

Minnesota Attorney General: Administrative Rules Proceedings

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August 20, 2018

74

MINNESOTA STATE REGULATION

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 Department of Natural Resources
(Agency or Board)

Regulation No. NR 5100 thru 5102

Subject: Utility Crossings of Public Lands + Waters

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

NOV 8 1974 1:20pm

BY Eda Staudenmaier
AUTH. SIGNATURE EJ

Stamped and filed with the Secretary of State 11-8-74

Rev. 9-72

MIN 1000

STATE OF MINNESOTA

DEPARTMENT Attorney General

Office Memorandum

TO : **A. W. Clapp III**
Special Assistant Attorney General
Natural Resources

DATE: **November 12, 1974**

FROM : Michael B. Miller MBM
Special Assistant Attorney General

SUBJECT: Rules and Regulations **- NR 5100 - 5102**

Enclosed directly following this memorandum are the rules and regulations you have submitted for approval. These rules and regulations have been approved by the Attorney General, filed with the Secretary of State and with the Department of Administration.

Upon receipt and before transmittal to your agency, it is IMPERATIVE that you recheck these rules and regulations as to:

1. Are the stamps of the Attorney General, Secretary of State and Department of Administration affixed to the last page of the rules and/or regulations;

2. Are all rules and/or regulations submitted covered by these stamps;

3. Are all pages of the rules and/or regulations included in the approved set?

Directly following the approved rules and/or regulations is a complete set of required documents and transcript which MUST be retained with the approved rules and/or regulations by you or your agency.

Also enclosed are additional documents and transcripts not retained by the Secretary of State; these should also be retained with the rules and/or regulations by you or your agency.

If you have any questions in this regard, please contact me.

MBM/sr

Enclosures

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STATE OF MINNESOTA

DEPARTMENT OF NATURAL RESOURCES

RULES AND REGULATIONS

CHAPTER FIFTY-ONE: UTILITY CROSSINGS OF PUBLIC LANDS AND WATERS

NR 5100 General Provisions

(a) POLICY

Pursuant to Minnesota Statutes, Section 84.415, as amended by Laws of Minnesota 1973, Chapter 479, Section 1, the Commissioner of Natural Resources hereby establishes rules and regulations concerning utility crossings over public lands and waters under the control of the Commissioner, setting forth (1) fees, and (2) standards and criteria for minimizing the environmental impact of such crossings.

(b) DEFINITIONS

"Public waters" means all waters of the state which serve a beneficial public purpose, as defined in Minnesota Statutes, Section 105.38.

"Electric transmission" means lines, cables, or conduits used to transport large blocks of power between two points - generally, 69 kilovolt-amperes or more. As distinguished from "distribution" which means lines, cables, or conduits used to distribute power to the utility company's customers - generally, less than 69 kilovolt-amperes.

"Utilities" means lines, cables, and conduits for telephone, telegraph, or electric power, and pipelines for gases, liquids or solids in suspension, and any other such item covered by the licensing requirements of Minn. Stat. § 84.415.

(c) SEVERABILITY

The provisions of these regulations are severable, and the invalidity of any lettered or numbered paragraph, subparagraph, or subdivision thereof, shall not invalidate any other part.

NR 5101 Fee Schedules

(a) POLICY

The following fees defray administrative costs, and provide a reasonable return for private use of public land or water.

(b) APPLICATION FEE

(1) The applicant shall include $15.00 with each application for a license to construct utility crossings over or under public lands. An application may contain more than one crossing.

(2) The applicant shall include $15.00 with each application for a license to construct utility crossings over or under public waters. An application may contain more than one crossing. In the case of underwater crossings, the application fee charged hereunder shall satisfy the application fee requirements of NR 5000, but such crossings shall be subject to all inspection and monitoring fees required by law or regulation.

(3) The checks shall be made payable to the State Treasurer. The Commissioner will acknowledge the receipt of the application, indicating whether or not the correct application fee was included. The Commissioner will take no other action on the application until he has received the correct fee. He will not return application fees, even if the application is withdrawn or denied.

(c) UTILITY CROSSING FEES

One-time payment fees securing a 50-year license, made payable

to the State Treasurer, shall be established for two classes of utility crossings as follows:

(1) Fees for crossing of public waters:

(aa) For utility crossings under public waters involving a disturbance of less than 10 feet in width at the water's edge, RATE TABLE I shall apply.

(bb) For utility crossings under public waters involving a disturbance of 10 feet or more in width at the water's edge, RATE TABLE II shall apply.

(cc) For utility crossings over public waters, RATE TABLE III shall apply.

(2) Fees for crossing of public lands:

(aa) For utility crossings over, under or across public lands, RATE TABLE IV shall apply.

(bb) The minimum utility crossing fee for any utility crossings of public lands shall be $10.00.

(d) OPTION FOR 25-YEAR LICENSE

An applicant may request a 25-year license instead of a 50-year license. In such a case, a one time payment fee securing a 25-year license shall be established based on sixty percent (60%) of the fee for a 50-year license as computed under NR 5101 (c) and RATE TABLES I-IV.

(e) RENEWAL OF LICENSE

At the end of the license period if both parties wish to renew, the renewal fee and time period will be determined by such methods as are developed by the Commissioner or his successor.

(f) WHEN APPLICABLE

(1) Application fees required under these regulations shall be charged for all applications received after the effective date of these regulations.

(2) The license fees required under these regulations shall apply to all licenses which have not been fully executed at the effective date of these regulations.

RATE TABLE I

Underwater Crossings involving a disturbance of less than 10 feet in width at the water's edge.

TOTAL LENGTH IN FEET ALL CROSSINGS PER APPLICATION

Type of Utility	0-100	101-200	201-300	301-400	401-500	500+
	BASE RATE					
Pipeline	$80.00	$100.00	$120.00	$140.00	$160.00	$160.00 plus $20.00 per 100 feet or fraction thereof additional
Electric Transmission	60.00	75.00	90.00	105.00	120.00	$120.00 plus $15.00 per 100 feet or fraction thereof additional
Electric Distribution Telephone and Telegraph	40.00	50.00	60.00	70.00	80.00	$80.00 plus $5.00 per 100 feet or fraction thereof additional

The length of an underwater crossing is measured by the number of feet of line between banks or shores.

The license fee is determined by adding the length of all such underwater crossings on the same application and, using this total distance, selecting the appropriate column to determine the base rate. The license fee is the base rate plus $10.00 for each crossing in excess of one listed in the application.

Example #1. Electric distribution line application. Five water crossings.

Crossing #1, length, 40 feet
Crossing #2, length, 10 feet
Crossing #3, length, 75 feet
Crossing #4, length, 22 feet
Crossing #5, length, 35 feet
Total 182 feet

Base rate $50.00 (from 101-200 feet column)
Plus $40.00 (4 crossings in excess of one)
License fee $90.00

Example #2. Pipeline application. One crossing.

Crossing #1, length, 650 feet

Base rate $200.00 (from the 500+ column)
Plus 00.00 (no crossings in excess of one)
License fee $200.00

RATE TABLE II

Underwater Crossings involving a disturbance of more than 10 feet in width at the water's edge.

TOTAL LENGTH IN FEET PER EACH CROSSING

Type of Utility	0-100	101-200	201-300	301-400	401-500	500 +
	RATE PER CROSSING					
Pipeline	$100.00	$125.00	$150.00	$175.00	$200.00	$200.00 plus $25.00 per 100 feet or fraction thereof additional
Electric Transmission	75.00	94.00	113.00	131.00	150.00	$150.00 plus $19.00 per 100 feet or fraction thereof additional
Electric Distribution Telephone and Telegraph	50.00	63.00	75.00	88.00	100.00	$100.00 plus $13.00 per 100 feet or fraction thereof additional

The length of an underwater crossing is measured by the number of feet of line between banks or shores.

The license fee is determined by calculating separately the length of each crossing, finding the rate for each crossing by referring to the appropriate column, and then adding together the resulting rate determinations.

Example: Pipeline application - 3 underwater crossings.

Crossing #1,	length, 461 feet	Rate, Crossing #1 - $200.00
Crossing #2,	length, 24 feet	Rate, Crossing #2 - $100.00
Crossing #3,	length, 231 feet	Rate, Crossing #3 - $150.00
		License fee $450.00

RATE TABLE III

Overwater Crossings

TOTAL LENGTH IN FEET ALL CROSSINGS PER APPLICATION

Type of Utility	0-100	101-200	201-300	301-400	401-500	500+
	BASE RATE					
Pipeline	$125.00	$163.00	$200.00	$238.00	$275.00	$275.00 plus $38.00 per 100 feet or fraction thereof additional
Electric Transmission	100.00	130.00	160.00	190.00	220.00	$220.00 plus $30.00 per 100 feet or fraction thereof additional
Electric Distribution Telephone and Telegraph	75.00	98.00	120.00	143.00	165.00	$165.00 plus $23.00 per 100 feet or fraction thereof additional

The length of an overwater crossing is measured by the number of feet of line between banks or shores.

The license fee is determined by adding the length of all such overwater crossings on the same application and using this total distance, selecting the appropriate column to determine the base rate. The license fee is the base rate plus $10.00 for each crossing in excess of one listed in the application.

Example: Telephone line application. Three overwater crossings.

Crossing #1, length, 27 feet
Crossing #2, length, 31 feet
Crossing #3, length, 10 feet
Total 68 feet

Base rate	$75.00	(from the 0-100 feet column)
Plus	$20.00	(2 crossings in excess of one)
License fee	$95.00	

RATE TABLE IV

Public Land Crossings

Type of Utility	Width of Right-of-Way					
	0-66'	67'-99'	100'-132'	133'-165'	166'-198'	198' +
	RATE PER ROD OF LENGTH OF CROSSING					
Pipeline	$1.50	$2.25	$3.00	$3.75	$4.50	$5.25
Electric Transmission	1.00	1.50	2.00	2.50	3.00	3.50
Electric Distribution Telephone and Telegraph	.50	.75	1.00	1.25	1.50	1.75

Example #1. Electric transmission line request: 100 feet right-of-way, across two descriptions of public land, 1320 feet in length for each description.

Total length of public land crossing - 2640 feet
2640 feet = 160 rods
160 rods x $2 per rod = $320

Example #2. Pipeline requests: 75 foot right-of-way, 400 feet across public land

400 feet = 24.24 rods
24.24 rods x $2.25 per rod = $54.54

If an additional crossing is to be placed in an existing right-of-way by the original licensee or any other licensee, the fee will be 50 per cent of the amount which would be charged if this crossing were the original crossing in the right-of-way.

If the appraised value of the land over which a utility will cross is over $100.00 per acre, a fee in addition to that contained in Rate Table IV will be charged. The additional fee shall not exceed fifteen percent (15%) of the appraised value in excess of $100.00 per acre of the actual acreage being taken by the right-of-way.

NR 5102 Protecting the Environment

(a) POLICY

It is essential to regulate utility crossings of public lands and waters in order to provide maximum protection and preservation of the natural environment and to minimize any adverse effects which may result from utility crossings. These standards and criteria provide a basic framework of environmental considerations concerning such a proposed crossing. The standards deal with route design, structure design, construction methods, safety considerations, and right-of-way maintenance.

(b) APPLICATION CONTENT

For each environmental standard listed in these regulations, the applicant shall indicate whether he is satisfying the standard, where applicable, or if he is not, why not. In dealing with route design standards, the application must, where applicable, also supply data on relevant site conditions. Except when the Commissioner determines that it is not feasible and prudent, or not in the best interests of the environment, the applicant shall comply with the following standards in designing, constructing, and maintaining utility crossings.

(c) ROUTE DESIGN

(1) With regard to topography:

(aa) Avoid steep slopes.

(bb) Avoid scenic intrusions into stream valleys and open exposures of water.

(cc) Avoid scenic intrusions by avoiding ridge crests and high points.

(dd) Avoid creating tunnel vistas by, for example, building deflections into the route or using acceptable screening techniques.

(2) With regard to vegetation:

(aa) Avoid wetlands.

(bb) Run along fringe of forests rather than through them. But if it is necessary to route through forests, then utilize open areas in order to minimize destruction of commercial forest resources.

(3) With regard to soil characteristics:

(aa) Avoid soils whose high susceptibility to erosion would create sedimentation and pollution problems during and after construction.

(bb) Avoid areas of plastic soils which would be subject to extensive slippage.

(cc) Avoid areas with high water tables, especially if construction requires excavation.

(4) With regard to crossing of public waters:

(aa) Avoid streams, but if that is not feasible and prudent, cross at the narrowest places wherever feasible and prudent, or at existing crossings of roads, bridges or utilities.

(bb) Avoid lakes, but where there is no feasible and prudent alternative route, minimize the extent of encroachment by crossing under the water. Crossings on or under the beds of streams designated by the Commissioner as trout waters shall be avoided unless there is no feasible alternative. When unavoidable, maximum efforts shall be taken to minimize damage to trout habitat.

(5) With regard to special use areas, which are those areas designated under Minnesota Statutes §84.033 as scientific and natural areas, those areas designated pursuant to Minnesota Statutes, §104.35

as units of the Minnesota Wild and Scenic River System, and those areas subject to special regulation for recreational, scenic, natural, scientific or environmental purposes:

(aa) Avoid them, but if there is no feasible alternative route, then utilities shall be placed underground.

(bb) Locate such crossings with existing public facilities such as roads and utilities.

(d) STRUCTURE DESIGN

(1) With regard to locating the utility overhead or under the ground or water:

(aa) Primary consideration shall be given to underground and underwater placement in order to minimize visual impact. If the proposal is for overhead placement, the applicant shall explain the economic, technological, or land characteristic factors, which make underground placement infeasible. Economic considerations alone shall not be the major determinant.

(bb) If overhead placement is necessary, the crossing shall be hidden from view as much as practicable.

(2) With regard to the appearance of the structures, they shall be made as compatible as practicable with the natural area with regard to:

(aa) Height and width

(bb) Materials used

(cc) Color

(3) The right-of-way width shall be kept to a minimum.

(e) CONSTRUCTION METHODS

(1) When crossing roads or rivers, leave a screen of vegetation between the structures and the road or river.

(2) When crossing under public waters, take steps to prevent excessive erosion of lake or stream banks and construct temporary sediment traps to reduce sedimentation.

(3) Construct across wetlands in the winter in order to minimize damage to vegetation and in order to prevent erosion and sedimentation.

(4) Construct at times when local fish and wildlife are not spawning or nesting.

(f) SAFETY CONSIDERATIONS

Applicants for crossings of electrical transmission lines and pipelines shall adhere to Federal and State safety regulations, both with regard to prevention (such as safety valves and circuit breakers) and with regard to emergency procedures in the event of failure (fire suppression, oil spill cleanup).

In order to insure adequate safety for commercial or recreational navigational uses of waterways, overhead crossings shall be constructed at adequate heights to provide maximum safety compatible with existing or potential navigational uses.

(g) RIGHT OF WAY MAINTENANCE

(1) Natural vegetation of value to fish or wildlife, which does not pose a hazard to or restrict reasonable use of the utility, shall be allowed to grow in the right-of-way.

(2) Where vegetation has been removed, new vegetation consisting of native grasses, herbs, shrubs, and trees, recommended by the Commissioner shall be planted and maintained on the right-of-way.

(3) Chemical control of vegetation shall be in accordance with rules, regulations and other requirements of all state and federal agencies with authority over the use.

(h) RELATIONSHIP TO OTHER LAWS

There are other Minnesota and Federal laws and rules and regulations concerned with utility crossings and the environment. In case of conflict with other environmental regulations, the regulations included herein will be subordinated to any law, rule or regulation which is stricter in its protection of the environment. Other related environmental laws and rules and regulations include but are not limited to those associated with:

(1) Federal and state wild, scenic and recreational rivers.

(2) The Minnesota Environmental Protection Act.

(3) Natural and Scientific areas.

(i) LICENSE CONDITIONS

In granting a license, the Commissioner may include therein any terms, conditions, or reservations which may be necessary to minimize the adverse effect on the environment or to carry out the policies of these regulations.

(j) CANCELLATION OF LICENSE

Upon violation of any of the terms, conditions, or reservations contained in a license, the Commissioner may cancel any license granted under these regulations.

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APPROVED AS TO FORM AND LEGALITY
NOV - 8 1974 19
WARREN SPANNAUS, ATTORNEY GENERAL
BY Michael B Miller
SPECIAL ASSISTANT ATTORNEY GENERAL

STATE OF MINNESOTA
DEPARTMENT OF STATE
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NOV 8 - 1974 - 1:15 pm
Arlen I. Erdahl
Secretary of State

FILED
RICHARD L. BRUBACHER
Commissioner of Administration
NOV 8 1974 1:30 pm
BY Eda Staudenmaier EJ
AUTH. SIGNATURE

STATE OF MINNESOTA

COUNTY OF RAMSEY

BEFORE ROBERT L. HERBST, COMMISSIONER OF THE DEPARTMENT OF NATURAL RESOURCES, STATE OF MINNESOTA

In the Matter of the Proposed Adoption of Rules and Regulations of the Commissioner of Natural Resources, Governing Fees and Environmental Criteria for Utility Crossings Above, On, or Below Public Lands and Waters, Pursuant to the Authority of Laws of Minnesota, 1973, Chapter 479, Section 1.

ORDER AMENDING PREVIOUS ORDER ADOPTING RULES

This Order amends the Order Adopting Rules on the same captioned subject dated the 29th day of July, 1974, by replacing Department of Natural Resources Rules 5100-5102 which were attached to the July 29th Order with Rules of the same title attached to this amending Order.

The attached set of Rules incorporates wording changes recommended by the Office of the Attorney General after that office had reviewed the previously submitted Rules for form and legality.

The changes are indicated on Attachment A.

Dated this 31 day of October, 1974.

STATE OF MINNESOTA
DEPARTMENT OF NATURAL RESOURCES

ROBERT L. HERBST
Commissioner
Department of Natural Resources

NR 5101 Fee Schedules

(a) POLICY

The following fees defray administrative costs, and provide a reasonable return for private use of public land or water.

(b) APPLICATION FEE

(1) The applicant shall include $15.00 with each application for a license to construct utility crossings over or under public lands. An application may contain more than one crossing.

(2) The applicant shall include $15.00 with each application for a license to construct utility crossings over or under public waters. An application may contain more than one crossing. In the case of underwater crossings, ~~which involve permits under Minnesota Statutes, Chapter 105,~~ the application fee charged hereunder shall satisfy the application fee requirements of NR 5000., ~~(aa) Any utility~~ but such crossings ~~which involves a Chapter 105 permit~~ shall be subject to all inspection and monitoring fees required by law or regulation.

(3) The checks shall be made payable to the State Treasurer. The Commissioner will acknowledge the receipt of the application, indicating whether or not the correct application fee was included. The Commissioner will take no other action on the application until he has received the correct fee. He will not return application fees, even if the application is withdrawn or denied.

(c) UTILITY CROSSING FEES

One-time payment fees securing a 50-year license, made payable

(a) POLICY

It is essential to regulate utility crossings of public lands and waters in order to provide maximum protection and preservation of the natural environment and to minimize any adverse effects which may result from utility crossings. These standards and criteria provide a basic framework of environmental considerations concerning such a proposed crossing. The ~~considerations~~ standards deal with route design, structure design, construction methods, safety considerations, and right-of-way maintenance.

(b) APPLICATION CONTENT

For each environmental ~~consideration~~ standard listed in these regulations, the applicant shall indicate whether he is satisfying the ~~consideration~~ standard, where applicable, or if he is not, why not. In dealing with route design ~~considerations~~ standards, the application must, where applicable, also supply data on relevant site conditions. Except when the Commissioner determines that it is not feasible and prudent, or not in the best interests of the environment, the applicant shall comply with the following standards in designing, constructing, and maintaining utility crossings.

(c) ROUTE DESIGN

(1) With regard to topography:

(aa) Avoid steep slopes.

(bb) Avoid scenic intrusions into stream valleys and open exposures of water.

(cc) Avoid scenic intrusions by avoiding ridge crests and high points.

(dd) Avoid creating tunnel vistas by, for example, building deflections into the route or using acceptable screening techniques.

(2) With regard to vegetation:

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(bb) Run along fringe of forests rather than through them. But if it is necessary to route through forests, then utilize open areas in order to minimize destruction of commercial forest resources.

(3) With regard to soil characteristics:

(aa) Avoid soils whose high susceptibility to erosion would create sedimentation and pollution problems during and after construction.

(bb) Avoid areas of plastic soils which would be subject to extensive slippage.

(cc) Avoid areas with high water tables, especially if construction requires excavation.

(4) With regard to crossing of public waters:

(aa) ~~On~~ Avoid streams, ~~avoid them if possible,~~ but if that is not ~~possible,~~ feasible and prudent, cross at the narrowest places, wherever feasible and ~~practicable,~~ prudent, or at existing crossings of roads, bridges or utilities.

(bb) Avoid lakes, ~~whenever practicable. But~~ but where there is no feasible and prudent alternative route, minimize the extent of encroachment by crossing under the water. Crossings on or under the beds of streams designated by the Commissioner as trout waters ~~should~~ shall be avoided unless there is no ~~reasonable~~ feasible alternative. When unavoidable, maximum efforts ~~must~~ shall be taken to minimize damage to trout habitat.

(5) With regard to special use areas, which are those areas designated under Minnesota Statutes § 84.033 as scientific and natural

areas, those areas designated pursuant to Minnesota Statutes, § 104.35 as units of the Minnesota Wild and Scenic River System, and those areas subject to special regulation for recreational, scenic, natural, scientific or environmental purposes:

(aa) Avoid them, ~~whenever practicable. But~~ but if there is no feasible alternative route, then utilities ~~should~~ shall be placed underground.

(bb) Locate such crossings with existing public facilities such as roads and utilities.

(d) STRUCTURE DESIGN

(1) With regard to locating the utility overhead or under the ground or water:

(aa) Primary consideration ~~must~~ shall be given to underground and under water placement in order to minimize visual impact. If the proposal is for overhead placement, the applicant shall explain the economic, technological, or land characteristic factors, which make underground placement infeasible. Economic considerations alone shall not be the major determinant.

(bb) If overhead placement is necessary, the crossing ~~should~~ shall be hidden from view as much as practicable.

(2) With regard to the appearance of the structures, they ~~should~~ shall be made as compatible as practicable with the natural area with regard to:

(aa) Height and width

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(1) When crossing roads or rivers, leave a screen of vegetation between the structures and the road or river.

(2) When crossing under public waters, take steps to prevent excessive erosion of lake or stream banks and construct temporary sediment traps to reduce sedimentation.

(3) Construct across wetlands in the winter in order to minimize damage to vegetation and in order to prevent erosion and sedimentation.

(4) Construct at times when local fish and wildlife are not spawning or nesting.

~~(5) Wintertime right-of-way clearing in hardwood forests may provide beneficial browse for wildlife.~~

(f) SAFETY CONSIDERATIONS

Applicants for crossings of electrical transmission lines and pipelines ~~must~~ shall adhere to Federal and State safety regulations, both with regard to prevention (such as safety valves and circuit breakers) and with regard to emergency procedures in the event of failure (fire suppression, oil spill cleanup).

In order to insure adequate safety for commercial or recreational navigational uses of waterways, overhead crossings ~~must~~ shall be constructed at adequate heights to provide maximum safety compatible with existing or potential navigational uses.

(g) RIGHT OF WAY MAINTENANCE

(1) ~~If possible, natural~~ Natural vegetation of value to fish or wildlife, ~~and~~ which does not pose a hazard to or restrict reasonable use of the utility, shall be allowed to grow in the right-of-way.

(2) Where vegetation has been removed, new vegetation consisting of native grasses, herbs, shrubs, and trees, recommended by the Commissioner ~~should~~ shall be planted and maintained on the right-of-way.

(3) Chemical control of vegetation ~~is discouraged. But where such methods are justified, chemicals used and the manner of their use must~~ shall be in accordance with rules, regulations and other requirements of all state and federal agencies with authority over the use.

(h) RELATIONSHIP TO OTHER LAWS

There are other Minnesota and Federal laws and rules and regulations concerned with utility crossings and the environment. In case of conflict with other environmental regulations, the regulations included herein will be subordinated to any law, rule or regulation which is stricter in its protection of the environment. Other related environmental laws and rules and regulations include but are not limited to those associated with:

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In granting a license, the Commissioner may include therein any terms, conditions, or reservations which may be necessary to minimize the adverse effect on the environment or to carry out the policies of these regulations.

(j) CANCELLATION OF LICENSE

Upon violation of any of the terms, conditions, or reservations contained in a license, the Commissioner may cancel any license granted under these regulations.

STATE OF MINNESOTA

COUNTY OF RAMSEY

BEFORE ROBERT L. HERBST, COMMISSIONER OF THE DEPARTMENT OF NATURAL RESOURCES, STATE OF MINNESOTA

In the Matter of the Proposed Adoption of Rules and Regulations of the Commissioner of Natural Resources, Governing Fees and Environmental Criteria for Utility Crossings Above, On, or Below Public Lands and Waters, Pursuant to the Authority of Laws of Minnesota, 1973, Chapter 479, Section 1.

ORDER ADOPTING RULES

The above-entitled matter came on for hearing before the Director of the Division of Waters, Soils and Minerals of the Department of Natural Resources of the State of Minnesota on the 27th day of December, 1973, at 1:00 P.M. in Room B-45 of the Classroom Office Building of the University of Minnesota, St. Paul Campus, St. Paul, Minnesota, after proper notice required by Minn. Stat. 1971, § 15.0412 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 Department of Natural Resources Rules 5100-5102, governing fees and environmental criteria for utility crossings above, on, or

below public lands and waters, a true copy of which is attached to the original Order, are adopted this 29 day of July, 1974, pursuant to authority vested in me by Minn. Stat. 1971, Section 15.0412 and Laws of Minnesota, 1973, Chapter 479.

STATE OF MINNESOTA
DEPARTMENT OF NATURAL RESOURCES

ROBERT L. HERBST
Commissioner
Department of Natural Resources

STATE OF MINNESOTA

COUNTY OF RAMSEY

BEFORE ROBERT L. HERBST, COMMISSIONER OF THE DEPARTMENT OF NATURAL RESOURCES, STATE OF MINNESOTA

In the Matter of the Proposed Adoption of Rules and Regulations of the Commissioner of Natural Resources, Governing Fees and Environmental Criteria for Utility Crossings Above, On, or Below Public Lands and Waters, Pursuant to the Authority of Laws of Minnesota, 1973, Chapter 479, Section 1

ORDER FOR HEARING

To effectively implement Laws of Minnesota, 1973, Chapter 479, section 1, the Minnesota Commissioner of Natural Resources deems it necessary to consider the proposed rules and regulations captioned above pursuant to the authority vested in me by Laws of Minnesota, 1973, Chapter 479, section 1.

NOW, THEREFORE, IT IS ORDERED this 30th day of November, 1973, that a public hearing on the proposed rules captioned above be held in St. Paul, Minnesota, on December 27, 1973, at the University of Minnesota, St. Paul Campus, in room B-45 of the Classroom Office Building, which is on Buford Avenue next to the Library, beginning at 1:00 p.m., and continuing until all representatives of associations and other interested groups and persons have had an opportunity to be heard.

IT IS FURTHER ORDERED that notice of said hearings 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 and to all persons who are presently members of the Minnesota Legislature.

IT IS FURTHER ORDERED that notice of said hearings be published once in a legal newspaper in each of the following cities: St. Paul, Minnesota; Minneapolis, Minnesota.

STATE OF MINNESOTA
DEPARTMENT OF NATURAL RESOURCES

ROBERT L. HERBST, Commissioner
Department of Natural Resources

STATE OF MINNESOTA

COUNTY OF RAMSEY

BEFORE ROBERT L. HERBST, COMMISSIONER OF THE DEPARTMENT OF NATURAL RESOURCES, STATE OF MINNESOTA

In the Matter of the Proposed Adoption of Rules and Regulations of the Commissioner of Natural Resources, Governing Fees and Environmental Criteria for Utility Crossings Above, On, or Below Public Lands and Waters, Pursuant to the Authority of Laws of Minnesota, 1973, Chapter 479, Section 1

ORDER FOR HEARING OFFICER

To effectively implement the Laws of Minnesota, 1973, Chapter 479, the Commissioner of Natural Resources has proposed rules captioned above and has ordered a public hearing on the proposed rules to be held in St. Paul, Minnesota, on December 27, 1973. In order for such public hearing to be effectively conducted, a hearing officer is necessary.

NOW, THEREFORE, IT IS ORDERED this 21st day of December, 1973, that Eugene R. Gere shall be the hearing officer who shall conduct the public hearing in the above captioned matter.

STATE OF MINNESOTA
DEPARTMENT OF NATURAL RESOURCES

Robert L. Herbst

ROBERT L. HERBST, Commissioner
Department of Natural Resources

Hearing Exhibit No. 2

STATE OF MINNESOTA

COUNTY OF RAMSEY

BEFORE ROBERT L. HERBST, COMMISSIONER OF THE DEPARTMENT OF NATURAL RESOURCES, STATE OF MINNESOTA

In the Matter of the Proposed Adoption of Rules and Regulations of the Commissioner of Natural Resources, Governing Fees and Environmental Criteria for Utility Crossings Above, On, or Below Public Lands and Waters, Pursuant to the Authority of Laws of Minnesota, 1973, Chapter 479, Section 1

NOTICE OF HEARING

NOTICE IS HEREBY GIVEN That a public hearing will be held pursuant to Minnesota Statutes 15.0412, subdivision 4, in the above entitled matter, in St. Paul, Minnesota on December 27, 1973, at the University of Minnesota, St. Paul Campus, in room B-45 of the Classroom Office Building, which is on Buford Avenue next to the Library, beginning at 1:00 p.m. and continuing until all representatives of associations and other interested groups and persons have had an opportunity to be heard concerning adoption of the proposed rules and regulations by submitting either oral or written data, statements or arguments. Statements or briefs may be submitted without appearing at the hearing.

A copy of the proposed rules is attached hereto.

Dated this ___ day of November, 1973.

STATE OF MINNESOTA
DEPARTMENT OF NATURAL RESOURCES

STATE OF MINNESOTA)
) ss.
COUNTY OF RAMSEY)

In the Matter of the Proposed Adoption of Rules and Regulations of the Commissioner of Natural Resources, Governing Fees and Environmental Criteria for Utility Crossings Above, On , or Below Public Lands and Waters, Pursuant to the Authority of Laws of Minnesota, 1973, Chapter 479, Section 1

CERTIFICATE

I hereby certify that the attached 309 labels and one sheet constitute the complete list of persons, associations, and other interested groups who as of 2:30 o'clock P .m., this 19th day of November, 1973, have requested pursuant to Minn. Stat. 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 hearings on proposed rules on the subjects captioned above.

Arlen I Erdahl
SECRETARY OF STATE
ARLEN I. ERDAHL

By Gail Dion

	ALBERT,AA CALDER CORP 366 JACKSON ST ST PAUL MN 55101
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 7705 NORMANDALE RD MPLS MN 55435	ANTHONY R.S. E.L.M. 1222 FOURTH ST. S.E. MINNEAPOLIS MN 55414
ASMUSSEN,DENNIS,MPIRG 3036 UNIV AVE SE MPLS MN 55414	ASSOCIATED INDUST OF MPLS NATIONAL BLDG MPLS MN 55402
	BADALICH JOHN P 2025 THOMPSON AVE SO ST PAUL MN 55075
BARTHOLOW HAROLD E FIRE CHF 2600 109 AVE N W COON RAPIDS MN 55433	BECKLIN ROBERT C 447 N W 4TH CAMBRIDGE MN 55008
BENSONI PETER USN 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

ALLEN CLAUDE H
1200 N W BK BLDG
ST PAUL MN
55101

ALTMAN MILTON H
707 DEGREE OF HONOR BLD
ST PAUL MN
55101

ANCHOR BLOCK COMPANY
PO BOX 3360
ST PAUL MN
55165

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

ARMOUR AND COMPANY
UNION STOCK YARDS
SO ST PAUL MN
55075

ARVER JOHN A
2467 CCHANCY
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

BARRETT FRED
ST LOUIS CO COURT HOUSE
DULUTH MN

BARKER KENT
8100 34TH AVE SO
MPLS MN
55420

BEECHER EVERETT
10 10 1ST ST SO
HOPKINS MN

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

BROEKER JOHN M
2850 METRO DR SUITE 513
BLOOMINGTON MN
55420

BROOKS WILLIAM F JR
854 MIDLAND BK BLDG
MPLS MN
55401

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

BRUBACHER RICHARD COMM ADM
208 ADM BLDG
ST PAUL MN
55101

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

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

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

CARRISON DALE K
MANKATO STATE COLLEGE
MANKATO MN
56001

CHAMBERLAIN JOHN L
PO BOX 241
MPLS MN
55440

CHAMBERLAIN WARREN D
887 SW 4TH AVE
FARIBAULT MN
55021

CITY CLERK
386 CITY HALL
ST PAUL MN
55102

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

CONCORDIA COLLEGE
DEAN
MOORHEAD MN
56560

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

CUSHMAN J S DAYTON HUDSON
700 NICOLLET MALL
MPLS MN
55402

DANIELSON RODNEY L
418 AUDITORIUM
ST PAUL MN
55102

DAVIS HENRY
6301 SHINGLE CREEK
BROOKLYN CTR MN
55429

DISPATCH PIONEER PRESS
PRESS RM STATE CAPITOL
ST PAUL MN
55101

DORSEY MARQUART
2400 1ST NATL BANK BLDG
MPLS MN
55402

DUDLEY E H
RT 7 BOX 122
EXCELSIOR MN
55331

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

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

ELDER DR JAMES B
11140 WASHBURN AVE SO
BLOOMINGTON MN
55431

EMERICK RICHARD A
1908 IDS CENTER
MPLS MN
55402

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

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

BURGER ALBERT
600 DEGREE OF HONOR BLD
ST PAUL MN
55101

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

CENTRAL BUSINESS DATA
BENSON RADIO ARCADE BLD
BENSON MN
56215

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

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

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

COLEMAN NICHOLAS D
700 LINWOOD AVE
ST PAUL MN
55105

COLLIN LAURENCE
RT 2
ISANTI MN
55040

COX AND KING
600 BUILDERS EXCH
MPLS MN
55402

CROW WING CO PLANNING & A
COURT HOUSE
BRAINERD MN
56401

DANFORTH & ALLEN
731 NW BANK BLDG
MPLS MN
55402

DANKERS, KENNETH
1200 WEST FOURTH STREET
RED WING MN
55066

DAYTON CHAS SIERRA CLUB
400 ROANOKE
MPLS MN
55402

DIEHL JOHN 26 Kenwood PKWY
~~1200 1ST NAT BK BLDG~~
~~MPLS~~ ST PAUL MN
~~55402~~ 55105

DOUGLASS BELL
525 OSBORN BLDG
ST PAUL MN
55102

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

EBELING EDWARD H.
161 W. MAIN
PERHAM MN
56573

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

ELMER EDWIN W
2901 PLEASANT AVE
MPLS MN
55408

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

ESSE KENNETH
4801 W 50TH ST
EDINA MN
55424

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

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

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

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

FLEMING FREDERICK A
1860 HIGHLAND PARKWAY
ST PAUL MN
55116

FORBES GORDON MINN RRS ASSN
207 UNION DEPOT
ST PAUL MN
55101

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

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

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

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

GREEN DEL CITY MGR
BLOOMINGTON CITY HALL
BLOOMINGTON MN
55431

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

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

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

HOULE MELVIN
881 W HWY 96
SHOREVIEW MN
55112

HULSTRAND ANDERSON & LARSON
PO BOX 130
WILLMAR MN
56201

HUMAN RIGHTS DEPT
60 STATE OFF BLDG
ST PAUL MN
55101

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

EWALD DOUGLAS MINN HOSP ASSN
2333 UNIV AVE S
MPLS MN
55414

EWING MRS WM
42 ASTA RD
BABBITT MN
55706

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

FINLEY JAMES F
920 MINN BLDG
ST PAUL MN
55101

FLETCHER RONALD
7900 XERXES AVE S
MPLS MN
55431

FITZGERALD DR BOB
3007 LYNDALE AVE SO
MPLS MN
55408

FRANKLIN ROBERT B MPLS TRIB
426 PORTLAND
MPLS MN
55415

FURLONG DR JOHN
RT 1
BOVEY MN
55709

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

GAS HUT INC
4940 VIKING DR
MINNEAPOLIS MN
55435

GODIN RALPH J
3824 47TH AVE SO
MPLS MN
55406

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

GUSTAFSON WALLACE
BOX 567
WILLMAR MN
56201

HAYES, THOMAS W
700 SELLWOOD BLG
DULUTH MN
55812

HESS DONALD MIDWEST PLANN
2101 HENN BLDG
MPLS MN
55405

HENN CO WELFARE BRD RM 26
COURT HOUSE
MPLS MN
55415

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

HOUSE APPROPRIATIONS COMM
RM 109 STATE CAPITOL
ST PAUL MN
55101

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

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

INS FED OF MINN
902 SOO LINE BLDG
MPLS MN
55402

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

JACKMAN DONALD G
4023 E LAKE ST
MPLS MN
55406

JENOS INC
525 LAKE AVE SO
DULUTH MN
55801

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

LAPP LAZAR LAURIE ET AL
1200 BUILDERS EXCHANGE
MINNEAPOLIS MN
55402

LARSON C L
3800 MINNEHAHA AVE SO
MPLS MN
55406

LINDALL & JONATHAN DEVELOP.
VILLAGE ONE CENTER
CHASKA MN
55318

MCKIBBON MRS SHIRLEY
11 EVERGREEN LN
BABBITT MN
55706

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

MANKATO STAT STUDENT SENATE
CENTENNIAL STUDENT UN
MANKATO MN
56001

MAUL WARREN E
320 S 4TH ST
MPLS MN
55415

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

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

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

MPLS TRIBUNE CITY DESK
425 PORTLAND AVE
MPLS MN
55415

MINN APT ASSN
GRIGGS-MIDWAY BLDG
ST PAUL MN
55104

IVERSON DR JOS DEPT ED
ST OLAF COLLEGE
NORTHFIELD MN
55057

JENSEN CARL A
127 E MAIN ST
SLEEPY EYE MN
56085

JOHNSON M.D. FRUNDT & FRU

BLUE EARTH MN
56013

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
ST CLOUD STATE
ST CLOUD MN
56301

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

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

MCLELLAN LARKIN
215 ADM BLDG ST CAPITOL
ST PAUL MN
55101

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

MASTOR MATTSON HART ET AL
414 ROANOKE BLDG
MPLS MN
55402

MEIEROTTO, JOAN
1794 SO LEXINGTON
ST PAUL MN
55118

MERRITT GRANT POLLUTION C
OAK & DELAWARE
MPLS MN
55440

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 CHO
414 AUDITORIUM ST
ST PAUL MN
55102

MINN ASS COOPERATIVES
55 SHERBURNE AVE
ST PAUL MN
55103

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

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

MINN COUNCIL STATE EMP NO 6
475 RICE ST
ST PAUL MN
55103

MINN ELECTRICAL ASSN INC
525 SO 7TH
MPLS MN
55415

MINN ENV CONTROL CITIZEN ASN
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

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

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

MINN REP STATE CEN COMM
~~4570 VIKING~~ 555 WABASHA
~~MPLS~~ ST PAUL MN AVE
~~55415~~ 55102

MINN RETAIL HARDWARE ASSN
3033 EXCELSIOR BLVD 313
MPLS MN
55416

MINN SCH BUS OPERATORS ASSN

FARIBAULT MN
55021

MINN STATE BAR ASSN
100 MINN FED BLDG
MPLS MN
55402

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

MINN STATE OPTOMETRIC ASSN
333 E HENNEPIN AVE
MPLS MN
55414

MINN STATE RETIREMENT SYSTEM
529 JACKSON ST
ST PAUL MN
55101

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

NATL COUNCIL JEWISH WOMEN
4330 CEDAR LK RD
MPLS MN
55416

NATL FAMILY INS CO
2147 UNIV AVE
ST PAUL MN
55114

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

MINN AUTOMOBILE DEALERS A
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 O
1275 UNIV AVE
ST PAUL MN
55104

MINN HWYS MANAGEMENT SERVICE
410 HWY BLDG
ST PAUL MN
55101

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

MINN PETROLEUM COUNCIL
446 BUILDERS EXCH BLDG
MPLS MN
55402

MINN POULTRY & HATCHERY A
BOX 158
MADELIA MN
56062

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

MINN RETAIL FEDERATION
7600 PARKLAWN STE 457
MPLS MN
55435

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

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

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

MINN STATE MED ASSN
375 JACKSON ST
ST PAUL MN
55101

MINN.TURKEY GROWERS ASSN
2382 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
BLOOMINGTON MN
55431

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

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

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

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

NELSON DONALD E NSP CO
414 NICOLLET AVE
MPLS MN
55401

NEUMAN RALPH W
RT 2 BOX 125
EMBARRASS MN
55732

NW COUNTRY ELEVATOR ASSN
802 GRAIN EXCH BLDG
MPLS MN
55415

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

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

OFFICE OF THE GOVERNOR
130 STATE CAPITOL
ST PAUL MN
55101

OHMAN W C NATL ELEC CONTRS
608 AM NATL BK
ST PAUL MN
55101

PATTISON ORVIS
BOX 645
WILLMAR MN
56201

PETERSEN JOHN W
525 OSBORN BLDG
ST PAUL MN
55102

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

PORTER LYLE D

TRACY MN
56175

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

RACHNER MARY JANE
1917 PINEHURST AVE
ST PAUL MN
55116

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

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

ROBBIE JOSEPH
904 CARGILL BLDG NO CTR
MPLS MN
55402

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

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

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

ST PAUL FOOD RETAILERS ASSN
1220 ARCADE
ST PAUL MN
55106

NIELSEN STOCK & BLACKBURN
415 730 BLDG
MPLS MN

NORTH CENTRAL ELEC ASSN
PO BOX 2
BATTLE LAKE MN
56515

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

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

OCONNELL THOMAS
941 LAUREL
ST PAUL MN
55104

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

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

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

PHILLIPS LEGISLATIVE SERVICE
113 W UNIV AVE
ST PAUL MN
55103

POPOVICH PETER S
314 MINN BLDG
ST PAUL MN
55101

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

PULSCHER RBT SPRINGSTED I
813 OSBORN BLDG
ST PAUL MN
55102

RANALLO CLARENCE
800 CENTRAL AVE N E
MPLS MN
55413

RED OWL STORES INC
215 E EXCELSIOR AVE
HOPKINS MN
55343

RICHARDSON THOS
7851 METRO PKWY S 103
MPLS MN
55420

RICHARDS MONTGOMERY ET AL
1430 RAND TOWER
MPLS MN
55402

ROCHE T E
5007 FREMONT AVE S
MPLS MN
55419

ROSS ALFRED
6356 WARE RD
LINO LAKES MN
55014

SATHRE, HARVEY
77 SHERBURNE
ST PAUL MN
55103

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

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

SCHAPS NICHOLAS
100 DAIN TOWER
MPLS MN
55402

302 CAPITOL SQ BLDG
ST PAUL MN
55101

50 S 9TH ST
MPLS MN
55402

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

STATE BD. BARBER EXAMINERS
555 WABASHA
ST PAUL MN
55102

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

STUPKA & MOREM
MIDTOWN BLDG
AUSTIN MN
55912

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

SWANSON GERALD H
212 CITY HALL
ROCHESTER MN
55901

UNION STOCK YARDS
ATTN PRES
SO ST PAUL MN
55075

VERRILL JOHN E
DEPT SECONDARY ED UOF M
DULUTH MN
55812

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

WELK G V NORTHERN STATES
414 NICOLLET MALL
MPLS MN
55401

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

WHITLOCK A G
ECON LAB OSBORN BLDG
ST PAUL MN
55102

WOLKERSTORFER THEODORE
676 17TH AVE NW
NEW BRIGHTON MN
55112

WOZNIAK D C
828 MINN BLDG
ST PAUL MN
55101

ZATARGA A E CPA
1800 MIDWEST PLAZA BLDG
MPLS MN
55402

SCHNEIDER MAHLON
GREEN GIANT
LESUEUR MN
56058

SCHWINN ROBT.P.
1400 SOO 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

SMERIKA WN.
BOISE CASCADE PAPERS
INTL FALLS MN
56649

STANSFIELD ARLENE LAND O
PO BOX 116
MPLS MN
55440

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

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

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

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

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

TWIN CITY RETAIL DRUGGIST
2388 UNIV AVE
ST PAUL MN
55104

VAN CLEVE JOHN H
2101 HENN AVE
MPLS MN
55405

VOGEL HOWARD G
814 FLOUR EXCH BLDG
MPLS MN:
55415

VOLDNESS PERRY
IDS 8TH & MARQUETTE
MPLS MN
55402

WELLS G W INS FED OF MINN
RT 4 BOX 194
WAYZATA MN
55391

WEST & GOWAN
ATTORNEYS AT LAW.
PINE ISLAND MN
55963

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

WIS FEEDER PIG MARKET CO-

FRANCIS CREEK WI

WYANT CLINTON W ATTY

ATKIN MN
56431

NATURAL RESOURCES
CONSERVATION

A-Line Company The, 740 Winnetka Ave. N., Golden Valley 55427
Rider, Bennett et al, 1910 1st Natl Bk Bldg, Mpls. 55402
Emery, K. Kieth, 4636 Upton Ave. S. Mpls. 55410

Chapman, John P., c/o Loon Falls Portage, Crane Lake

Chu, Lori, 1098 13th Ave. S.E., Mpls. 55414

Fargo-Moorhead Ecological Coodinating Comm., 513 South St., Moorhead 56560

Johns, Susan, 4110 E Lake St., Mpls 55406

Green, Prof. John C., U of M, Div.Science & Math,Dept.Geology,Duluth 55812

Hubachek, Frank B., Sr., 3220 Prudential Plaza, Chicago 60601

Halvorson Equipment Inc., 325 Lake Ave. S., Duluth 55802 , c/o John Clay

Johnson, G. Robert, 2300 Central Ave. N.E., Mpls. 55418

Lindahl, John R., 1202 W. 53rd St., Mpls. 55419

Nachbar, R. H., PO Box 911, Intl Falls, Mn. 56649

Rahr, Frederick, 8301 W 108th St., Bloomington 55438

Rovers Outting Club, c/o Conservation Chrman,Uof M, Coffman Union, Mpls.55455

[redacted]

Steinman, George A., Box 245, Prior Lake, Minn. 55372

U.S. Dept.of Interior, Field Solicitor, 686 Fed.Bldg.,Fort Snelling,Mpls.554

STATE OF MINNESOTA
OFFICE of SECRETARY of STATE

NOTICE of HEARINGS MAILING LABEL SYSTEM

NAME	ADDRESS STREET	CITY	STATE	ZIP CODE
DELISLE JON	2040 WILSON #28	ST PAUL	MN	55119
BRIGHAM E M III	RR4	RED WING	MN	55066
GEORGE K GRANSE CO	1477 SELBY AVE	ST PAUL	MN	55104
LOHE DOUG	2701 N LEXINGTON AVE	ROSEVILLE	MN	55113
THOMPSON HESSIAN ET AL	1500 MIDWEST PLAZA BLDG	MPLS	MN	55402
LEAGUE MN MUNIC MC ADDICKS	3300 UNIV AVE SE	MPLS	MN	55414

STATE OF MINNESOTA
OFFICE of SECRETARY of STATE

NOTICE of HEARINGS MAILING LABEL SYSTEM

NAME	ADDRESS STREET	CITY	STATE	ZIP CODE
COMMUNITY DESIGN CENTER	118 E 26th St	MPLS	MN	55404
[illegible] SERV - GEN RESOURCE COAR	6340 INDUSTRIAL DR	WORKINS	MN	55343
JOHNSON LANCE J	265 S LAFAYETTE RD	ST PAUL	MN	55107
[illegible] FULLER CO	2400 KASOTA AVE	ST PAUL	MN	55108
[illegible] ROGER TENNANT CO	701 N LILAC DR	MPLS	MN	55441
SCHMIDT D R MN ASSN REALTORS	6101 WAYZATA BLVD	MPLS	MN	55416
SWEITZER R L HONEYWELL INC	2701 4th AVES	MPLS	MN	55408

STATE OF MINNESOTA)
) ss.
COUNTY OF RAMSEY)

BEFORE ROBERT L. HERBST
COMMISSIONER OF THE
DEPARTMENT OF NATURAL
RESOURCES

In the Matter of the Proposed Adoption of Rules and Regulations of the Commissioner of Natural Resources, Governing Fees and Environmental Criteria for Utility Crossings Above, On, or Below Public Lands and Waters, Pursuant to the Authority of Laws of Minnesota, 1973, Chapter 479, Section 1

AFFIDAVIT

OF

MAILING

Jeffrey P. Featherstone being first duly sworn, deposes and says:

That on the 21st day of November, 1973, at the City of Saint Paul, County of Ramsey, State of Minnesota, he served the attached Notice of Hearing and Proposed Rules by depositing in the United States mail at said City of Saint Paul, a true and correct copy thereof, properly enveloped, and with postage prepaid, to all persons and associations at the addresses listed on the attached Certificate of the Secretary of State.

Jeffrey P Featherstone

Subscribed and sworn to before me this 21 day of November, 1973.

Richard C Hessburg
Notary Public

RICHARD C. HESSBURG
Notary Public, Hennepin County, Mn.
MY COMMISSION EXPIRES
March 8, 1980

STATE OF MINNESOTA

COUNTY OF RAMSEY

BEFORE ROBERT L. HERBST
COMMISSIONER OF THE
DEPARTMENT OF NATURAL
RESOURCES, STATE OF
MINNESOTA

In the Matter of the Proposed
Adoption of Rules and Regulations
of the Commissioner of Natural
Resources, Governing Fees and
Environmental Criteria for
Utility Crossings Above, On, or
Below Public Lands and Waters,
Pursuant to the Authority of
Laws of Minnesota, 1973,
Chapter 479, Section 1.

FINDINGS OF FACT

The above-entitled matter came on for hearing before the Director of the Division of Waters, Soils and Minerals, of the Department of Natural Resources, State of Minnesota, on the 27th day of December, 1973, at 1:00 o'clock P.M. in Room B-45, Classroom Office Building, University of Minnesota, St. Paul Campus, St. Paul, Minnesota, after proper notice required by Minnesota Statutes 1971, Section 15.0412, was served upon all persons, associations, and other interested groups registered with the Secretary of State for that purpose.

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

1. Minnesota Statutes 1973, Chapter 479, authorizes and directs the Commissioner of Natural Resources to promulgate regulations containing standards and criteria governing the sale of licenses permitting the passage of utilities over public lands and waters and to establish fees for such passage. The law directs that the regulations shall include provisions to insure that all projects for which licenses are sold will have a minimum adverse impact on the environment.

2. As recognized by Minnesota Statutes 1973, Chapter 479, there is a need to establish such rules and regulations.
3. The purpose of the application fee is to defray part of the administrative costs involved in processing license applications and issuing licenses.
4. The purpose of the license fee is to provide a reasonable return for the private use of public lands and waters.
5. The Department of Natural Resources suggested a number of changes to the rules and regulations as originally proposed. The suggested amendments were made in response to comments and criticisms received in public meetings about the proposed rules.
6. One time payment fees, for either a 50 year or 25 year license are beneficial both to the State and the utility company. This method will eliminate annual billings, payments, and various recording techniques.
7. A 25 year license, as an option to a 50 year license, may be desirable for the use of smaller utility companies and where utility lines will not be in use for a period greater than 25 years.
8. It is essential to regulate utility crossings of public lands and waters in order to provide maximum protection and preservation of the natural environment and to minimize any adverse effects which may result from utility crossings.
9. Certain environmental considerations must be taken into account before licenses are issued for utility crossings of public lands and waters. Such considerations, designed to minimize the adverse effects of the crossings to the environment, should relate to Route Design, Structure Design, Construction Methods, Safety Considerations, and Right of Way Maintenance.

10. The proposed rules and regulations are state-wide in applicability; therefore they must be flexible in order to be responsive to varying circumstances and site locations.

Dated this 29 day of July, 1974.

STATE OF MINNESOTA
DEPARTMENT OF NATURAL RESOURCES

ROBERT L. HERBST
Commissioner
Department of Natural Resources

STATE OF MINNESOTA

COUNTY OF RAMSEY

BEFORE ROBERT L. HERBST, COMMISSIONER OF THE DEPARTMENT OF NATURAL RESOURCES, STATE OF MINNESOTA

In the Matter of the Proposed Adoption of Rules and Regulations of the Commissioner of Natural Resources, Governing Fees and Environmental Criteria for Utility Crossings Above, On, or Below Public Lands and Waters, Pursuant to the Authority of Laws of Minnesota, 1973, Chapter 479, Section 1.

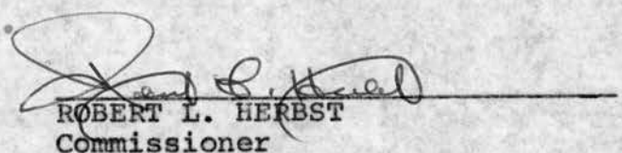
STATEMENT OF NEED

The above-captioned rules are new regulations and not amendments to existing rules of the Department of Natural Resources.

The need to adopt these rules arises because of the current lack of such rules and regulations; the desirability of establishing equitable fees for the use of public land or waters; and the desirability of establishing standards and criteria for minimizing the environmental impact of utility crossings of public lands or waters. The directive and authority to adopt such rules arises from Minn. Stat. 1973, Chapter 479, Section 1.

Dated this 29 day of July, 1974.

STATE OF MINNESOTA
DEPARTMENT OF NATURAL RESOURCES



ROBERT L. HERBST
Commissioner
Department of Natural Resources

STATEMENT OF COMPLIANCE WITH

MANUAL OF RULE MAKING PROCEDURES

I, Special Assistant Attorney General, A. W. Clapp III, 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.

A. W. Clapp III

Special Assistant Attorney General

Dated: 7-29-74