the center line of Beaver Creek, said point being the point of beginning; thence Southeasterly, along the centerline of Beaver Creek, a distance of 3857 feet, more or less, to the north line of a tract of land recorded in Book 75 of Deeds, Page 284 in the office of the County Recorder in and for said Murray County; thence North 89 degrees 53 minutes 18 seconds East, along said north line, a distance of 729 feet, more or less, to the northeast corner of said tract; thence South 26 degrees 11 minutes 41 seconds East along the east line of said tract, a distance of 554.56 feet to a point on the south line of said Northeast Quarter; thence North 89 degrees 53 minutes 18 seconds East, along said south line, a distance of 1700.74 feet to the southeast corner of said Northeast Quarter; thence North 00 degrees 29 minutes 52 seconds East, along the east line of said Northeast Quarter, a distance of 2646.00 feet to the northeast corner of said Northeast Quarter; thence South 89 degrees 47 minutes 16 seconds West, along the north line of said Northeast Quarter, a distance of 2643.04 feet, to the northwest corner of said Northeast Quarter; thence North 89 degrees 46 minutes 43 seconds West, along the north line of the Northwest Quarter, a distance of 1698 feet, more or less, to the point of beginning.

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Sandstone Wildlife Management Area tract 1, Pine County

Section 23, West Half Southeast Quarter (W1/2SE1/4), Southwest Quarter excepting the following described tract:

The North 394.35 feet of the North Half Southwest Quarter (N1/2SW1/4), and the North 394.35 feet of the North Half Southeast Quarter

Section 27, East Half (E1/2)

Section 26, West Half Northeast Quarter (W1/2NE1/4), Northwest Quarter (NW1/4), Southwest Quarter (SW1/4), Southeast Quarter (SE1/4)

Section 34, East Half (E1/2)

Section 35, all in Pine County, Minnesota

Little Jo Wildlife Management Area tract 11, Pope County

Section 28, Township 123, Range 36, Pope County, Minnesota

Dutch Charley Creek Wildlife Management Area - tract 2, Redwood County

The north half of the Northwest Quarter (N ½ NW ¼) of Section 30, Township 109 N, Range 36 West of the Fifth Principal Meridian, excepting therefrom all that part of said north half of the Northwest Quarter, lying southerly and westerly of Dutch Charley Creek.

Also the Northeast Quarter of the Southeast Quarter of the Northwest Quarter (NE ¼ SE ¼ NW ¼) of Section 30, Township 109 North, Range 36 West of the Fifth Principal Meridian.

Gora Prairie Wildlife Management Area - tract 1, Redwood County

The Southwest Quarter (SW ¼) of Section Number Twenty-nine (29) in Township One Hundred Nine (109) North of Range No. Thirty-seven (37) West of the 5th P.M. except the East 1188.00 feet of the South 220.00 feet of the SE ¼ SW ¼ thereof.

Lamberton Wildlife Management Area - tract 23, Redwood County

All that tract or parcel of land lying and being in the County of Redwood and State of Minnesota, described as follows, to wit: All the South Half of the Northwest Quarter (S1/2 NW1/4) of Section Twelve (12), Township Number One Hundred Nine (109), Range Number Thirty-seven (37).

Phyllis Voosen Wildlife Management Area - tract 1, Redwood County

All of Section Nineteen (19) in Township One Hundred Twelve (112) North, Range Thirty-eight (38) West, excepting therefrom .97 acres heretofore conveyed to the State of Minnesota by Deed recorded in Book 119 of Deeds, page 495, also excepting therefrom 76.4 acres contained in Perpetual RJM Conservation Easements recorded as Document nos. 306507 and 297786 on file in the Office of the County Recorder, Redwood County, Minnesota.

Roseau River Wildlife Management Area - tract 20, Roseau County

The North Half of the Northeast Quarter (N ½ , NE ¼), the Southeast Quarter of the Northeast Quarter (SE ¼ , NE ¼), and the Northwest Quarter (NW ¼), and the Southwest Quarter of the Northeast Quarter (SW ¼ , NE ¼), all in Section 35, Township 162 North, Range 44 West of the 5th Principal Meridian, Roseau County, Minnesota.

Ney Wildlife Management Area - tract 8, Scott County

That part of Government Lot 10 of Section 25, Township 113 North, Range 26 West, Scott County, Minnesota, lying easterly of the easterly right-of-way line of the now existing Railroad.

AND

That part of Government Lot 1 and that part of the Northwest Quarter of the Northwest Quarter and that part of the East Half of the

Commissioner's Orders

Northwest Quarter of Section 30, Township 113 North, Range 25 West, Scott County, Minnesota, lying easterly of the easterly right-of-way line of the now existing Railroad and EXCEPTING THEREFROM the North 300.00 feet of the East 20133.00 feet of the North Half of the Northwest Quarter.

Also, EXCEPTING THEREFROM the plat of AUTUMN WOOD ARBOR, on file and of record in the Scott County Recorder's Office.

Mel Roehrl Wildlife Management Area – tract 2, Stearns County

The Northwest Quarter (NW¼) of Section 4, Township 124 North, Range 35 West:

LESS AND EXCEPT:

All that part of the NW¼ of Section 4, Township 124 North, Range 35 West which lies easterly of the following described centerline of ditch: Commencing at the Northeast corner of said NW¼; thence South 89° 40' 45" West (assumed bearing) along the North line of said NW¼ a distance of 501.00 feet to said centerline of ditch and to the point of beginning of the centerline to be described; thence South 36° 24' 00" West along said centerline of ditch a distance of 57.55 feet; thence South 67° 46' 00" West a distance of 592.50 feet; thence South 65° 12' 00" West a distance of 62.50 feet; thence South 42° 00' 00" West a distance of 47.00 feet; thence South 16° 49' 00" West a distance of 35.50 feet; thence South 09° 37' 30" East a distance of 378.00 feet; thence South 29° 30' 00" East a distance of 47.00 feet; thence South 41° 42' 30" East a distance of £739.00 feet; thence South 40° 48' 00" East a distance of 48.00 feet; thence South 25° 51' 00" East a distance of 29.00 feet; thence South 00° 11' 00" East a distance of 700.00 feet; thence South 03° 23' 00" West a distance of 48.00 feet; thence South 13° 21' 00" West a distance of 43.00 feet; thence South 33° 02' 00" West a distance of 32.00 feet; thence South 40° 10' 00" West a distance of 107.50 feet; thence South 36° 19' 00" West a distance of 234.00 feet; thence South 34° 49' 00" West a distance of 52.13 feet to the South line of said NW¼ and there terminating.

Somerset Wildlife Management Area-tract 4, Steele County

The West 47 acres of the following described real estate:

The South Half of the Northeast Quarter and the East Forty rods of the South Ten rods of the Northeast Quarter of the Northeast Quarter; all in Section 29, Township 107 North, Range 20 West, excepting therefrom all that part of the following described tract:

The Southeast Quarter of the Northeast Quarter of Section 29, Township 107 North, Range 20 West; which lies within a distance of 110 feet Northeasterly and 250 feet Southwesterly of the following described line: From a point on the East and West Quarter line of said Section 29, distant 795.4 feet West of the East Quarter corner thereof, run Southeasterly at an angle of 96 degrees 35 minutes with said East and West line to be described; thence 537.9 feet to the point of beginning of the line to be described; thence running Northwesterly on the last described course for 100 feet; thence deflecting to the right on a 0 degree 30 minute curve (delta angle 5 degrees 33 minutes) for 1110 feet; thence on tangent to said curve for 800 feet and there terminating.

Together with all that part of the above described tract which lies Southwesterly of the above described strip and Northeasterly of the following described line:

From a point on the above described line distant 1148.1 feet Southeasterly of its point of termination, running Southwesterly at right angles to said above described line for 250 feet to the point of beginning of the line to be described; thence running Southerly to a point, distant 255 feet Southwesterly (when measured at right angles) from a point on the above described line, distant 1248.1 feet Southeasterly of its point of termination; thence running Southeasterly and parallel to said above described line for 300 feet and there terminating. And excepting therefrom that portion of the South Half of the Northeast Quarter lying Southwesterly of Straight River.

Together with all right of access, being the right of ingress to and from all that part of the above described tract, not acquired herein, to the main roadways of Trunk Highway No. 35, provided however that the abutting owner shall retain the right to enter an outer lane to be constructed on the Southwesterly side thereof and extending over and across said tract.

Kobliska Wildlife Management Area – Tract 2, Todd County

Commissioner's Orders

The Northwest Quarter of the Northwest Quarter, Section 4, Township 131 North, Range 32 West, Todd County, Minnesota.

Dry Sand Wildlife Management Area – Tract 5, Wadena County

The Northeast Quarter of Southwest Quarter of Section 1, Township 135 North, Range 33 West, Wadena County, Minnesota.

Pelican Lake Wildlife Management Area – Tract 24, Wright County

T. 121 N., R. 25 W., 5th P.M., Wright County, Minnesota

That portion of Section 36 described as follows:

West 16.86 chains of Government Lot 1, except the North 120 feet of the East 175 feet thereof;

Also less: Lot "A" as shown on the plat made by G.A. Eaton, recorded June 13, 1899;

Also less: That part of Government Lot 1 described as follows:

Commencing at the Northwest corner of said Government Lot 1; thence South along the West line of Government Lot 1 a distance of 644.41 feet to the point of beginning of the land to be described; thence East deflecting 90°48'39" left a distance of 345.33 feet; thence South deflecting 83°55'08" right a distance of 247.97 feet; thence West deflecting 91°17'24" right a distance of 376.85 feet to the West line of said Government Lot 1; thence North along the West line of said Government Lot 1 a distance of 278.08 feet to the point of beginning;

Also less: That part of Government Lot 1 described as follows:

Commencing at the Northwest corner of said Government Lot 1; thence East along the North line of said Government Lot 1 a distance of 930.95 feet; thence South deflecting 88°07'33" right a distance of 168.08 feet; thence East deflecting 87°30'49" left a distance of 175.10 feet; thence North deflecting 88°17'07" left a distance of 170 feet to the North line of said Government Lot 1; thence West along said North line a distance of 187.49 feet to the point of beginning.

WHEREAS, the above described lands meet the criteria as being suited for wildlife management areas;

WHEREAS, the most effective means by which such lands can be managed for wildlife production and public hunting access is designation as Wildlife Management Areas;

THEREFORE, IT IS HEREBY ORDERED, pursuant to the provisions of *Minnesota Statutes*, section 97A.135, subdivision 1, and *Minnesota Statutes*, section 97A.145, subdivision 1, the above described lands under the jurisdiction of the Minnesota Department of Natural Resources are designated as Wildlife Management Areas:

This order takes effect upon signature. A copy of this order shall be filed with the Secretary of State.

Date signed: 12/19/13

Approved by: 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, state grants and loans, and state contracts

Minnesota Department of Health (MDH)

Division of Health Policy

Notice of Adoption of Revised Rules:

Minnesota Uniform Companion Guide for the Implementation of the ASC X12N/005010X222A1 Health Care Claim: Professional (837), version 8.0;
Minnesota Uniform Companion Guide for the Implementation of the ASC X12N/005010X223A2 Health Care Claim: Institutional (837), version 8.0;
Minnesota Uniform Companion Guide for the Implementation of the ASC X12N/005010X224A2 Health Care Claim: Dental (837), version 8.0;
Minnesota Uniform Companion Guide for the Implementation of the ASC X12N/005010X221A1 Health Care Claim Payment/Advice (835), version 8.0; and
Minnesota Uniform Companion Guide for the Implementation of the ASC X12N/005010X279A1 Health Care Eligibility Benefit Inquiry and Response (270/2710), version 8.0

NOTICE IS HEREBY GIVEN that the Minnesota Department of Health (MDH) has adopted into rule version 8.0 of the Minnesota Uniform Companion Guides (MUCGs) for the implementation following ASC X12N transactions:

ASC X12N/005010X222A1 Health Care Claim: Professional (837);
ASC X12N/005010X223A2 Health Care Claim: Institutional (837);
ASC X12N/005010X224A2 Health Care Claim: Dental (837);
ASC X12N/005010X221A1 Health Care Claim Payment/Advice (835); and
ASC X12N/005010X279A1 Health Care Eligibility Benefit Inquiry and Response (270/2710).

Description of the Rules. *Minnesota Statutes*, section 62J.536, requires the Minnesota Commissioner of Health, in consultation with the Minnesota Administrative Uniformity Committee (AUC), to promulgate rules pursuant to section 62J.61 establishing and requiring group purchasers, clearinghouses, and health care providers to exchange specified health care administrative transactions electronically, using the applicable single, uniform companion guide adopted by the Commissioner of Health. Under *Minnesota Statutes*, section 62J.61, the Commissioner of Health is exempt from chapter 14, including section 14.386, in implementing sections 62J.50 to 62J.54, subdivision 3, and 62J.56 to 62J.59.

Because the Commissioner of Health has determined that it is unduly cumbersome to publish the entire text of the rules, the Commissioner is publishing this notice adopting version 8.0 (v8.0) of the above referenced MUCGs. The v8.0 rules:

- Describe the data content and other transaction specific characteristics of the transactions listed above, for use by entities subject to *Minnesota Statutes*, section 62J.536;
- Supersede all previous versions and are effective 30 days after the publication of this notice of adoption in the *State Register*;
- Are to be used in conjunction with all applicable Minnesota and federal regulations, including 45 CFR Parts 160, 162, and 164 (HIPAA Administrative Simplification, including adopted federal operating rules) and related ASC X12N and retail pharmacy specifications (ASC X12N and NCPDP implementation specifications);

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- Supplement, but do not otherwise modify, the ASC X12N and NCPDP implementation specifications in a manner that will make their implementation by users to be out of compliance; and
- Must be appropriately incorporated by reference and/or the relevant transaction information must be displayed in any companion guides provided by entities subject to *Minnesota Statutes*, section 62J.536.

Changes and Updates to Previously Adopted Rules. The versions of the above-referenced MUCGs most recently adopted into rule were published as version 6.0 (v6.0) and were posted at <http://www.health.state.mn.us/asa/rules.html>. The Commissioner of Health, in consultation with the AUC and its Technical Advisory Groups (TAGs), determined that it was necessary to make revisions to the v6.0 rules to ensure that they remained up-to-date and were as clear and useful as possible.

Proposed revised versions of the rules were published as version 7.0 (v7.0) and were announced September 23, 2013 in the *Minnesota State Register*, Volume 38, Number 13. The *State Register* notice also announced the start of a 30-day public comment period regarding the proposed revisions that concluded on October 23, 2013.

Two comments were received during the public comment period. One comment requested changes to substance abuse coding that appeared in the 837 Institutional (837I) MUCG, to incorporate modifiers as part of the coding. The other comment requested that a statement that had appeared in previous versions of the MUCGs, clarifying that use of the MUCGs does not mean that a claim will be paid, nor does it imply benefits or payment policies of payers, be added to all MUCGs.

MDH reviewed the comments with the assistance of the AUC and determined that the requested substance abuse coding change was not appropriate for the 837I transaction and would not be incorporated into v8.0 of the 837I MUCG. However, during the review, MDH determined that Table A.5.3 in the v7.0 837I and 837 Professional (837P) MUCGs required further clarification regarding two types of substance abuse coding. As a result v8.0 now being adopted into rule includes the following two changes that were not proposed in v7.0:

- Table A.5.3.b Substance Abuse Services: All Other Residential - Another billing entry was added for Treatment program, treatment component, Unit Hour and Revenue Code 0953.
- Table A.5.3.c.i – Substance Abuse Services: Outpatient Services – Claim type 837I – Revenue Code 0953 was added for Outpatient program; Treatment only.

MDH also determined that the clarifying statement that had not been included in the v7.0 MUCGs had been removed inadvertently and was incorporated as part of section 2.2 in v8.0 of the above referenced MUCGs. The statement reads: “Note: Using this Companion guide does not mean that a claim will be paid, nor does it imply payment policies of payers, or the benefits that have been purchased by the employer or subscriber.”

Modifications. In order to improve the clarity and readability of the above-referenced rules, the following modifications to version 6.0 in all of the above referenced MUCGs were proposed in v7.0 and are being adopted in v8.0 as summarized below:

The cover page has been revised to update the summary information regarding the document, including the status of the document as a proposed rule for public comment. It also includes a placeholder to indicate permission has been granted to use ASC X12 copyrighted material;

Section 1.6.2, “Document revision history,” has been updated to add information for version 7.0; and

Section 2.1, “Reference for this document,” has been updated to identify the correct source of the reference document, with “ASC X12” replacing “Washington Publishing Company.”

The following changes were proposed in the v7.0 MUCG for the ASC X12N/005010X222A1 Health Care Claim: Professional (837), and are now being adopted in v8.0:

In Section 3.2.1, “Business terminology,” the definitions other than “factoring agent” were removed because the definitions are also available in the reference document described in section 2.1;

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In Section 3.2.3, “Minnesota Requirements for Compliance” was retitled “Handling Adjustments an Appeals” to better reflect the contents and focus of the section; and

In Section 4.2, “Transaction Table,” loops that referenced definitions that were deleted from section 3.2.1 as described above were also deleted.

In Appendix A, Table A.5.1:

In the row for “Chapter 12: Physicians/Non-physician Practitioners,” the “Specific Coding Topic” for “E-visits” and “Telephone visits” were deleted as no longer accurate and no longer needed;

In the row for Chapter Number “12: Physicians/Nonphysician Practitioners,” a “Specific Coding Topic” and related instructions were added for “In-reach Community Based Coordination,” a service described in Minnesota Statutes, section 256B.0625, subd. 56;

In the row for “Chapter 15: Ambulance Services,” a “Specific Coding Topic” was added for “Community Paramedics” as described in *Minnesota Statutes*, section 256.0625, subd. 60;

In the row for Chapter Number 16: “Laboratory Screening,” a “Specific Coding Topic” and related instructions were added for “Newborn Screening” to provide clarification for reporting services;

The row for Chapter Number “31” was renamed “ANSI X12N Formats Other Than Claims or Remittance” to conform to the Medicare Claims Processing Manual;

New rows were added for Chapters 35 through 38 with their related Medicare Claims Processing Manual chapter titles to better reflect the scope and organization of the Manual. The additional rows were titled as follows:

Chapter 35, “Independent Diagnostic Testing Facility (IDTF);”

Chapter 36, “Competitive Bidding;”

Chapter 37, “Department of Veteran Affairs (VA) Claims Adjudication Services Project;”

Chapter 38, “Emergency Preparedness Fee for Service Guidelines.”

The note “Not applicable to coding guidelines” was added in each of the new rows above in the column for “*Minnesota Rule*.”

In Appendix A, Table A.5.2, “Behavioral Health Procedure Code/Modifier Combinations: For Specific Benefit Packages Unique to Minnesota Government Programs:”

Definitions were added for “Mental Health Diagnostic Assessment” and “Dialectical Behavior Therapy.”

In Appendix A, “Table A.5.3.c – Substance Abuse Services: Outpatient Services:”

The row for “Medication Assisted Treatment (MAT)” was deleted and two new rows were added, one for “Medication Assisted Therapy (MAT)” and one for “MAT – all other drugs” to conform to Minnesota Department of Human Services (DHS) specifications.

Appendix B, “K3 Segment Usage Instructions” was updated to include HIR numbers 1399 and 1065.

The following changes were proposed for the v7.0 MUCG for the ASC X12N/005010X223A2 Health Care Claim: Institutional (837) and are now being adopted in v8.0:

In Section 3.2.1, “Business terminology,” the definitions other than “factoring agent” were removed because the definitions are also available in the reference document described in section 2.1;

In Section 3.2.3, “Minnesota Requirements for Compliance” was retitled “Handling Adjustments an Appeals” to better reflect the contents and focus of the section; and

In Section 4.2, “Transaction Table,” loops that referenced definitions that were deleted from section 3.2.1 as described above were also deleted.

Official Notices

In Appendix A, Table A.5.1:

A clarifying addition was made to the “Specific Coding Topic” for “Interpreter Services” in Row 4, “Part B Hospital (Including Inpatient Hospital Part B and OPPTS).”

In the row for Chapter Number “12: Physicians/Nonphysician Practitioners” a “Specific Coding Topic” and related instructions were added for “In-reach Community Based Coordination,” a service described in *Minnesota Statutes*, section 256B.0625, subd. 56;

In the row for Chapter Number “16, Laboratory Screening” a “Specific Coding Topic” and related instructions were added for “Newborn Screening” to provide clarification for reporting services.

The row for Chapter Number “31” was renamed “ANSI X12N Formats Other Than Claims or Remittance” to conform to the Medicare Claims Processing Manual;

New rows were added for Chapters 35 through 38 with their related Medicare Claims Processing Manual chapter titles to better reflect the scope and organization of the Manual. The additional rows were titled as follows:

Chapter 35, “Independent Diagnostic Testing Facility (IDTF);”

Chapter 36, “Competitive Bidding;”

Chapter 37, “Department of Veteran Affairs (VA) Claims Adjudication Services Project;”

Chapter 38, “Emergency Preparedness Fee for Service Guidelines.”

The note “Not applicable to coding guidelines” was added in each of the new rows above in the column for “*Minnesota Rule.*”

In Appendix A, Table A.5.2, “Behavioral Health Procedure Code/Modifier Combinations: For Specific Benefit Packages Unique to Minnesota Government Programs,” definitions were added for “Mental Health Diagnostic Assessment” and “Dialectical Behavior Therapy.”

In Appendix A, “Table A.5.3.c – Substance Abuse Services: Outpatient Services” the row for “Medication Assisted Treatment (MAT)” was deleted and two new rows were added, one for “Medication Assisted Therapy (MAT)” and one for “MAT – all other drugs” in order to conform to Minnesota Department of Human Services (DHS) specifications.

The following change was proposed for the v7.0 MUCG for the ASC X12N/005010X224A2 Health Care Claim: Dental (837) and is being adopted in v8.0:

In Section 3.1, the description of Appendix B was corrected to state “Appendix B provides instructions for reporting the MNCare Tax.”

The following changes were proposed for the v7.0 MUCG for the ASC X12N/005010X221A1 Health Care Claim/Payment Advice (835) and are being adopted in v8.0.

In “Appendix A: Minnesota Crosswalk for the Claim Adjustment Reason Codes (CARC) and Claim Adjustment Group Codes, and Remittance Advice Remark Codes (RARC),” the following changes were made to Table A-1:

The row for “CARC 16” and its associated RARCs was deleted to be consistent with CORE specifications;

The CARC Description for CARC 227 in the CARC 227 row was updated and corrected; and

The following remittance advice remark codes (RARCs) were added for CARC 227, consistent with the ASC X12 Type 2 Technical Report.

M23

MA92

N49

N179

N197

N205
N245
N305
N325
N327
N329
N359
N375
N398
N399
N479
N480
N503
N504
N542
N543

Note: Definitions of the above RARC codes can be found at the website of the Washington Publishing Company, at:
<http://www.wpc-edi.com/reference/codelists/healthcare/remittance-advice-remark-codes/>

“Appendix B: Workers Compensation Reporting of Reason for a Denial or Reduction of Payment)” has been updated. Additional claim adjustment reason codes (CARCs) 16 and W3 were added to section V “Allowed CARC codes” of Appendix B.

The following change was proposed for the MUCG for the Implementation of the ASC X12N/005010X279A1 Health Care Eligibility Benefit Inquiry and Response (270/271) v7.0 and is now being adopted in v8.0:

Section 3.3., “Reporting patient financial responsibility and related benefit information,” has been updated and corrections were made to the instructions to state, “When reporting related benefit information or PFR for a component level service type code, do not report the liability at the ‘generic’ service type code level.”

In addition:

Section 1.6.2, “Document revision history,” in all the above referenced MUCGs has been updated to add information for version 8.0.

In the MUCG for the ASC X12N/005010X221A1 Health Care Claim/Payment Advice (835), “Appendix B: Workers Compensation Reporting of Reason for a Denial or Reduction of Payment),” section IV, the first paragraph has been further updated in v8.0 with the following addition: “Note: The instructions below reference CARC W1, W2, W3. These codes are being replaced with new “P” codes as follows: W1 to P12, W2 to P13, W3 to P14. Either the W codes or their corresponding P codes may be used until 7/01/2014; beginning 7/01/2014, only the appropriate P codes may be used.”

Grammatical and other minor errors have been corrected and other formatting changes were made to improve readability and accessibility.

Edward P. Ehlinger, MD, MSPH
Commissioner
P.O. Box 64975
St. Paul, MN 55164-0975

Official Notices

Minnesota Department of Health (MDH)

Public Hearing Regarding the Minnesota Department of Health Application to the Federal Department of Health and Human Services for Federal Fiscal Year 2014

Preventive Health and Health Services Block Grant Funding

The Minnesota Department of Health will sponsor a public hearing to obtain comments on the proposed uses of the Preventive Health and Health Services Block Grant funds during federal fiscal year 2014. The draft application for those funds is available for inspection upon request.

The public hearing will be conducted as part of a meeting of the State Preventive Health Advisory Committee held Wednesday, January 15, 2014 at the Minnesota Department of Health, Orville Freeman Building, 625 Robert Street North, St. Paul, MN in Meeting Room B-149. The meeting and public hearing will begin at 1 p.m. Any person or group may submit either written or oral comments at the meeting. Written comments must be submitted by noon Tuesday, January 14, 2014 to the address below.

For further information contact:

Debra Burns, Director
Office of Performance Improvement
Minnesota Department of Health
P.O. Box 64975
St. Paul, Minnesota 55164-0975
Phone: (651) 201-3873
E-mail: debra.burns@state.mn.us

Minnesota Department of Human Services (DHS)

Health Care Administration

Public Notice Regarding Changes to Payment Rates and Methodologies, and Services under the Medical Assistance Program and the MinnesotaCare Program

This notice is published pursuant to *Code of Federal Regulations*, title 42, part 447, section 205 (42 CFR § 447.205), which requires publication of a notice when there is any significant proposed change in the methods and standards for setting payment rates for Medicaid services.

Effective January 1, 2014, the Department shall include anesthesia services in the supplemental payment made to the billing professionals associated with Hennepin County Medical Center and Regions Hospital as described in Minnesota Statutes § 256B.196, subd. 2, paragraph (b).

For more information, please contact Liz Backe at 651-431-2481 or liz.backe@state.mn.us.

Metropolitan Council**Notice of Public Hearing on Seneca Interceptor Improvements Project Draft Facility Plan**

**Burnsville City Hall (Council Chambers)
100 Civic Center Parkway
Burnsville, Minnesota
Thursday, January 30, 2014
7:00 p.m.**

The Metropolitan Council will hold a public hearing to inform the public about and accept comments on its Draft Facility Plan for the Seneca Interceptor Improvements Project (MCES Project No. 808000). The Draft Facility Plan for this project, prepared by the Metropolitan Council's Environmental Services Division (MCES), outlines alternatives studied and the resulting recommendations for improving these regional sanitary sewers that are located in and serve the city of Burnsville. The sewers convey wastewater to MCES's Seneca Wastewater Treatment Plant in Eagan

The regional sewers are approximately 50 years old and extend approximately 6 miles through the city of Burnsville – along both sides of Highway 13, along the city's western border, and through the southern part of the city from the intersection of County Road 42 and Burnsville Parkway southeast to Crystal Lake. The sewer improvements will correct corrosion problems in the existing sewers, as well as add capacity in two areas of Burnsville. The improvements will be constructed in several phases from 2014 to 2016. They would include:

- Open cut construction to replace approximately 15,000 feet of regional sewers with larger-diameter sewers that will increase capacity.
- Installing a lining to create a new sewer within the existing corroded sewer for a stretch of approximately 15,000.

Copies of the Draft Facility Plan for the Seneca Interceptor Improvements Project are available for the public to review at:

- Burnsville City Hall, 100 Civic Center Parkway, Burnsville
- Burnhaven Library, 1101 W. County Road 42, Burnsville
- Metropolitan Council Public Information, 390 Robert St. N., St. Paul
- Metropolitan Council Website, www.metrocouncil.org/sewerconstructionupdates .

All interested persons are encouraged to attend the public hearing and provide comments. You also may submit comments, which must be **received** by the Metropolitan Council no later than February 10, 2014:

- Send written comments to: Tim O'Donnell at Metropolitan Council Environmental Services, 390 Robert St. N., St. Paul, MN 55101-1805
- Fax comments to: Tim O'Donnell at (651) 602-1477
- Record comments on: Metropolitan Council Public Comment Line at (651) 602-1500
- E-mail comments to: public.info@metc.state.mn.us
- Send TTY comments to (651) 291-0904

Upon request, the Council will provide reasonable accommodations to persons with disabilities at the public hearing. Please submit such requests to Tim O'Donnell via mail or fax (see above) or by phone at (651) 602-1269 before January 23, 2014.

Official Notices

Metropolitan Council

Notice of Public Hearing on St. Bonifacius Lift Station & Force Main Improvements Project Draft Facility Plan

Minnetrista Public Safety Training Facility

7651 County Road 110 W.

Minnetrista, Minnesota

Tuesday, January 28, 2014

6:30 p.m.

The Metropolitan Council will hold a public hearing to inform the public about and accept comments on its Draft Facility Plan for the St. Bonifacius Lift Station and Force Main Improvements Project (MCES Project No. 808200). The Draft Facility Plan for this project, prepared by the Metropolitan Council's Environmental Services Division (MCES), outlines alternatives studied and the resulting recommendations for improving these regional sanitary sewer facilities that are located in the city of Minnetrista and serve Minnetrista and St. Bonifacius.

The lift station and force main improvements would be constructed in 2015. They would include:

- Replacement of the lift station at or near its present location (intersection of Highland Rd. and Highway 7).
- Replacement of 22,500 feet of 12-inch-diameter force main with two 16-inch-diameter force mains at or near the existing sewer alignment (along the north side of Highway 7, beginning at Highland Rd. and extending to the east approximately one-quarter mile east of County Rd. 44).

The work will improve the integrity of these regional sanitary sewer facilities; replace facilities in excess of 40 years old; minimize system failures that could pose a threat to the environment, other community assets, public safety and health; improve system reliability; and increase capacity.

Copies of the Draft Facility Plan for the St. Bonifacius Lift Station and Force Main Improvements Project are available at:

- Minnetrista City Hall, 7701 County Road 110 W., Minnetrista
- St. Bonifacius City Hall, 8535 Kennedy Memorial Dr., St. Bonifacius
- St. Bonifacius Library, 8624 Kennedy Memorial Dr., St. Bonifacius
- Metropolitan Council Public Information, 390 Robert St. N., St. Paul
- Metropolitan Council Website, www.metrocouncil.org/environment/ESReports

All interested persons are encouraged to attend the public hearing and provide comments. You also may submit comments, which must be **received** by the Metropolitan Council no later than February 10, 2014:

- Send written comments to: Tim O'Donnell at Metropolitan Council Environmental Services, 390 Robert St. N., St. Paul, MN 55101-1805
- Fax comments to: Tim O'Donnell at (651) 602-1477
- Record comments on: Metropolitan Council Public Comment Line at (651) 602-1500
- E-mail comments to: public.info@metc.state.mn.us
- Send TTY comments to (651) 291-0904

Upon request, the Council will provide reasonable accommodations to persons with disabilities at the public hearing. Please submit such requests to Tim O'Donnell via mail or fax (see above) or by phone at (651) 602-1269 before January 21, 2014.

**Minnesota Pollution Control Agency (MPCA)
Watershed Division****Notice of Availability of the Draft Upper Minnehaha Creek Watershed Nutrient and
Bacteria TMDL Report and Request for Comment****Public Comment Period Begins:****December 30, 2013****Public Comment Period Ends:****January 30, 2014**

The Minnesota Pollution Control Agency (MPCA) is requesting comments on the draft Upper Minnehaha Creek Watershed Nutrient and Bacteria Total Maximum Daily Load (TMDL) **Report**. The draft TMDL report is available for review at:

<http://www.pca.state.mn.us/water/tmdl/tmdl-draft.html>

Following the comment period, the MPCA will revise the draft TMDL report and submit it to the U.S. Environmental Protection Agency (EPA) for approval.

A TMDL is a scientific study, conducted on waters designated as impaired, required by the federal Clean Water Act. A TMDL study calculates the maximum amount of a pollutant that a waterbody can receive and continue to meet water quality standards for designated beneficial uses. It is a process that identifies all the sources of the pollutant causing the impairment and allocates allowable loads among them. This multi-year effort results in a pollution reduction plan and engages stakeholders and the general public. An approved TMDL is followed by implementation activities for achieving the necessary reductions.

This TMDL study addresses twenty nutrient (phosphorus) impaired lakes as well as Painter Creek, which is impaired due to E. coli bacteria. Excess phosphorus in lakes leads to nuisance algae blooms which affect the desirability of water for swimming and other recreation. Presence of E. coli in streams is an indicator of possible pathogens which could be harmful to human health if ingested.

The lakes addressed in the study are as follows: Dutch (27-0181-00), East Auburn (10-0044-02), Forest (27-0139-00), Gleason (27-0095-00), Holy Name (27-0158-00), Langdon (27-0182-00), Long (27-0160-00), Minnetonka (Halsted Bay) (27-0133-09), Minnetonka (Jennings Bay) (27-0133-15), Minnetonka (Stubbs Bay) (27-0133-12), Minnetonka (West Arm) (27-0133-14), Mooney (27-0134-00), Stone (10-0056-00), Tamarack (10-0010-00), Tanager (27-0141-00), Wolsfeld (27-0157-00), Snyder (27-0108-00), School (27-0151-00), Hadley (27-0109-00) and Turbid (10-0051-00).

These waterbodies and the land area that drains to them are located in the upper portion of the Minnehaha Creek watershed in Hennepin County and Carver County. The subject waterbodies include four bays of the Lake Minnetonka system and are generally otherwise located north and west of Lake Minnetonka. The predominant source of phosphorus and bacteria to the waterbodies from the watershed is stormwater runoff from urban and developing areas as well as agricultural areas. In-lake sources of phosphorus (e.g., carp and sediment release) are also important contributors for some of the lakes. The TMDL report outlines various strategies for improving the waterbodies.

Preliminary Determination on the Draft TMDL Report: The MPCA Commissioner has made a preliminary determination to submit this TMDL report to the EPA for final approval. A draft TMDL report is available for review at the MPCA office at the address listed below, and at the MPCA Web site: *<http://www.pca.state.mn.us/water/tmdl/tmdl-draft.html>*

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

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

Written comments on the draft TMDL report must be sent to the MPCA contact person listed below and received by 4:30 p.m. on the date the public comment period ends, identified on page 1 of this notice. Suggested changes will be considered before the final TMDL report is sent to the EPA for approval.

Official Notices

Agency Contact Person. Written comments and requests for more information should be directed to:

Chris Zadak
Minnesota Pollution Control Agency
Watershed Division - Watershed Section
520 Lafayette Road North
St. Paul, MN 55155-4194
Phone: (651) 757-2837 (direct)
Minnesota Toll Free: 1-800-657-3864
Fax: (651) 297-8676
E-mail: chris.zadak@state.mn.us
TTY users may call the MPCA teletypewriter at (651) 282-5332 or 1-800-657-3864.

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

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

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

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

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

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

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

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

- (1) the Commissioner grants the petition requesting the matter be presented to the Board;
- (2) one or more Board members request to hear the matter before the time the Commissioner makes a final decision on the TMDL Report; or
- (3) a timely request for a contested case hearing is pending.

You may participate in the activities of the MPCA Board as provided in *Minnesota Rules* 7000.0650.

The written comments, requests, and petitions submitted on or before the last day of the public comment period will be considered in

the final decision on this TMDL report.

If the MPCA does not receive written comments, requests, or petitions during the public comment period, MPCA staff as authorized by the Board, will make the final decision on the draft TMDL report.

Dated: December 2013

Minnesota Department of Transportation (MnDOT) Engineering Services Division, Office of Construction and Innovative Contracting Notices of Suspension and Debarment

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 thirty (30) months, effective August 22, 2011 until February 22, 2014:

- 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 IS HEREBY GIVEN that 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

NOTICE IS HEREBY GIVEN that MnDOT has ordered that the following vendors be debarred for a period of three (3) years, effective May 6, 2013 until May 6, 2016:

- Gary Francis Bauerly and his affiliates, Rice, MN
- Gary Bauerly, LLC and its affiliates, Rice, MN
- Watab Hauling Co. and its affiliates, Rice, 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.

SEE ALSO: Office of Grants Management (OGM) at: <http://www.grants.state.mn.us/public/>

Minnesota Department of Human Services (DHS)

Continuing Care Administration

Disability Services Division

Notice of Request for Proposals to Develop Alternatives to Corporate Foster Care Living for People with Disabilities

NOTICE IS HEREBY GIVEN that the Minnesota Department of Human Services is requesting proposals from counties and/or tribes for local planning activities to develop alternatives to congregate living, specifically, but not limited to, corporate foster care, within the available level of resources for the home and community-based services waivers for people with disabilities.

Work is proposed to start March 1, 2014. For more information, or to obtain a copy of the Request for Proposal, contact:

Lori Lippert
Department of Human Services
Disability Services Division
P.O. Box 64967
444 Lafayette Road North
St. Paul, MN 551550967
Phone: (651) 431-2395
Fax: (651) 431-7563
E-mail: Lori.Lippert@state.mn.us

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

Proposals submitted in response to this Request for Proposals must be received at the address above no later than **4:00 p.m., Central Time, January 28, 2014. Late proposals will NOT be considered.** Faxed or e-mailed proposals will **NOT** be considered.

The RFP can be viewed by visiting the Minnesota Department of Human Services RFP web site:

http://www.dhs.state.mn.us/main/id_000102

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

State Contracts

In addition to the following listing of state contracts, readers are advised to check the Statewide Integrated Financial Tools (SWIFT) Supplier Portal at: <http://supplier.swift.state.mn.us> as well as the Office of Grants Management (OGM) at: <http://www.grants.state.mn.us/public/>

Informal Solicitations: Informal solicitations for professional/technical (consultant) contracts valued at over \$5,000 through \$50,000, may either be advertised in the Supplier Portal (see link above) or posted on the Department of Administration, Materials Management Division's (MMD) Web site at: <http://www.mmd.admin.state.mn.us/solicitations.htm>.

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 advertised in the SWIFT Supplier Portal or alternatively, in the *Minnesota State Register* if the procurement is not being conducted in the SWFT system.

Minnesota Department of Administration (Admin)

Real Estate and Construction Services

Notice of Availability of Request for Qualifications (RFQ) for Construction Manager at Risk for Building 17 South Replacement, MVH-Minneapolis (Re-Solicitation)

NOTICE IS HEREBY GIVEN that the State of Minnesota Department of Administration, represented by Real Estate and Construction Services Division (RECS) and Minnesota Department of Veteran Affairs, is seeking Construction Manager at Risk services for the design, and construction for new Building 17 South, the demolition of existing Building 17 South, and the partial demolition of Building 18 at Minnesota Veterans Home (MVH) in Minneapolis.

A full Request for Qualifications is available on the Department of Administration's Virtual Plan Room at <http://www.ipdservices.com/clients/MMD/>

with the Project Name "CM@Risk for Building 17 South Replacement, MVH-Minneapolis" and may be downloaded for a fee of \$7.00. To be considered for selection and a contract, responses must be submitted by the date and time indicated in the RFQ.

A mandatory informational meeting is tentatively scheduled for Thursday, January 9, 2014 at 9:30 a.m. Central Time. Project questions will be taken by Talia Landucci Owen at talia.landucci-owen@state.mn.us. Questions regarding this RFQ must be received by Thursday, January 16, 2014 at 12:00 Noon C.T.

Responses must be received by the Real Estate and Construction Services, Department of Administration, 309 Administration Building, 50 Sherburne Ave., St. Paul, MN 55155, Attn.: Talia Landucci Owen, no later than Thursday, January 30, 2014 by 12:00 Noon C.T. Late responses will not be accepted.

The Department of Administration, Real Estate and Construction Services Division 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. All expenses incurred in responding to this notice are solely the responsibility of the responder.

Minnesota Judicial Branch

Fourth Judicial District

Contract Technology Training Services – Written Offer Solicitation to Provide Technology Training

The Fourth Judicial District is soliciting written offers from qualified individuals or firms to provide approximately 20-25 hours per week (100 hours per month) of technology training through June 30, 2014.

Written service offers must include the person or firm's qualifications, experience and education to develop, prepare and deliver technology training via classroom training, on-line webex training and/or development of program training modules i.e. Adobe Captivate or (Cite 38 SR 963)

State Contracts

similar. Written offers must include hourly rates, with the full understanding that this is an independent contract position, three professional references *and* a minimum of two (2) current training engagements with contact information.

The ideal person or firm will have broad-based technical training experience presenting a wide-stream of training materials; suggesting improvements in training, technology and e-workflow procedures; developing, implementing, and facilitating training at all levels of the Court's leadership and management structure. Knowledge of Microsoft Office suite, Adobe Acrobat, SharePoint and Outlook is essential. Knowledge of tablet hardware and electronic annotation products highly desirable. Position will report to the Help Desk Supervisor in the Court's Information Technology Department.

Submit your electronic written training services offer to John Erar, Chief Information Officer, Fourth Judicial District at john.erar@courts.state.mn.us no later than Friday, January 10, 2014. A copy of the relevant contractor performance requirements, qualification and deliverables is located on <http://www.mncourts.gov/district/4/>

Office of MN.IT Services Innovation Program Notice of Request for Information

The State of Minnesota Office of MN.IT Services (MN.IT) Innovation Program (hereafter referred to as the Innovation Program) is a new function within the State's enterprise IT agency. This new program is a direct result of the MN.IT Services Strategy and IT Cloud Programs tied to the Tactical Plan FY2013 - 2014.

A major activity of the Innovation Program has been about creating a first of its kind ideation campaign for the 2,100 agency IT employees to seek their input and ideas on how to deliver new value to Minnesota's businesses and citizens. 217 ideas were submitted by agency IT staff. Each idea went through a review process to produce 16 short project proposals, each with a defined opportunity to pursue.

While certain criteria were used to select these 16 project proposals, the expertise to implement each one is not readily available, nor is there a clear perspective on cost, complexity, and time to implement. The Innovation Program is in need of partners to research and collaborate on expanding these project proposals into more detailed project plans that reveal this critical missing information.

For this reason, the Innovation Program acknowledges the expertise and potential of the vendor community and seeks to obtain assistance in the form of a Request for Information (RFI). We hope this will create new partnerships and insight about how to execute these citizen-facing project proposals.

This partnership would involve development resources, business and IT specialists, mobile application and GIS experts, or any other resources at the disposal of the vendor to help define and shape these innovative project proposals into more detailed and tangible project plans to be funded and executed. Vendor's experience in accomplishing equivalent projects elsewhere are of value in assisting with establishing stable models for utilization and pragmatic "lesson's learned" to lend toward a smooth delivery.

This collaboration may be a co-partnering with several different agencies as the enterprise is anxious to provide better services to the public it serves. Where more than one agency is involved partnerships will be identified as the solutions take shape. For this reason MN.IT will manage these partnerships.

These project proposals would each have a set of partners to facilitate the creation of the solution.

This RFI does not obligate the state to award a contract or complete the projects. Furthermore, the state reserves the right to cancel this request if it is in the state's best interest.

The Request for Proposals can be requested via email from: Mindy Duvernet, at Mindy.Duvernet@state.mn.us

The deadline for this RFI is January 31, 2014 at 5 P.M. CST. Late responses will not be considered. **Late proposals will NOT be considered.** This request does not obligate the State to complete the work contemplated in this notice. The State reserves the right to cancel this solicitation. All expenses incurred in responding to this notice are solely the responsibility of the responder.

Minnesota 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 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 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

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.

State Contracts

Minnesota Department of Veterans Affairs: (MDVA) Notice of Availability of Contract for Continuity of Operations Planning

The Minnesota Department of Veterans Affairs (MDVA) requests proposals to provide current comprehensive Continuity of Operations Planning (COOP) to insure the continuation of essential functions in the event of an emergency.

The Minnesota Department of Veterans Affairs (MDVA) assists Minnesota veterans with Claims for Government benefits, administers the State Soldiers Assistance Program, Veterans Preference, Veteran Education Programs, the State Veterans Cemeteries and the operation of the five Minnesota Veterans Homes. The MDVA conducts a 24/7/365 operation and is responsible for the health and well being of over 800 residents, as well as other critical programs serving Minnesota Veterans.

Work is proposed to start on **February 18, 2014.**

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:

Camille Creamer
Minnesota Veterans Homes
Minnesota Department of Veterans Affairs
Building 10
5101 Minnehaha Avenue South
Minneapolis, Minnesota 55417-1699
E-mail: camille.creamer@state.mn.us
Telephone: (612) 548-5959
Fax: (612) 548-5964

Proposals submitted in response to the Request for Proposals in this advertisement must be received at the address above no later than **January 22, 2014, 2:30 PM Central Standard 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.

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Cosmetology Rules - NEW

Published by the Minnesota Board of Cosmetology 6"x9", saddle stitched, 45-pages, Stock No. 147, \$13.00 + tax

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Published by the Dept. of Public Safety, 6"x9", Loose leaf, three-hole punch, 730-pages, Stock No. 111, \$38.95 + tax.

Data Practices Laws & Rules - NEW

Published by the Department of Administration, 6"x9", perfect bound, 196-pages, Stock No. 99, \$21.95 + tax

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Published by the Board of Dentistry, 8 1/2" x 11", Perfect bound, 146-pages, Stock No. 151, \$16.95 + tax

Gambling Laws - NEW

Published by the Gambling Control Board, 8.5" x 11", 3-hole punched, shrink wrapped, 63-pages, Stock No. 96, \$12.95 + tax

Home & Community-Based Services Standards - NEW

(formerly known as Developmentally Disabled Laws & Rules)

Published by the Department of Human Services, 6" x 9", Perfect bound, 261-pages, Stock No. 750, \$21.95 + tax

Home Care Laws & Rules - new edition

Published by the Department of Health, 6"x 9", Perfect bound, 235-pages, Stock No. 97, \$20.95 + tax

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