

Minnesota Attorney General: Administrative Rules Proceedings

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Version 3
August 20, 2018

MINNESOTA STATE REGULATIONS

Notice of filing by the Commissioner of Administration

We have received on this date, stamped and filed 2 copies of Rules and Regulations pertaining to the Environmental Quality Council
(Agency or Board)

Regulation No. MEQC 25, 28 and 31

Subject: order correcting rules

Department of Administration
Publication, Central Services Division
Documents Section
140 Centennial Office Building
St. Paul, Minnesota 55155
Telephone: (612) 296-2874

FILED
RICHARD L. BRUBACHER
Commissioner of Administration
MAY 22 1974 3:10 P m
BY Eda Staudenmaier
AUTH. SIGNATURE
EJ

Stamped and filed with the Secretary of State 5-22-74

Rev. 9-72

MINNESOTA STATE REGULATIONS

Notice of filing by the Commissioner of Administration

We have received on this date, stamped and filed 2 copies of Rules and Regulations pertaining to the Environmental Quality Council

(Agency or Board)

Regulation No. MEQC 51 thru 57 (new)

Subject: Critical Areas Planning Process

Department of Administration
Publication, Central Services Division
Documents Section
140 Centennial Office Building
St. Paul, Minnesota 55155
Telephone: (612) 296-2874

FILED
RICHARD L. BRUBACHER
Commissioner of Administration

MAY 28 1974 4:10 PM

BY Eda Staudenmaier
AUTH. SIGNATURE EJ

Stamped and filed with the Secretary of State 5-28-74

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MIN 1000

STATE OF MINNESOTA

DEPARTMENT Attorney General - SPA

Office Memorandum

TO : Mike Miller
Special Assistant
Attorney General

DATE: May 20, 1974

FROM : Jean E. Heilman
Special Assistant
Attorney General

SUBJECT: CORRECTIONS ON GALLEY PROOFS
OF ENVIRONMENTAL IMPACT STATEMENT REGULATIONS

Having examined the galley proofs of the Environmental Impact Statement Regulations that were adopted by the Environmental Quality Council, the following corrections must be made:

1. MEQC 25(b)(2)(jj) should be changed to read as follows:

   Construction of a new or additional residential development outside any Standard Metropolitan Statistical Area (as defined by the U. S. Census Bureau) that includes 100 or more units in an unsewered area or 500 or more units in a sewered area; or construction of a new or additional residential development within a Standard Metropolitan Statistical Area that includes 200 or more units in an unsewered area or 1000 or more units in a sewered area; ~~SMSA's as defined by the most recent official U. S. Census;~~

   This change is made to clarify the use of the term "Standard Metropolitan Statistical Area."

2. MEQC 28(b). The reference to "Paragraph B.1 above" should read MEQC 28(a).

   This was an incorrect reference that was overlooked in the final drafting of the Regulations.

3. MEQC 31(c). The last sentence in this paragraph should be changed to read:

   Mitigation measures that have been or may be incorporated into the action to reduce or minimize significant adverse environmental, economic, and employment effects shall be discussed.

   This change is made because of an oversight in drafting in which an incomplete sentence was included in the Regulations.

Please forward this information, in the usual manner, to the Secretary of State's Office and the Department of Administration, Documents Section.

Thank you!

/bk

STATE OF MINNESOTA

COUNTY OF RAMSEY

BEFORE THE MINNESOTA
ENVIRONMENTAL QUALITY COUNCIL

In the matter of the Correction of
Rules of the Minnesota Environmental
Quality Council Governing Environmental
Impact Statements.

ORDER CORRECTING RULES

The above-entitled rules were adopted by the Environmental Quality Council of the State of Minnesota on March 12, 1974 and filed with the Secretary of State on April 4, 1974.

Upon examination of the rules, the following corrections are necessary before publication: 1) In MEQC 25(b)(2)(jj), a change is necessary to clarify the use of the term "Standard Metropolitan Statistical Area"; 2) In MEQC 28(b), an inaccurate reference that was overlooked in the final drafting of the Regulations must be corrected; and 3) The last sentence of MEQC 31(c) must be made into a complete sentence.

NOW, THEREFORE, IT IS ORDERED that the following corrections in the rules identified as Minnesota Regulations MEQC 11-14 are made this 22 day of May, 1974, pursuant to authority vested in the Minnesota Environmental Quality Council by Minn. Stat., Sect. 116D.04, Subd. 2 (Supp. 1973):

1. MEQC 25(b)(2)(jj) is changed to read as follows:

   Construction of a new or additional residential development outside any Standard Metropolitan Statistical Area (as defined by the U.S. Census Bureau) that includes 100 or more units in an unsewered area or 500 or more units in a sewered area; or construction of a new or additional residential development within a Standard Metropolitan Statistical Area that includes 200 or more units in an unsewered area or 1000 or more units in a sewered area;

2. MEQC 28(b) is changed to read as follows:

   In addition to applying the tests in MEQC 28(a), the following factors shall also be considered in determining whether an EIS shall be prepared on an existing action that is not exempt under these Regulations:

3. The last sentence in MEQC 31(c) is changed to read:

Mitigation measures that have been or may be incorporated into the action to reduce or minimize significant adverse environmental, economic, and employment effects shall be discussed.

STATE OF MINNESOTA
ENVIRONMENTAL QUALITY COUNCIL

By Gerald W. Christenson
GERALD W. CHRISTENSON
Chairman

Subscribed and sworn to before
me this 22 day of May, 1974.

Evelyn M Routier
Notary Public

EVELYN ROUTIER
Notary Public, Ramsey County, Minn.
My Commission Expires Oct 18, 1974

APPROVED AS TO FORM AND LEGALITY
5-22 1974
WARREN SPANNAUS, ATTORNEY GENERAL
BY Michael B Miller
SPECIAL ASSISTANT ATTORNEY GENERAL

STATE OF MINNESOTA
DEPARTMENT OF STATE
FILED
MAY 22 1974 - 3:00 pm
Arlen I. Erdahl
Secretary of State

FILED
RICHARD L. DRUBACHER
Commissioner of Administration
MAY 22 1974 3:10pm
BY Edw Staudenmaier
AUTH. SIGNATURE

STATE OF MINNESOTA

COUNTY OF RAMSEY

BEFORE THE MINNESOTA
ENVIRONMENTAL QUALITY COUNCIL

In the matter of the Correction of Rules of the Minnesota Environmental Quality Council Governing Environmental Impact Statements.

AFFIDAVIT

I, Gerald W. Christenson, first being duly sworn on oath, deposes and says that:

1. I am the Chairman of the Environmental Quality Council.

2. Upon examination of the above-entitled rules, certain corrections are necessary before publication. They are:

   a. MEQC 25(b)(2)(jj) is changed to read as follows:

   "Construction of a new or additional residential development outside any Standard Metropolitan Statistical Area (as defined by the U. S. Census Bureau) that includes 100 or more units in an unsewered area or 500 or more units in a sewered area; or construction of a new or additional residential development within a Standard Metropolitan Statistical Area that includes 200 or more units in an unsewered area or 1000 or more units in a sewered area;"

   A change is necessary to clarify the use of the term "Standard Metropolitan Statistical Area."

   b. MEQC 28(b) is changed to read as follows:

   "In addition to applying the tests in MEQC 28(a), the following factors shall also be considered in determining whether an EIS shall be prepared on an existing action that is not exempt under these Regulations:"

   An incorrect reference that was overlooked in the final drafting of the Regulations must be corrected.

c. The last sentence in MEQC 31(c) is changed to read:

"Mitigation measures that have been or may be incorporated into the action to reduce or minimize significant adverse environmental, economic, and employment effects shall be discussed."

The last sentence of MEQC 31(c) must be made into a complete sentence.

STATE OF MINNESOTA
ENVIRONMENTAL QUALITY COUNCIL

By Gerald W. Christenson
GERALD W. CHRISTENSON
Chairman

Subscribed and sworn to before me this 22 day of May, 1974.

Evelyn M Routier
Notary Public

EVELYN ROUTIER
Notary Public, Ramsey County, Minn.
My Commission Expires Oct. 18, 1974

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CHAPTER TWENTY
CRITICAL AREAS PLANNING PROCESS

MEQC 51, AUTHORITY, PURPOSE, DEFINITIONS

(a) AUTHORITY.

The Regulations contained herein are prescribed by the Minnesota Environmental Quality Council, pursuant to Minn. Stat. Sect. 116G.04 (Supp. 1973) for the implementation of Minn. Stat. Sections 116G.01 to 116G.14 (Supp. 1973), herein referred to as the Critical Areas Act of 1973. This Act deals with the duties and responsibilities of the Environmental Quality Council, state agencies, Regional Development Commissions, and local units of government in the identification and designation of critical areas and the preparation and implementation of plans and regulations for Critical Areas.

(b) PURPOSE.

(1) The purpose of these Regulations is to provide public agencies and private persons with policy, definitions, procedures, criteria, standards and guidelines of statewide application to be used in the implementation of the Critical Areas Act.

(2) Because development in areas of the State that possess important historic, cultural, or esthetic values or natural systems that perform functions of greater than local significance may result in irreversible damage to these resources, decrease their value and utility for public purposes, or unreasonably endanger life and property, the State shall identify these critical areas and assist and cooperate with local units of government in the preparation of plans and regulations for the wise use of these areas.

(3) The critical areas planning process is intended to be neither a "court of last resort" to review purely local planning and zoning issues nor a substitute for an on-going land planning process involving the legislative, executive and judicial branches of state and local government. The critical areas planning process shall be limited to exceptional circumstances where other powers are unavailable, inapplicable or are not being used effectively to ensure adequate and coordinated local, regional and state planning and regulation to protect the public interest in the area.

(4) The critical areas plannign process is intended to be applied to a limited number of areas in the State. Critical area designation based on criteria that may characterize large or common areas of the State or region shall be avoided.

(c) DEFINITIONS

The following terms as used in these Regulations, shall have the following meanings, unless otherwise defined:

(1) "Council" means the Minnesota Environmental Quality Council created pursuant to Minn. Stat. §116C.01 et. seq. (Supp. 1973).

(2) "Developer" means any person or governmental agency undertaking any development as defined in these Regulations.

(3) "Development" means the making of any material change in the use or appearance of any structure or land including but not limited to:

(aa) Reconstruction, alteration of the size, or material change in the external appearance of a structure on the land;

(bb) Change in the intensity of use of the land;

(cc) Alteration of a shore or bank of a river, stream, lake or pond;

(dd) Commencement of drilling (except to obtain soil samples), mining or excavation;

(ee) Demolition of a structure;

(ff) Clearing of land as an adjunct to construction;

(gg) Deposit of refuse, solid or liquid waste, or fill on a parcel of land;

(hh) Division of land into three or more parcels.

(4) "Development permit" means a building permit; zoning permit; water use permit; discharge permit; permit for dredging, filling or altering any portion of a watercourse; plat approval; re-zoning; certification; variance or other action having the effect of permitting any development as defined in the Act or these Regulations.

(5) "Government development" means any development financed in whole or in substantial part, directly or indirectly, by the United States, the State of Minnesota, or any agency or political subdivision thereof.

(aa) "Development financed in substantial part" means development with more than 50 percent of its financing or reimbursement from monies of the governments, or any agency, or political subdivision thereof.

(bb) "Development financed indirectly" means development underwritten or insured by monies of the governments, or any agency or political subdivision thereof.

(6) "Land" means the earth, water, and air, above, below or on the surface and includes any improvements or structures customarily regarded as land.

(7) "Local unit of government" means any political subdivision of the State, including but not limited to counties, municipalities, townships, and all agencies and boards thereof.

(8) "Order" means the Governor's Executive Order that formally designates a particular area as a critical area upon the recommendation of the Council.

(9) "Parcel" of land means any quantity of land capable of being described with such definiteness that its location and boundaries may be established, which is designated by its owner or developer as land to be used or developed as a unit, or which has been used or developed as a unit.

(10) "Powers" means the statutory or other legal authority of federal, state, or regional agencies and local units of government.

(11) "Recommendation" means a written document proposing a particular area as a critical area that is officially submitted for review and action by the appropriate bodies.

(12) "Regional Development Commission" means any Regional Development Commission created pursuant to Minn. Stat. Sections 462.381 to 462.396 (1971) and the Metropolitan Council created pursuant to Minn. Stat. Chapter 473B (1971).

(13) "Regulations" means the instruments by which state agencies and local units of government control the physical development of the critical area or any part or detail thereof. Regulations include, but are not limited to, ordinances establishing zoning, subdivision control, platting and the adoption of detailed maps.

(14) "State agency" means a State board, commission, institution, or any other unit of state government.

(15) "Structure" means anything constructed or installed or portable, the use of which requires a location on a parcel of land. It includes a movable structure which can, while it is located on land, be used for housing, business, commercial, agricultural, or office purposes either temporarily or permanently. Structure also includes fences, billboards, swimming pools, poles, pipelines, transmission lines, tracks and advertising signs.

MEQC 52
CHARACTERISTICS AND CRITERIA FOR THE IDENTIFICATION OF CRITICAL AREAS

(a) CHARACTERISTICS OF CRITICAL AREAS.

A critical area shall have one of the following four characteristics:

(1) An area significantly affected by an existing or proposed major government development that is intended to serve substantial numbers of persons beyond the vicinity in which the development is located and that tends to generate substantial development or urbanization.

(2) An area having a significant effect upon an existing or proposed major government development that is intended to serve substantial numbers of persons beyond the vicinity in which the development is located and that tends to generate substantial development or urbanization.

(3) An area containing historical, natural, scientific, or cultural resources of regional or statewide importance.

(4) An area having a significant impact upon historical, natural scientific, or cultural resources of regional or statewide importance.

(b) CRITERIA.

In accordance with the characteristics of MEQC 52 (a) and the purpose of these Regulations, a critical area shall meet all of the following criteria:

(1) The area shall be of significant regional or statewide public interest;

(2) Other powers are unavailable, inapplicable, or are not being used effectively to ensure adequate and coordinated local, regional, or state planning and regulation to protect the public interest in the area;

(3) The area shall be one of a limited number of such areas in the region or state; and

(4) The area shall be described specifically enough to permit delineation by legal description.

MEQC 53
RECOMMENDATIONS OF CRITICAL AREAS

(a) CONTENT. A recommendation to designate a critical area shall include all of the following:

(1) The legal description of the boundaries of the area;

(2) A description of the characteristic(s) of the area pursuant to MEQC 52(a);

(3) A description of how the area meets all of the criteria of MEQC 52(b);

(4) The dangers to the regional or statewide interest that would result from unregulated development or development contrary to that interest;

(5) The advantages that would be achieved from the development of the area in a manner that coordinates state, regional, and local interests;

(6) The standards and guidelines to be followed in the preparation and adoption of plans and regulations, to the extent possible; and

(7) The development, if any, that would be permitted pending adoption of plans and regulations for a critical area.

(b) INITIATION. A recommendation to designate a critical area may be initiated by the following:

(1) The Council;

(2) Regional Development Commissions; or

(3) Local units of government.

State agencies and private persons or organizations may submit suggestions for a recommendation to the Council, a Regional Development Commission or a local unit of government. The burden of proof to substantiate the recommendation shall rest with the Council, the Regional Development Commission or the local unit of government that initiates the recommendation.

(c) LOCAL UNIT OF GOVERNMENT ACTION ON RECOMMENDATIONS.

(1) In areas within the jurisdiction of an existing Regional Development Commission, a local unit of government initiating a recommendation shall submit it to the Regional Development Commission.

(2) In areas where no Regional Development Commission exists, a local unit of government initiating a recommendation:

(aa) Shall give legal notice of the recommendation and the public hearing or meeting on the recommendation in the official newspaper of each county in the area directly affected by the recommendation within 15 days of initiating the recommendation;

(bb) May mail notice of the recommendation to all persons owning real property within the boundaries of the area that is within the local unit of government's jurisdiction, as determined by tax records;

(cc) Shall submit the recommendation to every other local unit of government and any Regional Development Commission with jurisdiction within the area directly affected by the recommendation within 15 days of initiating the recommendation;

(dd) Shall hold a public hearing or public meeting within the 30 to 45 day period commencing with the legal notice of the recommendation, that shall be provided for property owners, interested persons, and local units of government to comment on the recommendation; and

(ee) Shall submit the original or modified recommendation with a statement of the local unit of government's acceptance or rejection of the recommendation and all comments received on the recommendation to the Council within 15 days after the period for comment has expired.

(3) Local units of government who receive a recommendation from another local unit of government for comment may give notice as prescribed in MEQC 53 (c)(2)(bb) and shall submit to the local unit of government initiating the recommendation any comments on the recommendation within the designated time period.

(d) REGIONAL DEVELOPMENT COMMISSION ACTION ON RECOMMENDATIONS.

(1) Each Regional Development Commission shall periodically solicit in writing recommendations of critical areas from local units of government within its jurisdiction.

(2) When a Regional Development Commission initiates a recommendation or receives a recommendation from a local unit of government or the Council, it:

(aa) Shall give legal notice of the recommendation and the public hearing or meeting on the recommendation in the official newspaper of each county in the area directly affected by the recommendation within 15 days of receiving or initiating the recommendation;

(bb) May mail notice of the recommendation to all persons owning real property within the recommended area,as determined by tax records.

(cc) Shall submit the recommendation to every other local unit of government and Regional Development Commission with jurisdiction within the areas directly affected by the recommendation within 15 days of receiving or initiating the recommendation;

(dd) Shall hold a public hearing or public meeting within the 30 to 45 day period commencing with the legal notice of the recommendation, that shall be provided for property owners, interested persons, and local units of government to comment on the recommendation; and

(ee) Shall submit the original or modified recommendation with a statement of the Regional Development Commission's acceptance or rejection of the recommendation and all comments received on the recommendation to the Council within 15 days after the period for comment has expired.

(3) When a Regional Development Commission receives a recommendation from the Council, it shall follow the procedures prescribed in MEQC 53 (d)(2), unless the Council has determined that the time required for Regional Development Commission review and action must be shortened or eliminated.

(e) COUNCIL ACTION ON RECOMMENDATIONS.

(1) When the Council initiates a recommendation it shall:

(aa) Submit the recommendation to the Regional Development Commission(s) with jurisdiction within the area directly affected for review and action, as prescribed in MEQC 53 (d)(2); or

(bb) Follow the procedures prescribed in MEQC 53 (e)(3), when it determines that the time required for Regional Development Commission review and action must be shortened or eliminated to avoid further endangerment to the regional or statewide interest in the recommended area.

(2) When the Council receives notice of action on a recommendation for a critical area from a Regional Development Commission or from a local unit of government, where no Regional Development Commission exists, it shall have 60 days to review the recommendation and either:

(aa) Give legal notice as prescribed in MEQC 53 (e)(3) of its decision to conduct a public hearing pursuant to Chapter 15 on the recommendation; or

(bb) Notify the Regional Development Commission or local unit of government of its rejection of the recommendation and its reasons therefore and specify any authorized alternate action to protect the regional or statewide public interest.

(3) When the Council's decision in MEQC 53 (e)(1) or (2) is to hold a public hearing on the recommendation, the procedures to be followed are:

(aa) Legal notice of at least 30 days shall be given to the following:

(i) The Governor

(ii) The appropriate state agencies;

(iii) The Regional Development Commissions and local units of government with jurisdiction over the area affected by the recommendation;

(iv) Persons who have filed with the Secretary of State pursuant to Chapter 15 to receive notice of public hearings;

(v) Requesting persons; and

(vi) Each person owning real property within the recommended area and within 350 feet of the recommended area when the recommended area is 1,000 acres or less.

(bb) One legal notice of the recommendation shall be placed in the official newspaper of each county in the area directly affected by the recommended area at least two weeks prior to the date of the public hearing.

(cc) The Council may mail notice of the recommendation to all persons owning real property within the recommended area as determined by tax records.

(dd) The legal notice shall include the following:

(i) The time and location of the hearing and

(ii) The recommendation.

(ee) The public hearing shall be held in each county affected by the proposed critical area.

(ff) At the public hearing, the Council shall receive all testimony and exhibits relative to the designation of the proposed critical area, including the amount and source of funds and technical aid required to prepare and adopt plans and regulations for the proposed critical area. An official record of the hearing shall be prepared. When a transcript is requested, the Council may require the party requesting to pay the reasonable costs of preparing the transcript.

(gg) After the public hearing on the recommendation, the Council shall examine the record and prepare findings of fact that shall include the following:

(i) An explanation of any modification or rejection of action by a Regional Development Commission or local unit of government on the recommendation;

(ii) The amount and source of funds and technical aid required for the preparation and adoption of plans and regulations;

(iii) Whether the proposed critical area may be effectively protected by any other powers; and

(iv) The specific standards and guidelines to be followed in preparing and adopting plans and regulations for the critical area.

(hh) Within 30 days of the public hearing on the recommendation, the Council shall, based on the findings of fact;

(i) Submit the recommendation to designate a critical area to the Governor; or

(ii) Reject the recommendation.

MEQC 54
DESIGNATION OF CRITICAL AREAS

(a) AUTHORITY.

Only the Governor may designate a critical area upon the recommendation of the Council.

(b) ACTION BY THE GOVERNOR.

(1) When the Council submits a recommendation to designate a critical area to the Governor, the Governor may designate by Executive Order all or part of the recommended area as a critical area.

(2) The Governor shall send a copy of the order of designation to the Legislature, Council, affected state and federal agencies, Regional Development Commissions and local units of government with jurisdiction in any part of the designated critical area.

(c) CONTENT OF ORDER OF DESIGNATION.

The order of designation shall include the following:

(1) The legal description of the boundaries of the critical area;

(2) The reason that a particular area is a critical area;

(3) The specific standards and guidelines to be followed in preparing and adopting plans and regulations for the critical area; and

(4) The development, if any, that shall be permitted pending the adoption of plans and regulations, consistent with the policies of the Act and these Regulations.

(d) USE OF ORDER BY LOCAL UNIT OF GOVERNMENT.

Each local unit of government shall attach the order of designation to existing regulations.

(e) DURATION OF ORDER.

The order of designation shall be effective for no longer than three years pending approval by the Legislature or by the Regional Development Commission, where one exists, of each development region in which a part of the critical area is located. After a Regional Development Commission has approved the critical area designation, it shall not revoke or rescind its approval, except as necessary to update and re-evaluate plans and regulations under MEQC 55 (d) of these Regulations.

MEQC 55
PLANS AND REGULATIONS FOR CRITICAL AREAS

(a) CONTENT.

(1) The initial critical area plan and any subsequent update and reevaluation shall explicitly record the following stages of the critical area planning process:

(aa) The evaluation of existing conditions and trends, including a description of any change in each of the elements of the plan and a comparison between the intended and actual results of any adopted local, regional or state programs and regulations;

(bb) The evaluation of alternative futures, including the major problems and opportunities associated with each alternative;

(cc) The formulation of objectives based on the evaluation of existing conditions and alternative futures. The objectives shall be measurable short-range steps toward goals expressed in state law, by the Regional Development Commission and in the standards and guidelines specified in the order of designation. When the objectives differ substantially from those previously adopted, the predicted consequences shall be compared; and

(dd) The formulation of programs and regulations designed to achieve the objectives. The programs shall specify the schedule and sequence of actions and development to be undertaken by individual public agencies. The regulations shall be sufficiently specific to provide public agencies with the basis for evaluating individual development permit applications.

(2) The critical areas planning process shall specifically address the following factors:

(aa) The elements of regional or statewide interest identified in the recommendation to designate the critical area;

(bb) The standards and guidelines to be followed in preparing and adopting plans and regulations as specified in the order of designation; and

(cc) Any other relevant physical, social, or economic element as permitted by state law.

(3) The portions of regulations for the designated critical area that are implemented by local units of government shall conform to the powers and procedures authorized or required by appropriate state law.

(4) The portions of regulations for the designated critical area that are implemented by state agencies shall conform to the powers and procedures authorized or required by appropriate state laws or regulations.

(b) PREPARATION.

(1) Requirement. When a critical area has been designated, plans and regulations to govern the use of the critical area shall be prepared, unless acceptable plans and regulations exists.

(2) Responsibility for Preparation of Plans and Regulations. When no plans or regulations for the critical area exist at the time of the order of designation, the plans and regulations shall be prepared by the following:

(aa) Each local unit of government with jurisdiction within the critical area and the existing authority to develop and enact plans and regulations;

(bb) The Regional Development Commission with jurisdiction within the critical area when requested within 30 days of notice of the order of designation by a local unit of government with jurisdiction within the critical area; or

(cc) The Council when requested within 30 days of notice of the order of designation by a local unit of government with jurisdiction within the critical area, when no Regional Development Commission exists.

(3) Time for Preparation.

(aa) A local unit of government shall prepare the plans and regulations within six months of notice of the order of designation.

(bb) A Regional Development Commission shall prepare the plans and regulations within six months of the request from the local unit of government.

(cc) When the local unit of government or Regional Development Commission requests a time extension for the preparation of plans and regulations, the Council may grant the time extension when it determines that the local unit of government or Regional Development Commission is making a conscientious attempt to develop the plans and regulations, and that the project is of a magnitude that precludes the completion, review and adoption of the plans and regulations within the time limits established in these Regulations.

(4) Reimbursement of Costs. When a Regional Development Commission prepares the plans and regulations for a critical area at the request of a local unit of government, it may seek reimbursement from the local unit of government for the actual costs of preparation.

(5) State Agency Assistance. When the Council determines that the local unit of government or the Regional Development Commission that is preparing the plans and regulations for the Critical area requires technical assistance, the Council shall direct the appropriate state agency or agencies to assist in the preparation of the plans and regulations in accordance with a time schedule established by the Council.

(6) Public participation. The preparation process shall include adequate opportunity for participation by the general public, property owners, non-owner users of land, and appropriate officials or representatives of local, regional, state and federal government agencies. The appropriate Regional Development Commission may appoint an advisory committee consisting of representatives of the above interests to guide the planning process. Public hearings with adequate notice shall be held.

(c) REVIEW AND APPROVAL OF PLANS AND REGULATIONS.

(1) Submission of Plans and Regulations for Review.

(aa) A local unit of government that has existing plans and regulations or has prepared plans and regulations for the critical area shall submit the plans and regulations to the appropriate Regional Development Commission, and when no Regional Development Commission exists, to the Council for review within 30 days of the order of designation.

(bb) A Regional Development Commission that has existing plans and regulations or has prepared plans and regulations for the critical area shall submit the plans and regulations to the Council for review within 30 days of the order of designation.

(2) Regional Development Commission Review. The Regional Development Commission shall review the plans and regulations prepared by the local unit of government for consistency with regional objectives and the order of designation. Within 45 days of receiving the plans and regulations, the Regional Development Commission shall submit its written evaluation, any relevant prepared development plans or land use plans, and the plans and regulations to the Council. Upon a request from the Regional Development Commission, the Council may grant a time extension of 30 days when the Council determines that the Regional Development Commission has satisfactorily demonstrated that it requires more time for review.

(3) Council Review and Approval. The Council shall review all plans and regulations prepared for designated critical areas. Within 45 days of receiving plans and regulations from the local unit of government or the Regional Development Commission, the Council shall review the plans and regulations to determine their consistency with the provisions of the order of designation, the evaluation of the Regional Development

Commission, and comments of the affected state agencies. When the Council has completed the review, it shall either:

(aa) Approve the plans and regulations by a written decision and notify the local unit of government or Regional Development Commission; or

(bb) Return them to the local unit of government or the Regional Development Commission for modification with a written explanation of the need for modification.

(d) MODIFICATION OF PLANS AND REGULATIONS.

(1) When the Council returns plans and regulations for modification, it shall request that any proposed or adopted development plans or land use plans of local units of government, Regional Development Commissions or state agencies that may exist for the critical area and that have not been included in the initial preparation, be considered in the modification of the plans and regulations.

(2) The plans and regulations that are returned to the local unit of government or the Regional Development Commission for modification shall be revised consistent with the direction of the Council and shall be resubmitted to the Council within 60 days of their return.

(3) Prior to the final revision, the local unit of government or Regional Development Commission may request a formal meeting with the Council to consider the plans and regulations. Within 15 days of the request, the Council shall send a 30 day written notice of the meeting to the appropriate local units of government, Regional Development Commission and interested parties. The meeting shall be held at a location convenient to the area affected by the designated critical area.

(e) COUNCIL PREPARATION OF PLANS AND REGULATIONS.

(1) When the local unit of government or the Regional Development Commission fails to prepare plans and regulations that are acceptable to the Council within one year of the order of designation, the Council shall then prepare the plans and regulations within 90 days.

(2) When the Council has prepared the plans and regulations, it shall hold a public hearing pursuant to Chapter 15 in each county directly affected by the plans and regulations. The procedures to be followed are:

(aa) Legal notice of at least 30 days shall be given to the following:

(i) The Regional Development Commissions and local units of government with jurisdiction over the critical area;

(ii) The appropriate state agencies;

(iii) Persons who have filed with the Secretary of State pursuant to Chapter 15 to receive notice of public hearings;

(iv) Requesting persons;

(v) Each person owning real property within the area that would be directly affected by the proposed plans and regulations and within 350 feet of the area when the area directly affected is 5 acres or less.

(bb) One legal notice of the proposed plans and regulations shall be placed in the official newspaper of each county in the area directly affected by the recommended area at least two weeks prior to the date of the public hearing.

(cc) The Council may mail notice of the proposed plans and regulations to all persons owning real property within the boundaries of the area that is within the jurisdiction of the local unit of government for which the plans and regulations are being proposed.

(dd) The legal notice shall include the following;

(i) The time, location and purpose of the hearing and

(ii) A summary of proposed plans and regulations.

(ee) At the public hearing, the Council shall receive all testimony and exhibits relative to the plans and regulations. An official record of the hearing shall be prepared. When a transcript is requested, the Council may require the party requesting to pay the reasonable costs of preparing the transcript.

(ff) After the public hearing on the plans and regulations, the Council shall examine the record and prepare findings of fact.

(gg) Within 60 days of the hearing, the Council shall adopt the plans and regulations for the local unit of government's portion of the critical area. Plans and regulations that have been adopted by the Council shall apply and have the effect of adoption by the local unit of government.

(3) At any time after the preparation and adoption of plans and regulations by the Council, a local unit of government may prepare plans and regulations according to procedures prescribed in these Regulations. When the plans and regulations are approved by the Council, they shall supercede the plans and regulations adopted by the Council.

(f) IMPLEMENTATION OF PLANS AND REGULATIONS.

(1) A local unit of government shall enact, according to existing authority, only the plans and regulations for a critical area that have the written approval of the Council.

(2) Plans or regulations prepared pursuant to these Regulations shall become effective when enacted by the local unit of government or, following legislative or Regional Development Commission approval of the Governor's order of designation, upon such date as the Council may provide in its approval of said plans and regulations.

(3) Plans and regulations adopted by the Council shall be administered by the local unit of government as part of the local regulations until the local unit of government prepares plans and regulations that are approved by the Council, at which time the local unit of government's plans shall supercede the Council's plans and regulations.

(g) UPDATE AND RE-EVALUATION OF PLANS AND REGULATIONS.

(1) Optional Update.

When a local unit of government or a Regional Development Commission that prepared plans and regulations for a critical area finds it necessary or desirable to amend or rescind the plans and regulations that have been approved by the Council, the local unit of government or Regional Development Commission shall submit proposed modifications of its plans and regulations for approval by the appropriate Regional Development Commission and the Council pursuant to these Regulations.

(2) Mandatory Review.

The Council shall review the plans and regulations for a critical area every two years after one of the following:

(aa) The date of the Council's initial approval of the plans and regulations; or

(bb) The Council's approval of an optional update of plans and regulations, pursuant to MEQC 55 (g)(1).

The Council shall review the plans and regulations and any recommended changes for update and approval in the same manner as for approval of the original plans and regulations. When the Council determines that the plans and regulations for the critical area have been implemented to the extent of fulfilling the regional or statewide interest in such critical area, the Council may modify the two-year mandatory review requirement.

(3) Amendments or rescissions of plans and regulations shall become effective only upon the approval of the Council in the same manner as the approval of the original plans and regulations.

(h) ENFORCEMENT OF PLANS AND REGULATIONS.

When the Council determines that the administration of the local plans and regulations is inadequate to protect the state or regional interests, the Council may institute appropriate judicial proceedings to compel proper enforcement of the plans and regulations.

MEQC 56
DEVELOPMENT IN THE CRITICAL AREA

(a) LIMITATION.

(1) When a critical area has been designated, a local unit of government or state agency shall allow development affecting any portion of the area only as specified in the order of designation or as provided in these Regulations until plans and regulations have been adopted. This limitation shall be in effect as long as the designation is effective.

(2) Until plans and regulations for the critical area have been adopted and approved, the local unit of government or state agency shall grant a development permit only when:

(aa) The development is specifically permitted by the order of designation; or the development is essential to protect the public health, safety, or welfare in an existing emergency; and

(bb) A local ordinance has been in effect immediately prior to the order of designation and a development permit would have been granted thereunder.

(3) When plans and regulations for a critical area have become effective, the local unit of government or state agency shall grant a development permit only in accordance with those plans and regulations.

(b) NOTICE TO COUNCIL.

At least 30 days before taking action on the application, the local unit of government shall notify the Council of:

(1) Any application for a development permit in any critical area for which plans or regulations have not become effective; or

(2) Any application for a development permit, for which a local unit of government is required to hold a public hearing, in any critical area for which plans and regulations have become effective.

MEQC 57
PROTECTION OF LANDOWNER'S RIGHTS

(a) In implementing these Regulations no governmental agency shall issue any order that is clearly in violation of the Constitution of this State or of the United States.

(b) Neither the designation of a critical area nor the adoption of any plans or regulations for such an area shall in any way limit or modify the rights of any person to complete any development that meets the following requirements:

(1) A development that has been authorized by registration and recordation of a subdivision pursuant to state laws or by a building permit or other authorization to commence development on which there has been reliance and a change of position by the developer; and

(2) The registration, recordation, or the permit or authorization of the development was issued prior to the date of legal notice of the Council public hearing provided in MEQC 53 (e) of these Regulations.

(c) When a developer has in reliance on prior regulations obtained vested or other legal rights, that would have prevented a local unit of government under the law from changing those regulations adverse to the developer's interests, these Regulations shall not authorize any local unit of government or governmental agency to abridge those rights.

APPROVED AS TO FORM AND LEGALITY
May 28 1974
WARREN SPANNAUS, ATTORNEY GENERAL
BY Michael B Mills
SPECIAL ASSISTANT ATTORNEY GENERAL

STATE OF MINNESOTA
DEPARTMENT OF STATE
FILED
MAY 28 1974 3:45 P.M.
Arlen I. Erdahl
Secretary of State

FILED
RICHARD L. BRUBACHER
Commissioner of Administration
MAY 28 1974 4:10 pm
BY Eda Staudenmaier
AUTH. SIGNATURE EJ

STATE OF MINNESOTA

COUNTY OF RAMSEY

ENVIRONMENTAL QUALITY COUNCIL

ORDER FOR HEARING

In the Matter of the Adoption
of Proposed Rules of the Minnesota
Environmental Quality Council
Relating to Critical Areas

To effectively implement Minnesota Statutes, 1973, Section 116G.04, the Minnesota Environmental Quality Council deems it necessary to consider adoption of the proposed rules captioned above pursuant to the authority vested in the Council by Minnesota Statutes, 1973, Section 116G.04.

NOW THEREFORE, IT IS ORDERED this 14th day of March, 1974, that a public hearing on the proposed rules captioned above be held in the City of Saint Paul, Minnesota, in the Auditorium of the Saint Paul Vocational/Technical Institute, 235 Marshall Avenue, on April 18, 1974, commencing at 9:00 A.M.; in the City of Bemidji, Minnesota, in the Auditorium of the J. W. Smith School, 17th and Irvin, on April 22, 1974, commencing at 1:30 P.M.; in the City of Duluth, Minnesota, in the Central Lecture Hall of the Duluth Area Technical Institute, 2101 Trinity Road, on April 19, 1974, commencing at 10:00 A.M. and continuing until all persons, representatives, organizations or other interested parties have had an opportunity to be heard.

IT IS FURTHER ORDERED, that notice of said hearing be given to all representatives of associations or other interested groups or persons who have registered their names with the Secretary of State for that purpose.

Dated this 14th day of March, 1974.

STATE OF MINNESOTA
MINNESOTA ENVIRONMENTAL QUALITY COUNCIL

By Gerald W. Christenson
Gerald W. Christenson
Chairman

STATE OF MINNESOTA

ENVIRONMENTAL QUALITY COUNCIL

COUNTY OF RAMSEY

In the Matter of the Adoption
of Proposed Rules of the
Minnesota Environmental Quality
Council Relating to Critical Areas

NOTICE OF HEARING

NOTICE IS HEREBY GIVEN that a public hearing will be held pursuant to Minnesota Statutes 1973, Sections 15.0412, Subd. 4 and 116G.04 in the above-entitled matter in the City of Saint Paul, Minnesota, in the Auditorium of the Saint Paul Vocational/Technical Institute, 235 Marshall Avenue, on April 18, 1974, commencing at 9:00 A.M.; in the City of Bemidji, Minnesota, in the Auditorium of the J. W. Smith School, 17th and Irvin, on April 22, 1974, commencing at 1:30 P.M.; in the City of Duluth, Minnesota, in the Central Lecture Hall of the Duluth Area Technical Institute, 2101 Trinity Road, on April 19, 1974, commencing at 10:00 A.M. and continuing until all interested persons, representatives, and organizations have had an opportunity to be heard concerning the adoption of the proposed rules relating to Critical Areas of the Minnesota Environmental Quality Council, by submitting oral or written data, statements, comment or argument. Statements or briefs may be submitted in writing without the necessity for appearance at the hearing. The record shall remain open for receipt of written statements for a minimum of twenty (20) days after the close of the hearing. A definite closing date will be set at the hearing.

A copy of the proposed rules is attached hereto. The rules are proposed rules only and are subject to alterations or modifications as the Council deems necessary and appropriate from its consideration of all the evidence adduced at the public hearing and all statements entered into the record.

Dated this 15th day of March, 1974.

STATE OF MINNESOTA
ENVIRONMENTAL QUALITY COUNCIL

By Gerald W. Christenson
Gerald W. Christenson
Chairman

STATE OF MINNESOTA

ENVIRONMENTAL QUALITY COUNCIL
CAPITOL SQUARE BUILDING
550 CEDAR STREET
ST. PAUL, 55101

CRITICAL AREAS

AUTHORIZING RESOLUTION

RESOLVED, that Gerald W. Christenson, the Chairman of the Environmental Quality Council be, and hereby is granted the authority and directed to call a hearing for the purpose of promulgating rules of the Environmental Quality Council for Critical Areas, pursuant to Minnesota Statutes, 1973, Section 116G.04, as well as perform any and all acts incidental thereto, including but without being limited thereto, signing an order for hearing and notice of hearing and designating officers.

CERTIFICATE OF COUNCIL'S

AUTHORIZING RESOLUTION

I, Robert L. Herbst, do hereby certify that I am the Vice Chairman of the Minnesota Environmental Quality Council, a Council duly authorized under the laws of the State of Minnesota, and that the following is a true, complete, and correct copy of a resolution adopted at a meeting of the Minnesota Environmental Quality Council duly and properly called and held on the 12th day of March, 1974; that a quorum was present at said meeting; that a majority of the members of the Council voted for the resolution; that said resolution is set forth in the minutes of said meeting and has not been rescinded or modified.

"RESOLVED, that Gerald W. Christenson, the Chairman of the Environmental Quality Council be, and hereby is granted the authority and directed to call a hearing for the purpose of promulgating rules of the Environmental Quality Council for Critical Areas, pursuant to Minnesota Statutes, 1973, Section 116G.04, as well as perform any and all acts incidental thereto, including but without being limited thereto, signing an order for hearing and notice of hearing and designating officers."

IN WITNESS WHEREOF, I have hereunto subscribed my name this 21 day of March, 1974.

Robert L. Herbst
Vice Chairman

STATE OF MINNESOTA

COUNTY OF RAMSEY

In the Matter of the Adoption of
Proposed Rules of the Minnesota
Environmental Quality Council
Relating to Critical Areas

APPOINTMENT OF
HEARING OFFICER

John Mohr is hereby appointed hearing officer in the matter of the Adoption of Proposed Rules of the Minnesota Environmental Quality Council relating to Critical Areas.

Said hearing officer is authorized and empowered to conduct the hearing and to perform any and all acts necessary and proper thereto.

Dated this 14th day of March, 1974.

STATE OF MINNESOTA
ENVIRONMENTAL QUALITY COUNCIL

By Gerald W. Christenson
Gerald W. Christenson
Chairman

STATE OF MINNESOTA

COUNTY OF RAMSEY

In the Matter of the Proposed Adoption of Rules of the Environmental Quality Council Governing Critical Areas

CERTIFICATE

I hereby certify that the attached 339 labeled & one sheets constitute the complete list of persons, associations, and other interested groups who as of 2:45 o'clock P .M., this 14th day of March, 1974, have requested pursuant to M.S. 1971, Section 15.0412, Subd. 4, that their names be placed on file with the Secretary of State for the purpose of receiving notice of public hearing on proposed rules on the subject captioned above.

Secretary of State

Arlen I. Erdahl

By Neil Dion

THOMPSON CONRAD
1107 23RD ST NW
ROCHESTER MN
55901

THOMPSON HESSIAN ET AL
1500 MIDWEST PLAZA BLDG
MPLS MN
55402

UNION STOCK YARDS
ATTN PRES
SO ST PAUL MN
55075

VAN EVERH MUNDT ET AL
700 TORREY BLDG
DULUTH MN
55802

VERRILL JOHN E
DEPT SECONDARY ED UOF M
DULUTH MN
55812

VOLDNESS PERRY
IDS 8TH & MARQUETTE
MPLS MN
55402

WEST & GOWAN
ATTORNEYS AT LAW
PINE ISLAND MN
55963

WEST MIDWAY-SO.ST ANTH.PK
898 RAYMOND AVE.
ST PAUL MN
55114

WIS FEEDER PIG MARKET CO-OP

FRANCIS CREEK WI

WOLKERSTORTER THEODORE
676 17TH AVE NW
NEW BRIGHTON MN
55112

ZATARGA A E CPA
1800 MIDWEST PLAZA BLDG
MPLS MN
55402

SWEITZER R L HONEYWELL INC
2701 4TH AVE S
MPLS MN
55408

TIMESAVERS INC ATT R S VOLD
5270 HANSON COURT
MPLS MN
55422

TWIN CITY RETAIL DRUGGIST AS
2388 UNIV AVE
ST PAUL MN
55104

VAN CLEVE JOHN H
2101 HENN AVE
MPLS MN
55405

VILLAGE OF WOODBURY-F.STRONG
561 TOWER DRIVE
NEWPORT MN
55055

VOGEL HOWARD G
814 FLOUR EXCH BLDG
MPLS MN
55415

WELK G V NORTHERN STATES
414 NICOLLET MALL
MPLS MN
55401

WELLS,G W.
19280 LAKE AVE
WAYZATA MN
55391

WHITLOCK A G
ECON LAB OSBORN BLDG
ST PAUL MN
55102

WM.MITCHEL COLLEGE LAW LIB.
2100 SUMMIT AVE.
ST.PAUL MN
55105

WOZNIAK D D
401 FIRST FED BLDG
ST PAUL MN
55101

WYANT CLINTON W ATTY

ATKIN MN
56431

Altman, Milton H
707 Degree of Honor Building
St. Paul, Minn. 55101

MINN BD PODIATRY EXAM & REG.
1111 W 2ND ST.
CROOKSTON MN
56716

MINN CCUNCIL STATE EMP NO
475 RICE ST
ST PAUL MN
55103

MINN ELECTRICAL ASSN INC
525 SO 7TH
MPLS MN
55415

MINN ENV CONTROL CITIZEN
CENTRAL MANOR 26 E EXCH
ST PAUL MN
55101

MINN FOOD RETAILERS ASSN
555 WABASHA
ST PAUL MN
55101

MINN. HOTEL & MTR. ASSN
2001 UNIVERSITY AVE
ST PAUL MN

MINN LP GAS ASSN
7515 WAYZATA BLVD 106
MPLS MN
55426

MINNE MINE CREDIT UNION
3000 HUDSON PK S 100
ST PAUL MN
55119

MINN POULTRY & HATCHERY ASSN
BOX 158
MADELIA MN
56062

MINN PUB INT RES DAYTON
2418 UNIV AVE SE
MPLS MN
55414

MINN RETAIL FEDERATION
7600 PARKLAWN STE 457
MPLS MN
55435

MINN RETAIL HARDWARE ASSN
3033 EXCELSIOR BLVD 313
MPLS MN
55416

MINN SOC CERTIFIED PUB ACCTS
1102 WESLEY TEMPLE BLDG
MPLS MN
55403

MINN STATE BAR ASSN
100 MINN FED BLDG
MPLS MN
55402

MINN STATE MED ASSN
375 JACKSON ST
ST PAUL MN
55101

MINN STATE OPTOMETRIC ASS
333 E HENNEPIN AVE
MPLS MN
55414

MINN.TURKEY GROWERS ASSN
2383 UNIV AVE
ST PAUL MN
55114

MINN ASSN WATERSHED DIST'

ADA MN
56510

MOFFITT R.C. DIR.ENV.CONTROL
MPLS.CITY HALL RM 301M
MPLS MN
55415

MOOD R BLOOMINGTON HLTH D
10200 PENN SO
BLCOMINGTON MN
55431

NASS GEO V HENN CO GEN HO
5TH AND PORTLAND AVE
MPLS MN
55415

NATL FAMILY INS CO
2147 UNIV AVE
ST PAUL MN
55114

NAT'L SOLID WASTES-R. GRA
1730 RHODE ISLAND AV.NW
WASHINGTON DC
20036

NEUMAN RALPH W
RT 2 BOX 125
EMBARRASS MN
55732

NIELSEN STOCK & BLACKBURN
415 730 BLDG
MPLS MN

NURSING HOME ADMRS BD EXAMRS
277 W UNIV AVE
ST PAUL MN
55103

NW BELL TEL CO LEGAL DEPT
224 S 5TH ST RM 2000
MPLS MN
55402

O'BRIEN J.DENNIS
1200 1ST NATL.BANK BLDG
MINNEAPOLIS MN
55402

OCONNOR GREEN THOMAS ET A
845 NW BANK BLDG
MPLS MN
55402

OSTRUM DONALD E
10213 PIERCE ST NE
BLAINE MN
55434

OTTER TAIL POWER CO.
215 S. CASCADE ST.
FERGUS FALLS MN
56537

PAYNE COL ALVIN

DEGRAFF MN
56233

PAYNE WM B
2400 FIRST NATL BK BLDG
MPLS MN
55402

PHAR MFGRS ASSN WM D PATTON
1155 15TH ST NW
WASHINGTON DC DC
20005

PHILLIPS LEGISLATIVE SERV
113 W UNIV AVE
ST PAUL MN
55103

PORT AUTH CITY OF ST PAUL
330 MINNESOTA BLDG
ST PAUL MN
55101

PRAUSE JOS.C.
2220 105TH AVE.N.W.
COON RAPIDS MN
55433

RACHNER MARY JANE
1917 PINEHURST AVE
ST PAUL MN
55116

RANALLO CLARENCE
800 CENTRAL AVE N E
MPLS MN
55413

RAMSEY CO MEDICAL SOCIETY
1500 LOWRY MEDICAL BLDG
ST PAUL MN
55102

RICHARDSON THOS
7851 METRO PKWY S 103
MPLS MN
55420

ROBERTS DAVID E
1260 NW NATL BK BLDG
ST PAUL MN
55101

ROCHE T E
5007 FREMONT AVE S
MPLS MN
55419

SAN SIMEON DEVELOP CORP
OLD 1ST STATE BK BLDG
PAYNESVILLE MN

SATHRE, HARVEY
77 SHERBURNE
ST PAUL MN
55103

ST PAUL FOOD RETAILERS ASSN
1220 ARCADE
ST PAUL MN
55106

SCARBOROUGH WILLIAM
DIV.ED. U.M.
MORRIS MN
56267

FOX W.E. LINDQUIST & VENNUM
4200 IDSCTR 80 S.8TH ST
MINNEAPOLIS MN
55402

FRANKLIN ROBERT B MPLS TR
426 PORTLAND
MPLS MN
55415

GALVIN M J JR
W2162 1ST NATL BK BLDG
ST PAUL MN
55101

GIEL DAVID
RM B-28 STATE CAPITOL
ST PAUL MN
55155

GLEN. HILLS HOSP.R.VAN HA
3901 GOLDEN VALLEY RD.
MPLS. MN
55422

GREEN DEL CITY MGR
BLOOMINGTON CITY HALL
BLOOMINGTON MN
55431

GREEN GARY J
41 SHERBURNE AVE
ST PAUL MN
55102

H B FULLER CO
2400 KASOTA AVE
ST PAUL MN
55108

HAYES,THOMAS W
700 SELLWOOD BLG
DULUTH MN
55812

HESS DONALD MIDWEST PLANN
2101 HENN BLDG
MPLS MN
55405

HILL JIM ASSOC.MILK PROD.
7850 METRO PARKWAY
MINNEAPOLIS MN
55420

HOPKINS WM.B. DIR.MISCCA
3915 GOLDEN VALLEY ROAD
GOLDEN VALLEY MN
55422

HOUSE ED STANDING SUB COMM
RM 109 STATE CAPITOL
ST PAUL MN
55101

HULSTRAND ANDERSON & LARS
PO BOX 130
WILLMAR MN
56201

HUNT MRS CHAS L MECCA
26 E EXCH CENTRAL MANOR
ST PAUL MN
55101

HUNT JAMES P JR
11470 GALTIER DR
BURNSVILLE MN
55378

INGEBRIGTSEN DR K H
23 SE 4TH ST
MPLS MN
55414

INGVALSON VERN MN.FARM BU
3110 WOODDALE DR PO 337
OST PAUL MN
55165

IVERSON DR JOS DEPT ED
ST OLAF COLLEGE
NORTHFIELD MN
55057

IVERSON GARY L
1212 PIONEER BLDG
ST PAUL MN
55101

JENOS INC
525 LAKE AVE SO
DULUTH MN
55801

JENSEN CARL A
127 E MAIN ST
SLEEPY EYE MN
56085

KABLE RICHARD W

BETHEL MN
55006

KING,TIMOTHY
3333 OAKLAND AVE S
MPLS MN
55407

KLUZ STEVEN J
1910 1ST NATL BK BLDG
MPLS MN
55402

KOLLER MR & MRS ERWIN A
1568 DULUTH ST
ST PAUL MN
55108

KOPP MRS VERNON
2050 65TH ST E
INVER GR HGHT MN
55075

LAKE SUPERIOR INDUSTRIAL BUR
828 FIRST AM. BK. BLDG.
DULUTH MN
55802

LANSING & OAKES
400 SIBLEY ST
ST PAUL MN
55101

LARSON HANS P DIV HOSP SERV
717 DELAWARE ST SE
MPLS MN
55440

LAUNDERERS&DRY CLEANERS A
W 1ST NATL BK BLDG
ST PAUL MN
55101

LOCKNER GARY
R R 1 BOX 23
BAUDETTE MN
56623

LOOS CALVIN J
6809 LYNDALE AVE SO
MPLS MN
55423

MCKIBBON MRS SHIRLEY
11 EVERGREEN LN
BABBITT MN
55706

MCLELLAN LARKIN
215 ADM BLDG ST CAPITOL
ST PAUL MN
55101

MANKATO STAT STUDENT SENATE
CENTENNIAL STUDENT UN
MANKATO MN
56001

MANTHEY T J PICKANDS MATH
2000 UNION COMM BLDG
CLEVELAND OH
44115

MECCA R.F. NELSON
26 E EXCHANGE ST
ST PAUL MN
55101

MEIEROTTO, JOAN
1794 SO LEXINGTON
ST PAUL MN
55118

MET TFR MEN ASSN A ROSENTHAL
1821 UNIV AVE
ST PAUL MN
55104

MILLER RICHARD A
1020 PLYMOUTH BLDG
MPLS MN
55402

MPLS TRIBUNE CITY DESK
425 PORTLAND AVE
MPLS MN
55415

MINN APT ASSN
GRIGGS-MIDWAY BLDG
ST PAUL MN
55104

MINN ASSN COOPERATIVES
55 SHERBURNE AVE
ST PAUL MN
55103

MINN ASSN ELEC COOPERATIV
4901 W 77TH ST
MPLS MN
55435

CITIZENS LEAGUE
530 SYNDICATE BLDG
MPLS MN
55402

CLARKSON J.B.
2350 I.D.S. CENTER
MINNEAPOLIS MN
55402

COMMUNITY DESIGN CENTER
118 E 26TH ST
MPLS MN
55404

CONCORDIA COLLEGE
DEAN
MOORHEAD MN
56560

CROW WING CO PLANNING & ADV
COURT HOUSE
BRAINERD MN
56401

CUSHMAN J S DAYTON HUDSON
700 NICOLLET MALL
MPLS MN
55402

DANKERS,KENNETH
1200 WEST FOURTH STREET
RED WING MN
55066

DANIELSON RODNEY L
418 AUDITORIUM
ST PAUL MN
55102

DIEHL JOHN
26 KENWOOD PKWY
ST PAUL MN
55105

DISPATCH PIONEER PRESS
PRESS RM STATE CAPITOL
ST PAUL MN
55101

DOYTON MAURICE, MET SEWER BD
350 METRO SQ BLDG
ST PAUL MN
55101

DUDLEY E H
RT 7 BOX 122
EXCELSIOR MN
55331

EBELING EDWARD H.
161 W. MAIN
PERHAM MN
56573

EDINA FIRE D JAMES MCNELL
4801 W 50TH ST
EDINA MN
55424

ELMER EDWIN W
2901 PLEASANT AVE
MPLS MN
55408

EMERICK RICHARD A
1908 IDS CENTER
MPLS MN
55402

ERDMAN ROGER TENNANT CO
701 N LILAC DR
MPLS MN
55441

ERNEST K LEHMANN & ASSOC.
1409 WILLOW ST.
MPLS MN
55403

EVERETT JERRY NW PETRO ASSN
512 NICOLLET MALL RM917
MPLS MN
55402

EWALD DOUGLAS MINN HOSP A
2333 UNIV AVE SE
MPLS MN
55414

FAEGRE & BENSON ATTN LIBR
1260 NW BANK BLDG
MPLS MN
55402

FELHABER R S
W 1ST NATL BANK BLDG
ST PAUL MN
55101

FLEMING FREDERICK A
1860 HIGHLAND PARKWAY
ST PAUL MN
55116

FLETCHER RONALD
7900 XERXES AVE S
MPLS MN
55431

ANCHOR BLOCK COMPANY
PO BOX 3360
ST PAUL MN
55165

ANDERSON HERBERT
418 8TH ST. SO.
VIRGINIA MN
55792

ANTHONY R.S. E.L.M.
1222 FOURTH ST. S.E.
MINNEAPOLIS MN
55414

ARMOUR AND COMPANY
UNION STOCK YARDS
SO ST PAUL MN
55075

ASMUSSEN,DENNIS,MPIRG
3036 UNIV AVE SE
MPLS MN
55414

ASSOCIATED INDUST OF MPLS
NATIONAL BLDG
MPLS MN
55402

BABCOCK LOCHER NELSON ET
118 E MAIN ST
ANOKA MN
55303

BARKER KENT
8100 34TH AVE SO
MPLS MN
55420

BARTHOLOW HAROLD E FIRE C
2600 109 AVE N W
COON RAPIDS MN
55433

BELISLE JON
2040 WILSON #28
ST PAUL MN
55119

BEMIDJI STATE COLLEGE
PLACEMENT BUR.J.C.BRADY
BEMIDJI MN
56601

BEST FLANAGAN ET AL
1ST NATL BANK BLDG
MPLS MN
55402

BEUTEL ROBERT
BOX 1205
ST CLOUD MN
56301

BRIGHAM E M III
RR4
RED WING MN
55066

BROEKER JOHN
2850METRO DR. SUITE 504
BLOOMINGTON MN
55420

BRUBACHER RICHARD COMM ADM
208 ADM BLDG
ST PAUL MN
55101

BRUNING C.R.DEPT.CLINIC.E
BURTON HALL
MPLS. MN
55455

BUR NATL AFFAIRS INC
1231 25TH ST NW
WASHINGTON DC
20037

CARRISON DALE K
MANKATO STATE COLLEGE
MANKATO MN
56001

CENTRAL BUSINESS DATA
BENSON RADIO ARCADE BLD
BENSON MN
56215

CHAMBERLAIN WARREN D
887 SW 4TH AVE
FARIBAULT MN
55021

CHERCHES CHRIS CITY MGR
5005 MTKA BLVD
ST LOUIS PARK MN
55416

Allen Claude H
1200 NW Bank Building
St. Paul, MN 55101

Albert, AA Calder Corp
366 Jackson Street
St. Paul MN 55101

MINN. ASSN. PET RETAILERS
1115 2ND AVE. SO.
MINNEAPOLIS MN
55403

MINN AUTOMOBILE DEALERS ASSN
GRIGGS MIDWAY BLDG
ST PAUL MN
55104

MINN DEPT HEALTH J C MCKASY
717 DELAWARE S E
MPLS MN
55440

MINN DENTAL HYGIENISTS
5041 YVONNE TERRACE
MPLS MN
55436

MINN ENV LAW INST INC
PO BOX 15076 COMM STA
MPLS MN
55415

MINN FARMERS UNION PRES OFF
1275 UNIV AVE
ST PAUL MN
55104

MINN HWYS MANAGEMENT SERVICE
410 HWY BLDG
ST PAUL MN
55101

MINN HOUSING INST N T CARTER
7801 METRO PKWY
MPLS MN
55420

MINN.MTR.TRANSP. .J.N.DENN
1821 UNIV.
ST.PAUL MN
55104

MINN PETROLEUM COUNCIL
446 BUILDERS EXCH BLDG
MPLS MN
55402

MN REP STATE CENTRAL COMM
555 WABASHA AVE
ST PAUL MN
55102

MINN RESTAURANT ASSN
2001 UNIVERSITY AVE.
ST PAUL MN 55
104

MINN SCH BUS OPERATORS ASSN

FARIBAULT MN
55021

MINN SOCIETY ARCHITECTS AIA
NW NATL BK BLDG
ST PAUL MN
55101

MINN ST BD PHAR P G GRUSSING
1965 FORD PKWY
ST PAUL MN
55116

MINN STATE CAPITOL EMP UNION
PO BOX 3215
ST PAUL MN
55165

MINN STATE RETIREMENT SYSTEM
529 JACKSON ST
ST PAUL MN
55101

MINN TBR PRODUCERS ASSN
200 CHRISTIE BLDG
DULUTH MN
55802

MINN WATER RESOURCES BD
RM 206 555 WABASHA ST
ST PAUL MN
55102

MINN-WISC BOUNDARY AREA COMM
600 2ND ST
HUDSON WI
54016

MOONEY, MICHAEL A.
BOX 903, ST.JOHN'S UNIV
COLLEGEVILLE MN
56321

MPIRG
BOX 45 ST MARYS COLLEGE
WINONA MN
55987

NATL CAR RENTAL ATT D MITZEL
5501 GREEN VALLEY DR
MPLS MN
55437

NATL COUNCIL JEWISH WOMEN
4330 CEDAR LK RD
MPLS MN
55416

NCEC INC C/O DR DAHLBERG
CONCORDIA COLLEGE
MOORHEAD MN
56560

NELSON DONALD E NSP CO
414 NICOLLET AVE
MPLS MN
55401

NORTH CENTRAL ELEC ASSN
PO BOX 202
BATTLE LAKE MN
56515

NW COUNTRY ELEVATOR ASSN
802 GRAIN EXCH BLDG
MPLS MN
55415

NYQUIST DEAN A
3707 53RD PL N
BROOKLYN CTR MN
55429

OFFICE OF THE GOVERNOR
130 STATE CAPITOL
ST PAUL MN
55101

OLD COLONY GAS & OIL COMPANY
17TH AVE N AT 2ND ST
MPLS MN
55411

PATTISON ORVIS
BOX 645
WILLMAR MN
56201

PETERSON GARY
854 MIDLAND BK BLDG
MPLS MN
55401

PETERSEN JOHN W
525 OSBORN BLDG
ST PAUL MN
55102

POPOVICH PETER S
314 MINN BLDG
ST PAUL MN
55101

PORTER LYLE O

TRACY MN
56175

PULSCHER RBT SPRINGSTED INC
813 OSBORN BLDG
ST PAUL MN
55102

RED OWL STORES INC
215 E EXCELSIOR AVE
HOPKINS MN
55343

RENNER R.H. ST PAUL AREA CC
300 OSBORN BLDG.
ST PAUL MN
55102

RICHARDS MONTGOMERY ET AL
1430 RAND TOWER
MPLS MN
55402

ROBBIE JOSEPH
904 CARGILL BLDG NO CTR
MPLS MN
55402

ROSS ALFRED
6356 WARE RD
LINO LAKES MN
55014

ST PAUL ASSN PLBG HTG MECH
614 AM NATL BK
ST PAUL MN

ST PAUL BUR HLTH DR P COX
555 CEDAR ST
ST PAUL MN
55101

JOHNSON M.D. FRUNDT & FRUNDT
BLUE EARTH MN
56013

JOHNSON LANCE J
265 S LAFAYETTE RD
ST PAUL MN
55107

KANE ANTHONY
176 E FIFTH ST
ST PAUL MN
55101

KIMBALL ROBERT
647 CAPITOL SQ BLDG
ST PAUL MN
55101

KNOWLES, LARRY D
8025 33RD AVE N
CRYSTAL MN
55427

KNUTSON DR KEITH,BIOLOGY DPT
ST CLOUD STATE
ST CLOUD MN
56301

KORTZ MRS LOUISE
1064 FOREST HILLS DR SW
ROCHESTER MN
55901

LAPP LAZAR LAURIE ET AL
1200 BUILDERS EXCHANGE
MINNEAPOLIS MN
55402

LARSON C L
3800 MINNEHAHA AVE SO
MPLS MN
55406

LEAGUE MN MUNIC MC HDDICKS
3300 UNIV AVE S E
MPLS MN
55414

LINDALL & JONATHAN DEVELOP.
VILLAGE ONE CENTER
CHASKA MN
55318

LOWE DOUG
2701 N LEXINGTON AVE
ROSEVILLE MN
55113

MALONE E I COMM LABOR & INDU
444 LAFAYETTE RD 5TH FL
ST PAUL MN
55101

MASTOR MATTSON HART ET AL
414 ROANOKE BLDG
MPLS MN
55402

MAUL WARREN E
320 S 4TH ST
MPLS MN
55415

MERRITT GRANT POLLUTION CONT
OAK & DELAWARE
MPLS MN
55440

MET OPEN SPACE INFOR PROJ
111 E FRANKLIN AVE SO
MPLS MN
55404

MILLER TOM
2311 PILLSBURY AVE S
MPLS MN
55404

MPLS STAR PRESS ROOM
STATE CAPITOL
ST PAUL MN
55101

MN. ASN.C&IND H.D.PETERSON
480 CEDAR ST.
ST.PAUL MN
55101

MINN AFL-CIO, L O LA SHOMB
414 AUDITORIUM ST
ST PAUL MN
55102

AM CAMPING ASSN MRS LEACOCK
1235 BRIGHTON SQ
NEW BRIGHTON MN
55112

AM INST PROF GEOLOGISTS
2201 PRINCETON AVE
ST PAUL MN
55105

ANDERSON JAMES
7703 NORMANDALE RD
MPLS MN
55435

ANDREWS MOSBURG ET AL-NICHOL
MIDLAND CENTER
OKLAHOMA CITY OK
73102

ARROWHEAD REGIONAL DEV COMM
900 ALWORTH BLDG
DULUTH MN
55802

ARVER JOHN A
2467 COHANCY
ST PAUL MN
55113

ASSN OF MINN COUNTIES
55 SHERBURNE AVE #203
ST PAUL MN
55103

AUTOMOBILE MFRS ASSN INC
55 SHERBURNE AVE
ST PAUL MN
55103

BADALICH JOHN P
2025 THOMPSON AVE
SO ST PAUL MN
55075

BARRETT FRED
ST LOUIS CO COURT HOUSE
DULUTH MN

BECKLIN ROBERT C
447 N W 4TH
CAMBRIDGE MN
55008

BEECHER EVERETT
10 10 1ST ST SO
HOPKINS MN

BENSONI - PETER USW OF AM.
609 PROVIDENCE BLDG.
DULUTH MN

BERGERUD ALF
300 ROANOKE BLDG
MPLS MN
55402

BREHL JAMES W
332 HAMM BLDG
ST PAUL MN
55102

BRIGGS & MORGAN - B F FRIEL
2200 W 1ST NATL BK BLDG
ST PAUL MN
55101

BROOKS WILLIAM F JR
854 MIDLAND BK BLDG
MPLS MN
55401

BROWN D M GOODRIDGE PUB SCH
IND DIST #561
GOODRIDGE MN
56725

BURGER ALBERT
600 DEGREE OF HONOR BLD
ST PAUL MN
55101

BUR. ENGR. IND. DIV. MR. KIBIGER
219 N. 2ND ST.
MPLS. MN

CARLSON CARL L
7516 80TH ST S
COTTAGE GROVE MN
55016

CARPENTER MRS MARY LEE
DOW CHEMICAL 47 BLDG
MIDLAND MICH.
48640

CHAMBER OF COMMERCE
30 SO 1ST AVE EAST
ELY MN
55731

CHAMBERLAIN JOHN L
PO BOX 241
MPLS MN
55440

CHRISTIAN SCI COMM ON PUB
1821 UNIV AVE SUITE 271
ST PAUL MN
55104

CITY CLERK
386 CITY HALL
ST PAUL MN
55102

COLEMAN NICHOLAS D
700 LINWOOD AVE
ST PAUL MN
55105

COLLIN LAURENCE
RT 2
ISANTI MN
55040

CONSUMER SERVICES DEPT COMM
230 STATE OFF BLDG
ST PAUL MN
55101

COX AND KING
600 BUILDERS EXCH
MPLS MN
55402

DANFORTH & ALLEN
731 NW BANK BLDG
MPLS MN
55402

DAVIS HENRY
6301 SHINGLE CREEK
BROOKLYN CTR MN
55429

DAYTON CHAS SIERRA CLUB
400 ROANOKE
MPLS MN
55402

DORSEY MARQUART
2400 1ST NATL BANK BLDG
MPLS MN
55402

DOUGLASS BELL
525 OSBORN BLDG
ST PAUL MN
55102

DUNN OLIVER PLUMBERS LOC 15
708 SO 10TH ST
MPLS MN
55404

ELDER DR JAMES B
11140 WASHBURN AVE SO
BLOOMINGTON MN
55431

ELDRED R W ARMOUR & CO
UNION STOCK YARDS
SO ST PAUL MN
55075

EMP HANDICAPPED PERSONS COMM
527 JACKSON RM 227
ST PAUL MN
55101

ENV SERV-GEN RESOURCE CORP
6340 INDUSTRIAL DR
HOPKINS MN
55343

ESSE KENNETH
4801 W 50TH ST
EDINA MN
55424

EVANS CHAS.L. PRENTICE-HALL
ENGELWOOD CLIFFS
NEW JERSEY

EWING MRS WM
42 ASTAR RD
BABBITT MN
55706

FINLEY JAMES F
920 MINN BLDG
ST PAUL MN
55101

FINNEGAN J.R.
55 E. 4TH
ST.PAUL MN
55101

FITZGERALD DR BOB
3007 LYNDALE AVE SO
MPLS MN
55408

FORBES GOR[illegible]N MINN RRS ASSN
207 UNION DEPOT
ST PAUL MN
55101

FURLONG DR JOHN
RT 1
BOVEY MN
55709

F W WOOLWORTH CO
3316 W 66TH ST
EDINA MN
55424

GAS HUT INC
4940 VIKING DR
MINNEAPOLIS MN
55435

GEORGE K GRANSE CO
1477 SELBY AVE
ST PAUL MN
55104

GODIN RALPH J
3824 47TH AVE SO
MPLS MN
55406

GRANATH MARVIN -HONEYWELL
2701 4TH AVE SO
MPLS MN
55408

GUSTAFSON MRS D MINN VET MED
24 S 6TH ST
MPLS MN
55402

GUSTAFSON WALLACE
BOX 567
WILLMAR MN
56201

HARVEY MICHAEL
1390 W M HAHA PKWY
MPLS MN
55409

HALLBERG LEE & MCCABE
4927 34TH AVE S
MPLS MN
55417

HARTFELDT WILL
415 HAMM BLDG 6TH ST
ST PAUL MN
55102

HEAD & TRUHN
1007 SOO LINE BLDG
MPLS MN
55402

HOULE MELVIN
881 W HWY 96
SHOREVIEW MN
55112

HOUSE APPROPRIATIONS COMM
RM 109 STATE CAPITOL
ST PAUL MN
55101

HULTMAN WARREN R
C/O BARBAROSSA R3
OSSEO MN
55369

HUMAN RIGHTS DEPT
60 STATE OFF BLDG
ST PAUL MN
55101

HUTCHISON R.M. ANOKA CO.COMP
COURT HOUSE
ANOKA MN
55303

INS FED OF MINN
902 SOO LINE BLDG
MPLS MN
55402

IUOE LOC 49 CHAS SWENSON
2580 UNIV AVE
ST PAUL MN
55101

JACKMAN DONALD G
4023 E LAKE ST
MPLS MN
55406

SCHAPS NICHOLAS
100 DAIN TOWER
MPLS MN
55402

SCHMIDT D R MN ASSN REALTORS
6101 WAYZATA BLVD
MPLS MN
55416

SCHNEIDER MAHLON
GREEN GIANT
LESUEUR MN
56058

SCHWARTAU NEAL METH HOSP
201 W CENTER ST
ROCHESTER MN
55901

SCHNEIDER & NEESER
706 1ST ST SO PO BX 876
WILLMAR MN
56201

SCHROEDER ALFRED H
2172 CARROLL AVE
ST PAUL MN
55104

SENATE FINANCE COMMITTEE
113 STATE CAPITOL
ST PAUL MN
55101

SHABATURA EUGENE H
2833 LAKE AVE SO
DULUTH MN
55811

SHINER JOHN T.
297 GOODRICH AVE
ST PAUL MN
55102

SKELLY OIL CO R R WELLINGTON
PO BOX 436
KANSAS CITY MO

SODERMAN ANTHONY
152 S PLAZA BLDG
MPLS MN
55416

STANSFIELD ARLENE LAND OLKS
PO BOX 116
MPLS MN
55440

STD AM LIFE & ANNUITY CO
3801 W 50TH ST
MPLS MN
55410

STEELWORKERS CREDIT UNION
BOX 250
BABBITT MN
55706

SUMMIT NATL BANK D L MORRILL
205 AURORA AVE
ST PAUL MN
55103

SUSSEL CO. ATTN: TED SCHWENKER
1850 COMO AVE.
ST PAUL MN
55108

SCHMIDT H W TCHRS RETIREMENT
302 CAPITOL SQ BLDG
ST PAUL MN
55101

SCHMIDT LARRY WCCO-TV NEW
50 S 9TH ST
MPLS MN
55402

SCHWERMAN EARL JR
1535 8TH AVE SE
ROCHESTER MN
55901

SCHWINN ROBT.P.
1400 SCO LINE BLDG.
MPLS. MN
55402

SEARS ROEBUCK & CO
2929 ELLIOT AVE D 703MW
MPLS MN
55401

SENATE COUN OFF J ST MARI
STATE CAPITOL
ST PAUL MN
55101

SHAW ROBERT M
616 MOBIL OIL BLDG
MPLS MN
55402

SHELL OIL CO. W.A. ROQUET
ONE SHELL PLAZA BX 2463
HOUSTON TX
77001

SLOCUM CHARLES A
1203 IDS TOWER
MPLS MN
55402

SMERIKA WN.
BOISE CASCADE PAPERS
INTL FALLS MN
56649

STATE BD.BARBER EXAMINERS
555 WABASHA
ST PAUL MN
55102

STATE BD VETERINARY EXAMI
C/O DR A C SPANNAUS DVM
WACONIA MN

STENSLAND M.E. PRES. MVMA
203 NW 22ND ST.
AUSTIN MN
55912

STUPKA & MOREM
MIDTOWN BLDG
AUSTIN MN
55912

SWANSON BURT E
W-2162 1ST NATL BK BLDG
ST PAUL MN
55101

SWANSON GERALD H
212 CITY HALL
ROCHESTER MN
55901

ADDITIONS TO GENERAL LIST

ISD - RW PAYNE 9/[illegible]

STATE OF MINNESOTA
OFFICE of SECRETARY of STATE

NOTICE of HEARINGS MAILING LABEL SYSTEM

NAME	ADDRESS STREET	CITY	STATE	ZIP CODE	
BLOMQUIST BARRY L		NORTH BRANCH	MN	55056	
COUNTY ATTYS COUNCIL	95 SHERBURNE AVE S203	ST PAUL	MN	55103	
KNUTSON R N GRANNIS et al	F J SCHULT BLDG	SO ST PAUL	MN	55075	
MINN TEAMSTERS CREDIT UNION	2021 HENN AVE E	MPLS	MN	55413	
STOLPESTAD BROWN & SMITH	1550 NW BK BLDG	ST PAUL	MN	55101	
SULLIVAN J KIRK	PO BOX 200	BOISE	ID	83701	
VAN DRAKE STEPHEN R	BOX 353	PELICAN RAPIDS	MN	56572	
WINTERS JOHN A	POLK CO STATE BK BLDG	CROOKSTON	MN	56716	

AICHINGER-MARKER PLANNING	421 WABASHA ST	ST PAUL	MN	55102
~~MEINEKE~~				
NEDELL HAROLD - MEINEKE	6300 W LOOP S SUITE 200	HOUSTON	TX	77027
SAX DOVE & STENSON	310 ENDICOTT BLDG	ST PAUL	MN	55101

STATE PLANNING AGENCY
(Incl.Off. Local & Urban Affairs)

Green, Prof. John, Geology Dept. U of M Duluth, Duluth 55812

Geer, Charles A., 2400 First Natl Bk.Bldg., Minneapolis 55402

STATE OF MINNESOTA

COUNTY OF RAMSEY

ENVIRONMENTAL QUALITY COUNCIL

In the Matter of the Adoption of
Proposed Rules of the Minnesota
Environmental Quality Council
Relating to Critical Areas

AFFIDAVIT

Marie J. Tschida, first being duly sworn on oath, deposes and says that:

1. I am an employee of the State Planning Agency.

2. On March 14, 1974, I went to the Secretary of State's Office in the City of Saint Paul and requested a current list of all associations and individuals who had registered their names with the Secretary of State for the purpose of obtaining Notices of public hearings. I also requested a current list of all associations and individuals who had registered their names with the Secretary of State for the purpose of obtaining Notices of public hearings relating to the promulgation of rules by the Minnesota Environmental Quality Council and the State Planning Agency.

3. On March 14, 1974, in response to the above request, the Secretary of State's Office provided me with the lists.

Marie J. Tschida

Marie J. Tschida

Subscribed and sworn to before
me this 14 day of March, 1974.

Evelyn M Routier

Notary Public

EVELYN ROUTIER
Notary Public, Ramsey County, Minn.
My Commission Expires Oct. 13, 1974

STATE OF MINNESOTA

ENVIRONMENTAL QUALITY COUNCIL

COUNTY OF RAMSEY

In the Matter of the Adoption
of Proposed Rules of the Minnesota
Environmental Quality Council Relating
to Critical Areas

AFFIDAVIT
OF MAILING

MARIE J. TSCHIDA, first being duly sworn on oath, deposes and says that:

1. I am an employee of the State Planning Agency.

2. On March 15, 1974, I served the attached Notice of Hearing upon each of the individuals and organizations named in the Secretary of State's mailing lists that existed at that time and upon each of the individuals and organizations named in the Critical Areas general mailing list, the Task Force for Critical Areas, the Regional Development Commission, the Environmental Quality Council members, the Technical Representatives, the Citizen's Advisory Committee, and the Association of Minnesota Counties/ League of Minnesota Municipalities Task Force that existed at that time, by depositing in the United States mail, with postage prepaid, envelopes containing a true and correct copy of the said Notice addressed to each of the names and addresses contain in the lists.

Marie J. Tschida
Marie J. Tschida

Subscribed and sworn to before
me this 18 day of March, 1974,
at Saint Paul, Minnesota.

Evelyn M Routier
Notary Public

EVELYN ROUTIER
Notary Public, Ramsey County, Minn.
My Commission Expires Oct. 18, 1974

CERTIFICATE OF COUNCIL'S

ADOPTION OF RULES RESOLUTION

I, Robert L. Herbst, do hereby certify that I am Vice Chairman of the Minnesota Environmental Quality Council, a Council duly authorized under the laws of the State of Minnesota, and that the following is true, complete, and correct copy of a resolution adopted at a meeting of the Minnesota Environmental Quality Council duly and properly called and held on the 14th day of May, 1974; that a quorum was present at said meeting; that a majority of the members of the Council voted for the resolution; that said resolution is set forth in the minutes of said meeting and has not been rescinded or modified.

"RESOLVED, that the rules relating to the Critical Areas be and they hereby are approved and adopted, pursuant to authority vested in us by Minn. Stat. Sect. 116G.04, and that Gerald W. Christenson, the Chairman of Minnesota Environmental Quality Council, be and hereby is authorized to sign an order adopting those rules."

IN WITNESS WHEREOF, I have hereunto subscribed my name this 14 day of May, 1974.

Robert L. Herbst
Vice Chairman

STATE OF MINNESOTA

ENVIRONMENTAL QUALITY COUNCIL
CAPITOL SQUARE BUILDING
550 CEDAR STREET
ST. PAUL, 55101

ADOPTION OF CRITICAL AREAS RULES

RESOLUTION

RESOLVED, that the rules relating to Critical Areas be and they hereby are approved and adopted, pursuant to authority vested in us by Minn. Stat. Section 116G.04 (1974) and that Gerald W. Christenson, the Chairman of the Minnesota Environmental Quality Council, be and hereby is authorized to sign an order adopting those rules.

STATE OF MINNESOTA

COUNTY OF RAMSEY

BEFORE THE MINNESOTA
ENVIRONMENTAL QUALITY COUNCIL

In the Matter of the Proposed
Adoption of Rules of the
Minnesota Environmental Quality
Council Governing Critical
Areas.

FINDINGS OF FACT

The above-entitled matter came on for hearing before the Environmental Quality Council of the State of Minnesota in the City of Saint Paul, Minnesota, in the Auditorium of the Saint Paul Vocational/Technical Institute, 235 Marshall Avenue, on April 18, 1974, commencing at 9:00 A.M.; in the City of Duluth, Minnesota, in the Central Lecture Hall of the Duluth Area Technical Institute, 2101 Trinity Road, on April 19, 1974, commencing at 10:00 A.M.; in the City of Bemidji, Minnesota, in the Auditorium of the J. W. Smith School, 17th and Irvin, on April 22, 1974, commencing at 1:30 P.M. after proper notice required by Minn. Stat. Section 15.0412 (1971) was served upon all persons, associations and other interested groups registered with the Secretary of State for that purpose.

After affording interested persons an opportunity to present written and oral data, statements and arguments, having heard all of the testimony, having considered all of the evidence adduced and upon the records, files and proceedings herein, I find the following:

1. These Regulations relating to Critical Areas are proposed in the context of the overall philosophy of the Environmental Quality Council as expressed in the purpose of these Regulations, MEQC 51 (b):

   a. The purpose of these Regulations is to provide public agencies and private persons with policy, definitions, procedures, criteria, standards and guidelines of statewide application to be used in the implementation of the Critical Areas Act.

   b. Because development in areas of the State that possess important historic, cultural, or esthetic values, or natural systems that perform functions of greater than local significance may result in irreversible damage to these resources, decrease their value and utility for public purposes, or unreasonably endanger life and property, the State shall identify these critical areas and assist and cooperate with local units of government in the preparation of plans and regulations for the wise use of these areas.

c. The critical areas planning process is intended to be neither a "court of last resort" to review purely local planning and zoning issues nor a substitute for an on-going land planning process involving the legislative, executive and judicial branches of state and local government. The critical areas planning process shall be limited to exceptional circumstances where other powers are unavailable, inapplicable, or are not being used effectively to ensure adequate and coordinated local, regional and state planning and regulation to protect the public interest in the area.

d. The critical areas planning process is intended to be applied to a limited number of areas in the State. Critical area designation based on criteria that may characterize large or common areas of the State or region shall be avoided.

2. The term "powers" should be defined to the statutory or other legal authority of federal, state, or regional agencies and local units of government.

3. The term "regulations" should be defined as including the instruments by which state and local government control the physical development of a critical area.

4. "Substantial part" in the proposed definition of "Development financed in substantial part by the United States,the State of Minnesota, or the agency or political subdivision thereof", should be changed from "20%" to over 50%.

5. It is essential that the recommendation of a critical area contain the legal description of the boundaries of the area.

6. The Critical Areas Act has placed the responsibility for initiating recommendations of critical areas with the Regional Development Commissions, local units of government, and the Environmental Quality Council. State agencies and private persons may submit suggestions for a recommendation to a Council, a Regional Development Commission or a local unit of government.

7. The Act specifically directs the Council to periodically inventory the state and recommend critical areas to the Governor. Although it is desirable that Regional Development Commissions conduct an initial review of any recommended critical areas, only the Council is authorized to submit a recommendation to the Governor. Therefore, the Council must be able to take immediate action to consider a critical area recommendation without allowing time for Regional Development Commission review.

8. When a recommendation is submitted to a Regional Development Commission or local unit of government for review, a prescribed procedure for the review is necessary, which includes giving legal notice, submitting the recommendation to other local units of government and Regional Development Commissions, providing for public comment, and holding a public hearing or meeting on the recommendation.

9. It is important that adequate public notice be given at each stage of the recommendation of a critical area. When a recommendation for a critical area is initiated or received by the Regional Development Commission or the Council, a legal notice of the recommendation should be placed in the official newspaper of each county affected by the recommendation. While it has been advocated that notice by mail should be given to owners of real property, it is not feasible based on time and manpower requirements when large areas are recommended for critical area designation. However, a local unit of government, a Regional Development Commission or the Council should be allowed to give notice by mail of a recommendation of a critical area to owners of real property within the recommended area. In addition, the Council should be required to give notice of a Council public hearing to individual owners in the recommended critical area, when the recommended area is 1,000 acres or less.

10. To provide an opportunity for public comment, a public hearing on a recommendation should be held by the Council in each county affected by the proposed critical area.

11. The provision in the proposed regulations that authorized the Regional Development Commissions and the Council to take other appropriate action to protect a critical area when a recommendation was rejected has been deleted because the Act does not grant any additional authority.

12. The process of preparing plans and regulations for a designated critical area should include adequate opportunity for participation by the public, property owners, users of land, and the appropriate officials or representatives of local, regional, state and federal government bodies. Regional Development Commissions should be able to appoint advisory committees of the above interest groups. Also, public hearings with adequate notice should be required.

13. When the Council is required to prepare plans and regulations for a critical area, it should be required to prepare plans and regulations within a 90 day period and in accordance with prescribed procedures, which include, legal notice, public hearings in each county directly affected, and the adoption of plans and regulations within 60 days of the hearing.

STATE OF MINNESOTA
ENVIRONMENTAL QUALITY COUNCIL

By Gerald W. Christenson
Gerald W. Christenson
Chairman

STATE OF MINNESOTA

COUNTY OF RAMSEY

BEFORE THE MINNESOTA
ENVIRONMENTAL QUALITY COUNCIL

In the Matter of the Proposed
Adoption of Rules of the
Minnesota Environmental Quality
Council Governing Critical
Areas.

ORDER ADOPTING
RULES

The above-entitled matter came on for hearing before the Environmental Quality Council of the State of Minnesota in the City of Saint Paul, Minnesota, in the Auditorium of the Saint Paul Vocational/Technical Institute, 235 Marshall Avenue, on April 18, 1974, commencing at 9:00 A.M.; in the City of Duluth, Minnesota, in the Central Lecture Hall of the Duluth Area Technical Institute, 2101 Trinity Road, on April 19, 1974, commencing at 10:00 A.M.; in the City of Bemidji, Minnesota, in the Auditorium of the J. W. Smith School, 17th and Irvin, on April 22, 1974, commencing at 1:30 P.M. after proper notice required by Minn. Stat. Section 15.0412 (1971) was served upon all persons, associations and other interested groups registered with the Secretary of State for that purpose.

After affording interested persons an opportunity to present written and oral data, statements and arguments, having heard all of the testimony, having considered all of the evidence adduced and upon the records, files, and proceedings herein, and applicable statutory standards or criteria, and having confirmed the need for the above captioned rules.

NOW, THEREFORE, IT IS ORDERED that these rules identified as Minnesota Regulations MEQC 51-57 are adopted this 14 day of May, 1974, pursuant to authority vested in the Minnesota Environmental Quality Council by Minn. Stat. Sect. 116G.04 (Supp. 1973).

STATE OF MINNESOTA
ENVIRONMENTAL QUALITY COUNCIL

By Gerald W. Christenson
Gerald W. Christenson
Chairman

STATE OF MINNESOTA

ENVIRONMENTAL QUALITY COUNCIL

COUNTY OF RAMSEY

In the Matter of Proposed
Rules of the Minnesota
Environmental Quality Council
Relating to Critical Areas

STATEMENT OF NEED

The above captioned rules are new rules and regulations and are not amendments to any existing rules or regulations.

The need to adopt these rules arises for the following reasons:

1. Certain areas of the state possess important historic, cultural, or esthetic values or natural resources which are of greater than local significance.

2. Uncoordinated development of these areas could result in irreversible damage to these resources, such development could decrease their value and utility for public purposes, or unreasonably endanger life and property.

3. It is important to identify these critical areas. Once identified, the state should assist and cooperate with local units of government in the preparation of plans and regulations for the wise use of these areas.

4. The Critical Areas planning process is an interim action that enables the Governor or Regional Development Commissions to insure that such coordinated planning and regulation takes place until such time that the Legislature may confirm such action.

5. The 1973 Minnesota Legislature adopted the Critical Areas Act which requires the Environmental Quality Council to establish rules and regulations relating to definitions, procedures and criteria for designating and managing Critical Areas pursuant to Minnesota Statutes, 1973, Sections 15.0412, Subdivision 4 and 116G.04.

Gerald W. Christenson

Gerald W. Christenson
Chairman

STATEMENT OF COMPLIANCE WITH

MANUAL OF RULE MAKING PROCEDURES

I, Special Assistant Attorney General Jean E. Heilman, do hereby declare that I have examined the proposed rules and all related documents and that, based on them and my personal familiarity with the applicable procedures, the Manual of Rule Making Procedures has been followed. Any exceptions are noted below.

Jean E. Heilman

Special Assistant Attorney General

Dated: May 15, 1974