

Minnesota Attorney General: Administrative Rules Proceedings

Copyright Notice:

This material may be protected by copyright law (U.S. Code, Title 17). Researchers are liable for any infringement. For more information, visit www.mnhs.org/copyright.

Version 3
August 20, 2018

Our File No. 1273 05.0009.0064

RULE REVIEW CHECKLIST

DATE RULE RECEIVED 8-1-86
DATE FOR REVIEW 8-11-86
DATE DUE 8-15-86

Adopted w/a hearing _____
Adopted w/o hearing _____
Temporary rule _____

Approved 8-11-86 mjc Disapproved _____ Returned to Agency _____

Resubmitted _____ Due _____
Approved _____ Disapproved _____ Returned to Agency _____

Date filed w/Secretary of State 8-11-86 Revisor approved 8-6-86
disapproved _____

✓ Rule as Adopted

✓ Rule as Proposed

✓ Order Adopting 7-25-86 Date

NA Notice of Intent to Solicit Outside Opinion

✓ Order for rulemaking
NA date of Hearing

NA Certificate of Board's Authorizing Resolution

_____ Notice of rulemaking not included
_____ Sufficiency

✓ Affidavit of Mailing Notice or rulemaking
8-28-86 At least 30 days prior to hearing/adoption

✓ Mailing list Certificate

✓ Publication in State Register
6-2-86 At least 30/20 days prior to ~~hearing~~/adoption

NA Hearing Examiner's Report

_____ Chief Hearing Examiner's Report(s)
_____ Approving H.E.'s Report
_____ Approving agency action

_____ Agency's Findings of Fact

_____ LCRAR Report or agency Affidavit

_____ Certificate of Board's Resolution Adopting Rules

_____ Order Approving Incorporation by Reference

✓ Statement of Need and Reasonableness

NA Petition for Adoption of a Rule

✓ Record (includes transcript or tape, exhibits, comments received by agency, requests for a hearing, and other relevant materials)

✓ Certificate of Compliance w/Rulemaking Procedures

NA Affidavit of Mailing Notice of Submission to Attorney General

_____ Notice of Submission to the Attorney General

SF-00006-03

STATE MINNESOTA

DEPARTMENT ATTORNEY GENERAL

Office Memorandum

JOSEPH N. ALEXANDER, Commissioner
Department of Natural Resources

TO:
ATTN: A. W. CLAPP, III
Special Assistant Attorney General

DATE: 8/11/86

FROM: MARTHA J. CASSERLY MJC
Special Assistant Attorney General

PHONE: 296-4692

SUBJECT: In the Matter of Adopting Amendments to the Rules for the Minnesota Scenic and Recreational River

The above-referenced rule has been approved as to its legality by the Attorney General on August 11, 1986.

Enclosed is the agency's copy of the approved rule. This office has already filed two copies of the approved rule with the Secretary of State, who will forward one copy to the Revisor of Statutes. The fourth copy is being retained by this division of the Attorney General's Office for its records.

Also enclosed are any petitions, requests, submission or comments received by the agency and any extra copies of documents which the agency submitted to the Attorney General.

In order for a permanent rule without a hearing to become effective, your agency must publish a notice of adoption in the State Register in accordance with Minn. Stat. § 14.27. An emergency rule becomes effective five working days after approval by the Attorney General; however, the agency must publish a notice in the State Register in accordance with Minn. Stat. § 14.34.

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

MJC:pmf

Enclosures

cc: Maryanne Hruby
Executive Director
Legislative Commission to Review
Administrative Rules

Duane Harves
Chief Administrative Law Judge
Office of Administrative Hearings

RR1293

Department of Natural Resources

Adopted Rules Relating to Land Use Districts, Boundary Changes

Rule as Adopted

6105.1291 LAND USE DISTRICT AMENDMENT

Part 6105.1290 is amended by changing the land use district descriptions and acreages as follows: T 115 N - R 39 W, Section 4, Government Lot 3. Everything east of State Hwy. 23. 18.10 acres

INCORRECT REFERENCES. The references in Minnesota Rules, part 6105.1290 listed in Column 1 are corrected as indicated in Column 2.

1	2
T 116 N - R 40 W Section 13 E 1/2 of NE 1/4 of SW 1/4 20.00 acres	Delete
T 116 N - R 39 W Section 33 Government Lot 3 (YM)	T 116 N - R 39 W Section 33 Government Lot 2 (YM)
T 113 N - R 35 W Section 36 SE 1/4 of NE 1/4	T 113 N - R 35 W Section 36 SW 1/4 of NE 1/4
Total 22,290.45	Total 22,249.75

10:34 AM

STATE OF MINNESOTA
DEPARTMENT OF STATE
FILED
AUG 11 1986
Joan Anderson Growe
Secretary of State

APPROVED AS TO FORM AND LEGALITY
August 11 1986
HUBERT H. HUMPHREY, III
ATTORNEY GENERAL
BY MJ Cassedy
SPECIAL ASSISTANT ATTORNEY GENERAL

Department of Natural Resources

Proposed Rules Relating to Land Use Districts, Boundary Changes

Rule as Proposed (all new material)

6105.1291 LAND USE DISTRICT AMENDMENT

Part 6105.1290 is amended by changing the land use district descriptions and acreages as follows: T 115 N - R 39 W, Section 4, Government Lot 3. Everything east of State Hwy. 23. 18.10 acres

INCORRECT REFERENCES. The references in Minnesota Rules, part 6105.1290 listed in Column 1 are corrected as indicated in Column 2.

1	2
T 116 N - R 40 W Section 13 E 1/2 of NE 1/4 of SW 1/4 20.00 acres	Delete
T 116 N - R 39 W Section 33 Government Lot 3 (YM)	T 116 N - R 39 W Section 33 Government Lot 2 (YM)
T 113 N - R 35 W Section 36 SE 1/4 of NE 1/4	T 113 N - R 35 W Section 36 SW 1/4 of NE 1/4
Total 22,290.45	Total 22,249.75

APPROVED IN THE
REVISOR OF STATUTES
OFFICE BY:
PER

OFFICE OF THE REVISOR OF STATUTES

Proposed Rule

RD958

Agency: Department of Natural Resources

Agency Contact: Bill Zachmann

Minnesota Rules: Part 6105.1291

Title: Proposed Rules Relating to Land Use Districts, Boundary Changes

Type of Rules: Permanent

Incorporations by Reference: none

Steven C. Cross
Revisor of Statutes

Paul E. Rohde
Senior Assistant Revisor
Phone: 296-0953
Date: May 20, 1986

STATE OF MINNESOTA

DEPARTMENT OF NATURAL RESOURCES

In the Matter of Adopting Amendments to the Rules for the Minnesota Scenic and Recreational River, Minn. Rules 1983 6105.1290

ORDER ADOPTING RULE

Notice of the Commissioner's intent to adopt the above-entitled rule amendment without a public hearing was published in the State Register on June 2, 1986, and was sent to the persons on the list maintained by the agency pursuant to Minn. Stat. § 14.14, subd. 1 on May 28, 1986. During the subsequent 30-day period no comments or requests for hearing were received. I have determined the amendments are needed and reasonable.

NOW, THEREFORE, IT IS ORDERED the rule identified as part 6105.1291 is adopted, pursuant to authority vested in me by Minn. Stat. § 104.35.

Dated: July 25, 1986

DEPARTMENT OF NATURAL RESOURCES

Joseph N. Alexander
Commissioner

STATE OF MINNESOTA

DEPARTMENT OF NATURAL RESOURCES

In the Matter of the Proposed Adoption of Amendments to the Rules for the Minnesota Scenic and Recreational River, Minn. Rules 1985 6105.1290

ORDER FOR NOTICE OF INTENT TO ADOPT RULES WITHOUT A PUBLIC HEARING

WHEREAS, it has been determined that the proposed amendments should be adopted without a public hearing.

NOW, THEREFORE, it is ordered that a notice of intent to adopt rules without a public hearing, be published in the State Register and mailed to all persons who have registered their names with the Department to receive a notice of rulemaking.

Dated: May 16, 1986

Joseph N. Alexander, Commissioner
Department of Natural Resources

DEPARTMENT OF NATURAL RESOURCES

PROPOSED RULE RELATING TO MINNESOTA SCENIC AND RECREATIONAL RIVER LAND USE DISTRICT DESCRIPTIONS AND ACREAGES, AMENDMENT

Notice of Intent to Adopt Rule Amendment Without a Hearing

Notice is hereby given that the State Department of Natural Resources is proposing to adopt the above entitled amendment to Minn. Rules 1985 part 6105.1290 without a public hearing. The Commissioner of Natural Resources has elected to follow procedures set forth in Minnesota Stat. §§ 14.22-14.28 (1983 Supp. amended by 1984 Minn. Laws Ch. 640).

The amendment proposed concerns the Land Use District Descriptions and Acreages. It will remove approximately 20.7 acres from the Minnesota Recreational River Land Use District in Yellow Medicine County. The area to be removed is that part of Government Lot 3, Section 4, T115N - R39W, lying west of State Hwy. 23.

The amendment will also correct three typographical errors of land use district descriptions and acreages. No land is being added to or deleted from the land use district as a result of these corrections.

Persons interested shall have 30 days to submit comments on the proposed amendment. The proposed amendment may be modified prior to final adoption if modifications are supported by the data and views submitted

to the Department of Natural Resources and do not result in a substantial change in the proposed language. Unless 25 or more persons submit written requests for a public hearing on the proposed amendment within the 30-day comment period, a public hearing will not be held. The written request must specify why a hearing is desired. Identification of the particular objection, the suggested modifications, and the reasons or data relied upon to support the suggested modifications are desired. In the event a public hearing is required, the department will proceed according to the provisions of Minn. Stat. §§ 14.14-14.20.

Persons who wish to submit comments or a written request for a public hearing, or persons who wish to receive a copy of this notice and/or a copy of the proposed amendment, should address their correspondence to:

William Zachmann
Department of Natural Resources
Box 32
500 Lafayette Rd.
St. Paul, MN 55146

The Department's authority to adopt rules is contained in Minn. Stat. §§ 104.34 and 104.35. A statement that describes the need for and reasonableness of the proposed amendment is available from the Department of Natural Resources upon request.

Upon adoption of the final amendment without a public hearing, the proposed amendment, this notice, the statement of need and reasonableness, all written comments received, and the final amendments as adopted will be delivered to the Attorney General for review as to

form and legality, including the issue of substantial change. Persons who wish to be advised of the submission of this material to the Attorney General, or who wish to receive a copy of the final amendment as proposed for adoption, should submit a written request to the above address.

Please be advised that Minn. Stat. Chapter 10A requires each lobbyist to register with the State Ethical Practices Board within five (5) days after he or she commences lobbying. Minn. Stat. § 10A.01, subdivision 11 defines a lobbyist as any individual: a) engaged for pay or other consideration, or authorized by another individual or association to spend money, who spends more than five hours in any month or more than $250, not including his or her own travel expenses and membership dues, in any year, for the purpose of attempting to influence legislative or administrative action by communicating or urging others to communicate with public officials; or b) who spends more than $250, not including his or her own travel expenses and membership dues, in any year, for the purpose of attempting to influence legislative or administrative action by communicating or urging others to communicate with public officials. The statutes provides certain exceptions. Questions should be directed to the Ethical Practices Board, 41 State Office Building, St.Paul, MN. 55155, Telephone (612) 296-5616.

Dated: May 16, 1986

JOSEPH N. ALEXANDER, Commissioner
Department of Natural Resources

A.G..

STATE OF MINNESOTA

DEPARTMENT OF NATURAL RESOURCES

In the matter of the proposed rule amendments to the Minnesota Scenic and Recreational River

AFFIDAVIT OF MAILING

WILLIAM R. ZACHMANN deposes and says:

That on the 28 day of May, 1986 at the City of Saint Paul, County of Ramsey, State of Minnesota, he served the attached NOTICE OF PROPOSAL TO ADOPT AMENDMENTS WITHOUT A PUBLIC HEARING by depositing in the United States Mail, at said City of Saint Paul, a true and correct copy thereof, properly enveloped, with postage prepaid, to all persons and associations at the addresses listed on the attached Certificate of the Commissioner of Natural Resources.

William R. Zachmann

Subscribed and sworn to before me
this 28 day of May, 1986.

Jeanne M. Matczynski

JEANNE M. MATCZYNSKI
NOTARY PUBLIC-MINNESOTA
DAKOTA COUNTY
My Comm. Expires Dec. 30, 1986

STATE OF MINNESOTA

DEPARTMENT OF NATURAL RESOURCES

In the matter of the proposed rule amendments to the Minnesota Scenic and Recreational River

CERTIFICATION

I hereby certify that the attached 11 labels and 3 sheets constitute the complete list of persons, associations, and other interested groups who as of 12 o'clock P.M. this 28 day of MAY, 1986 have requested pursuant to Minnesota Statutes, 1982, Section 14.14, Subdivision 1, that their names be placed on file with the Department of Natural Resources for the purpose of receiving notice of public hearings on proposed rules on the subject captioned above.

Joseph N. Alexander
Commissioner

By: Andy Brewer

ıtitrust Division
V. Attorney General's Office
ıd Floor, Ford Bldg.
17 University Ave.
t. Paul, MN 55155

Broeker, Hartfeldt, Hedges & Grant
Suite 800
2850 Metro Drive
Bloomington, MN 55420

MN Izaak Walton League
3255 Hennepin Ave.
Suite 109
Minneapolis, MN 55408

rofessor Robert Synder
48 Classroom-Office Bldg.
niversity of Minnesota
t. Paul, MN 55108

Conrad M. Fredin
811 First Nat'l. Bank Bldg.
Duluth, MN 55802

Maryann S. Marino, Ph. D.
Koppers Company, Inc.
1201 Koppers Bldg.
Pittsburgh, PA 15219



John H. Herman
Suite 930
Ten South Fifth St.
Mpls., MN 55401

R. J. Barto
Midland Glass Company, Inc.
P.O. Box 69
Shakopee, MN 55379

homas M. Polt
cCarthy Bldg.
yota, MN 55934

Anoka Co. Community Health & Social Services Dept.
c/o Robert M. Hutchison
Courthouse-4th Floor
Anoka, MN 55303

Phillips Legislative Service, Inc.
459 Rice Street
St. Paul, MN 55103

resident
nterstate Power Co.
000 Main St.
ubuque, IA 52001

Donald B. Crassweller
1000 Alworth Bldg.
Duluth, MN 55802



arriet Lykken
600 Emerson Ave. So.
pls., MN 55409

Richard Kramer
1471 Barclay
St. Paul, MN 55106

W. J. Licke, General Counsel
Blandin Paper Co.
115 1st St. SW
Grand Rapids, MN 55744

enneth Peterson, Exec. Director
PIRG
412 University Ave. SE
pls., MN 55414

James Miller, Sr. Attorney
MPIRG
2412 University Ave. SE
Mpls., MN 55414

Associated Builders & Contractor
Suite 109
6300 Walker St.
Mpls., MN 55416



Steve Chadwick
2904 W. 3rd St.
Duluth, MN 55806





Badger Safe Energy Alliance
Box 68
Durand, Wis. 54736

Public Interest Advocacy Clinic
Hamline University Law School
St. Paul, MN 55104

elson French
715 E. 26th St.
pls., MN 55406

Steve O'Neil
475 Huff St.
Winona, MN 55987

Rodney Watkins
105 University Rd.
Cloquet, MN 55720



)hn-M. Broeker
350 Metro Drive
uite 800
)ls., MN 55420

City of Brooklyn Center
Brad Hoffman
6301 Shingle Creek Parkway
Brooklyn Center, MN 55430

Henry Holte
Grygla, MN 56727

innesota Woodlands
oise Cascade Corporation
nternational Falls,MN 56649

Frundt, Frundt & Johnson
117 West 5th Street
Blue Earth, MN 56013

[redacted]

[redacted]

[redacted]

ndrea Hughes-Whaley
1803 Lake Blvd. North
North St. Paul, MN 55109

Winthrop Weinstine & Sexton
1800 Conwed Tower
444 Cedar St.
St. Paul, MN 55101

Timothy Foss
RR 1 Box 12B
Grygla, MN 56727

Steven Foss
RR 1 Box 12 A
Grygla, MN56727

Gordon Foss
RR 1 Box 12
Grygla, MN 56727

Marcella Gonsorowski
Marshall County
Newfolden, MN 56738

Delray Larson
Box 111
Gatzke,MN 56724

RolandKlamar
RR 2 Box 75
Gatzke, MN 56724

County Auditor -Box 10
Bagley, MN 56621

Clearwater Co.
Land and Forestry Office
Courthouse
Bagley, MN 56621

Roseau Co. Auditor
Roseau, MN 56751

Roseau Co. Board Chairman
Roseau, MN 56751

Doran Horner
Warroad,MN 56763

Otto Jourdan
Northome, MN 56661

Donald Sanbeck
Rt. 8
International Falls, MN 56649

Karl Kjemperud
Littlefork, MN 56653

Innis Nesbitt
109 Park Av.
International Falls, MN 56649

Board Clerk
Courthouse
International Falls, MN 56649

Albert Boomgoardner
Rt. 1
Pitt, MN 56665

Charles Gosen
Box 576
Baudette, MN 56623

nv. Control & Energy Dept.
ord Motor Company
utomotive Assembly Division
7000 Oakwood Blvd.
llen Park, Mich. 48121

Harold H. Haugh
Jones, Haugh & Smith Inc.
515 So. Washington
Albert Lea, MN 56007

[redacted]

r. John A. Knapp
lessian, McKasy & Soderberg
500 Midwest Plaza Bldg.
linneapolis, MN 55402

Robert A. Silvagni, Env. Eng.
U of M-Physical Plant Dept.
200 Shops Building
319 15th Ave. SE
Minneapolis, MN 55455

Gertrude M. James
Anoka Co. Community Health &
Social Services Dept.
Courthouse, 4th Floor
Anoka, MN 55303

[redacted]

[redacted]

Executive Director
Association of Minn. Counties
555 Park St., Suite 300
St. Paul, MN 55103

Robert Bollant
City of Winona
City Hall
4th & Lafayette St.
Winona, MN 55987

Wayne H. Olson, Esq.
Olson, Gunn & Seran, Ltd.
315 Peavey Bldg.
730 Second Ave. So.
Mpls., MN 55402

[redacted]

Charles Schaffer
Dept. of Economic Development
480 Cedar St.
St. Paul, MN 55101

am Ruhle
ffice of Adminis. Hearings
00 Summit Bank Building
10 South Fourth Avenue
inneapolis, MN 55415

Bruce T. Rowe, Administrator
Community Health Services Board
325 Lake Ave. So., Suite 604
Duluth, MN 55802

Marylee Fithian
Director
Development Disabilities Planning
200 Capitol Square Bldg.
INTEROFFICE

obert S. Burk
344 IDS Center
linneapolis, MN 55402

Mr. Reynold S. Rahko, Mgr.
Projects Coordinating Division
United Power Association
Elk River, MN 55330

G. Robert Johnson
4344 IDS Center
Minneapolis, MN 55402

larylee Fithian, Exec. Director
den & Associates
05 Park Ave. So.
pls., MN 55404

George C. Mastor
General Counsel
MN Gas Company, Legal Division
701 2nd Avenue South
Mpls., MN 55402

Frank Mixa
Executive Director
Lake Mtka. Conservation District
402 E. Lake St.
Wayzata, MN 55391

ean Dawson, Editor
he Minnesota Government Report
-12, Press Room
tateCapitol Bldg.
NTEROFFICE

G. V. Welk, Manager
Regulatory Compliance & Services
Northern States Power Company
414 Nicollet Mall
Minneapolis, MN 55401

General Mills, Inc.
Attn: J. W. Haun
P. O. Box 1113
Minneapolis, MN 55440

. J. Manthey
ickands Mather & Co.
100 Superior Ave. NE
leveland, Ohio 44114

Philip D. Brick
Pickands Mather & Co.
Suite 811-200 W Superior St.
Duluth, MN 55802

Bob Franklin, City Editor
Minneapolis Tribune
425 Portland Ave.
Minneapolis, MN 55488

raig Waldron

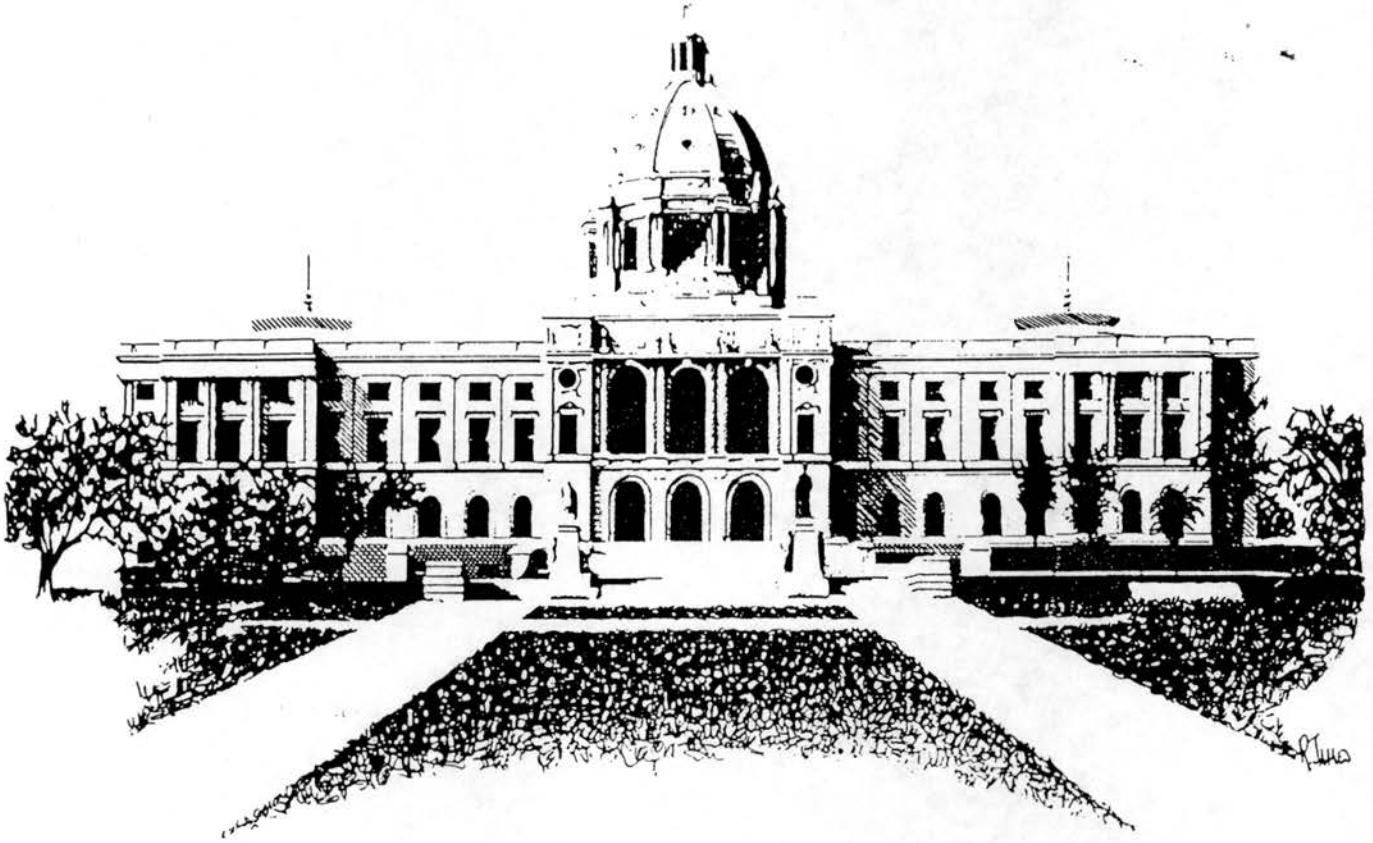
egion Nine Dev. Commission
10 So. 5th St., P.O. Box 3367

Environmental Law Society
William Mitchell College of Law
875 Summit Ave.
St. Paul, MN 55105

Dr. Rollin Dennistoun,Dep. Comm.
MN Dept. of Agriculture
90 W. Plato
St. Paul, MN 55107
INTEROFFICE

STATE REGISTER

STATE OF MINNESOTA



VOLUME 10, NUMBER 49

Monday 2 June 1986

Pages 2361-2440

Subp. 3. **Statement of fees, petition for disputed or excess attorney fees.** The following procedures must be followed in claiming fees.

A. If the claim for attorney fees does not exceed the fees allowed by Minnesota Statutes, section 176.081, subdivision 1, clause (a), the party claiming fees shall file a statement of attorney fees on a form prescribed by the commissioner, including:

(1) to (4) [Unchanged.]

(5) the amount of any retainer received from the employee;

(6) to (12) [Unchanged.]

The statement must be accompanied by the retainer agreement, if not previously filed, and proof of service on the employer or insurer, and employee.

B. If a party claims fees in excess of the amount listed in Minnesota Statutes, section 176.081, subdivision 1, clause (a) or an objection to the statement under item A is filed, or it is requested that fees be assessed against the employer or insurer for refusal to pay rehabilitation or medical benefits or provide services or the requested fees were incurred in connection with an administrative conference under Minnesota Statutes, section 176.242, 176.2421, 176.243, or 176.244, the party shall file a petition for disputed or excess attorney fees on a form prescribed by the commissioner, including:

(1) to (9) [Unchanged.]

(10) the amount of ~~the~~ any retainer;

(11) to (18) [Unchanged.]

The petition must be accompanied by a copy of the retainer agreement, if not previously filed, and proof of service on the employer or insurer, and employee.

Subp. 4. [Unchanged.]

5220.2930 DEPENDENT'S BENEFITS.

Subpart 1. **Allocation of compensation by judge.**

A. [Unchanged.]

B. A party may object to ~~the~~ a proposed allocation by serving on all parties and filing an objection with the division within 20 days after service of the petition. The objection must contain a clear and concise statement of the specific grounds for the objection and must be accompanied by any documentary evidence supporting the objection.

C. [Unchanged.]

Subp. 2. to 5. [Unchanged.]

Department of Natural Resources

Proposed Rule Relating to Minnesota Scenic and Recreational River Land Use District Descriptions and Acreages, Amendment

Notice of Intent to Adopt Rule Amendment Without a Hearing

Notice is hereby given that the State Department of Natural Resources is proposing to adopt the above entitled amendment to Minn. Rules 1985 part 6105.1290 without a public hearing. The Commissioner of Natural Resources has elected to follow procedures set forth in Minnesota Stat. §§ 14.22-14.28 (1983 Supp. amended by 1984 Minn. Laws Ch. 640).

The amendment proposed concerns the Land Use District Descriptions and Acreages. It will remove approximately 20.7 acres from the Minnesota Recreational River Land Use District in Yellow Medicine County. The area to be removed is that part of Government Lot 3, Section 4, T115N-R39W, lying west of State Hwy. 23.

The amendment will also correct three typographical errors of land use district descriptions and acreages. No land is being added to or deleted from the land use district as a result of these corrections.

KEY: PROPOSED RULES SECTION — Underlining indicates additions to existing rule language. ~~Strike outs~~ indicate deletions from existing rule language. If a proposed rule is totally new, it is designated "all new material." ADOPTED RULES SECTION — Underlining indicates additions to proposed rule language. ~~Strike outs~~ indicate deletions from proposed rule language.

Persons interested shall have 30 days to submit comments on the proposed amendment. The proposed amendment may be modified prior to final adoption if modifications are supported by the data and views submitted to the Department of Natural Resources and do not result in a substantial change in the proposed language. Unless 25 or more persons submit written requests for a public hearing on the proposed amendment within the 30-day comment period, a public hearing will not be held. The written request must specify why a hearing is desired. Identification of a particular objection, the suggested modifications, and the reasons or data relied upon to support the suggested modifications are desired. In the event a public hearing is required, the department will proceed according to the provisions of Minn. Stat. §§ 14.14-14.20.

Persons who wish to submit comments or a written request for a public hearing, or persons who wish to receive a copy of this notice and/or a copy of the proposed amendment, should address their correspondence to:

William Zachmann
Department of Natural Resources
Box 32
500 Lafayette Rd.
St. Paul, MN 55146

The Department's authority to adopt rules is contained in Minn. Stat. §§ 104.34 and 104.35. A statement that describes the need for and reasonableness of the proposed amendment is available from the Department of Natural Resources upon request.

Upon adoption of the final amendment without a public hearing, the proposed amendment, this notice, the statement of need and reasonableness, all written comments received, and the final amendments as adopted will be delivered to the Attorney General for review as to form and legality, including the issue of substantial change. Persons who wish to be advised of the submission of this material to the Attorney General, or who wish to receive a copy of the final amendment as proposed for adoption, should submit a written request to the above address.

Please be advised that Minn. Stat. Chapter 10A requires each lobbyist to register with the State Ethical Practices Board within five (5) days after he or she commences lobbying. Minn. Stat. § 10A.01, subdivision 11 defines a lobbyist as any individual: a) engaged for pay or other consideration, or authorized by another individual or association to spend money, who spends more than five hours in any month or more than $250, not including his or her own travel expenses and membership dues, in any year, for the purpose of attempting to influence legislative or administrative action by communicating or urging others to communicate with public officials; or b) who spends more than $250, not including his or her own travel expenses and membership dues, in any year, for the purpose of attempting to influence legislative or administrative action by communicating or urging others to communicate with public officials. The statutes provide certain exceptions. Questions should be directed to the Ethical Practices Board, 41 State Office Building, St. Paul, MN. 55155, Telephone (612) 296-5616.

16 May 1986

Joseph N. Alexander, Commissioner
Department of Natural Resources

Department of Natural Resources

Proposed Rules Relating to Land Use Districts, Boundary Changes

Rule as Proposed (all new material)

6105.1291 LAND USE DISTRICT AMENDMENT

Part 6105.1290 is amended by changing the land use district descriptions and acreages as follows: T 115 N - R 39 W, Section 4, Government Lot 3. Everything east of State Hwy. 23. 18.10 acres

INCORRECT REFERENCES. The references in Minnesota Rules, part 6105.1290 listed in Column 1 are corrected as indicated in Column 2.

1	2
T 116 N - R 40 W Section 13 E 1/2 of NE 1/4 of SW 1/4 20.00 acres	Delete
T 116 N - R 39 W Section 33 Government Lot 3 (YM)	T 116 N - R 39 W Section 33 Government Lot 2 (YM)
T 113 N - R 35 W Section 36 SE 1/4 of NE 1/4	T 113 N - R 35 W Section 36 SW 1/4 of NE 1/4
Total 22,290.45	Total 22,249.75

Transportation Regulation Board

Proposed Rules Relating to Collective Ratemaking by Regulated Motor Carriers

Notice of Intent to Adopt Rules Without a Public Hearing

Notice is hereby given that the Transportation Regulation Board (Board) proposes to adopt the above-captioned rules without a public hearing. The Board has determined that the proposed adoption of these rules will be non-controversial in nature and has elected to follow the procedures set forth in Minn. Stat. §§ 14.22-14.28 (1984).

Persons or groups interested in these rules shall have 30 days to submit comments on the proposed rules. Comments in support of or in opposition to the proposed amendments are encouraged. Each comment should identify the portion of the proposed rules addressed, the reason for the comment, and any change proposed. The proposed rules may be modified if the modifications are supported by data and views submitted to the Board and do not result in a substantial change in the proposed language.

A public hearing will be held if 25 or more persons submit written requests for a public hearing on the proposed rules within the 30 day comment period. If a public hearing is required, the Board will proceed according to the provisions of Minn. Stat. §§ 14.131-14.20 (1984). Any person requesting a public hearing should state his or her name and address, and is encouraged to identify the portion of the proposed rules addressed, the reasons for the request, and any change proposed.

Comments or written requests for a public hearing should be submitted to:

Jerome E. Pedersen, Rate Director
Transportation Regulation Board
254 Livestock Exchange Bldg.
100 Stockyards Road
South St. Paul, Minnesota 55075
Telephone: 612/296-2349

KEY: PROPOSED RULES SECTION — Underlining indicates additions to existing rule language. ~~Strike outs~~ indicate deletions from existing rule language. If a proposed rule is totally new, it is designated "all new material." ADOPTED RULES SECTION — Underlining indicates additions to proposed rule language. ~~Strike outs~~ indicate deletions from proposed rule language.

STATE OF MINNESOTA

Department of Natural Resources
Division of Waters

In the Matter of the Proposed Adoption
of Amendments to the Rules for
the Minnesota Scenic and Recreational
River, Minn. Rules 1983 6105.1290

STATEMENT OF NEED
FOR AND REASONABLENESS
OF THE PROPOSED AMENDMENT

Whereas, it has been determined that the proposed amendment to the above mentioned rules are non-controversial in nature and a public hearing will not be held; and

Whereas, pursuant to Minn. Stat. §14.23, the agency shall prepare a statement of need and reasonableness of the proposed amendment and have the same available to the public;

Therefore, to fulfill the requirements of Minn. Stat. §14.23:

The proposed amendment to Minn. Rule 1985 6105.1290 will remove approximately 20.7 acres from the Minnesota River Recreational Land Use District in Government Lot 3, Section 4, T115N-R39W of Yellow Medicine County, Minnesota (see attached map). This amendment is reasonable and needed because:

a) The area being removed is west of State Hwy. 23. Inclusion of this area in the land use district is not necessary and its removal from the district will not conflict with the original intent of land use district delineation for purposes of protecting the Minnesota River corridor in this area.

b) Given the existing boundaries of the land use district, land use in portions of the area proposed to be removed is unnecessarily restricted. Presently, commercial uses are not allowed. This proposal would remove areas best suited to commercial uses or areas anticipated for such use. The boundary amendment would more appropriately provide for land use consistent with the county's comprehensive planning and zoning efforts and land use controls would revert to "Urban Expansion District" in the area. The area is adjacent to the City of Granite Falls.

c) Portions of the area being removed are considered prime habitat for the five-lined skink (Eumeces fasciatus), a state designated endangered species. These areas are not suited to commercial development and are presently in protective ownership status (The Nature Conservancy) or owned by the City of Granite Falls and intended to stay in open space (park) land use.

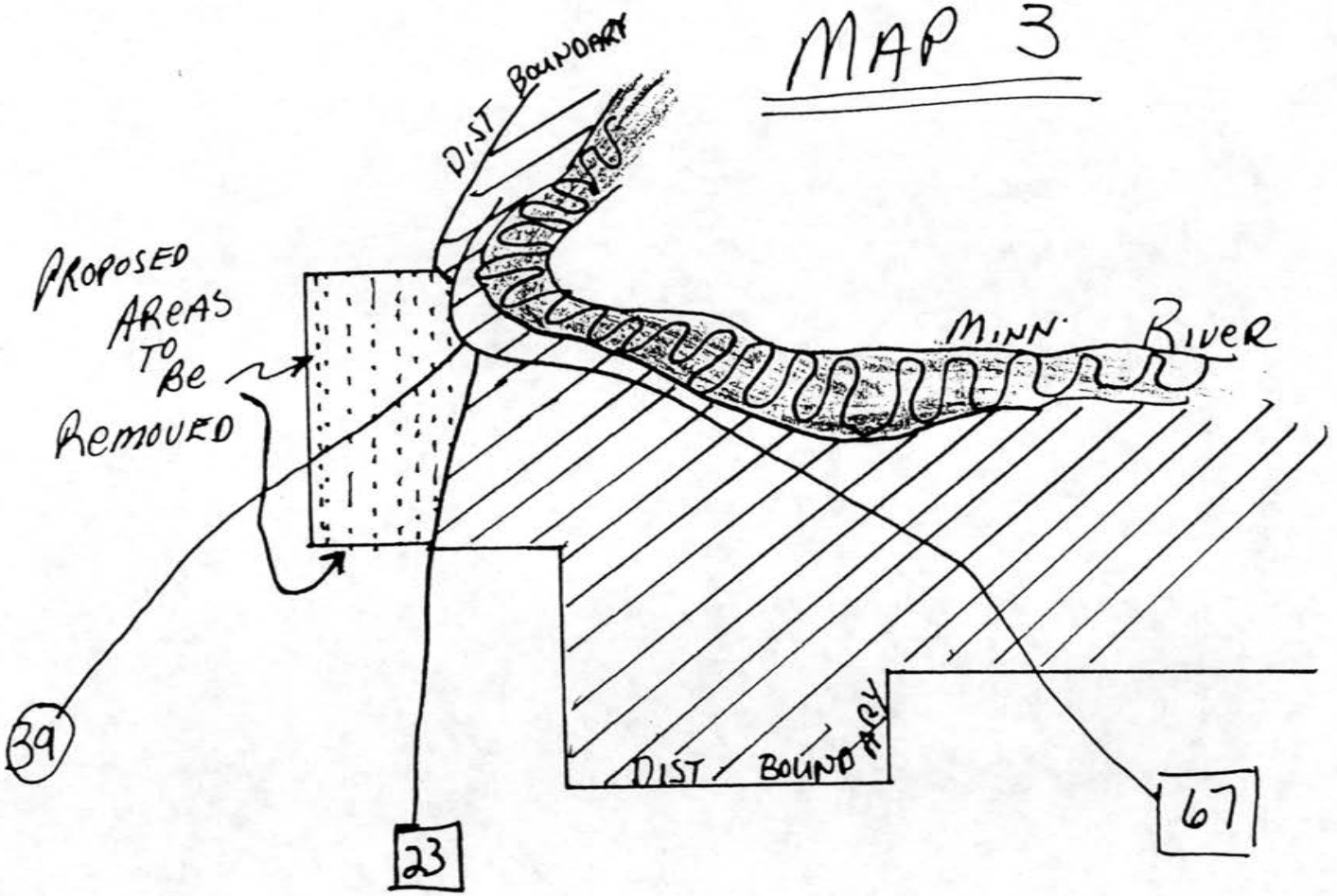
d) Removal of the area from the land use district in Government Lot 3 as proposed, will not pose adverse impacts to small businesses or agricultural uses in the area.

The proposed amendment to Minn. Rule 1985 6105.1290 will also correct three typographical errors of land use district legal descriptions. These corrections will neither add land to or delete land from the district. Either a double counting of land occurred or misprints of legal descriptions refer to land obviously intended to be excluded from the district while areas logically in the district are not described.

This concludes the statement of need and reasonableness of the proposed amendments to Minn. Rules 1985 6105.1290.

William R. Zachmann
Division of Waters
Department of Natural Resources
Box 32
500 Lafayette Road
St. Paul, MN 55146

MAP 3


DIST BOUNDARY
PROPOSED AREAS TO BE REMOVED
MINN. RIVER
39
23
DIST BOUNDARY
67

STATE OF MINNESOTA

DEPARTMENT OF NATURAL RESOURCES

In the Matter of Adopting Amendments to the Rules for the Minnesota Scenic and Recreational River, Minn. Rules 1983 6105.1290

STATEMENT OF COMPLIANCE WITH RULEMAKING PROCEDURES

I have examined the subject rule and the documents relating to the process of their adoption. I am familiar with the statutes and rules pertaining to rule adoption. It appears to me that the process has been followed correctly.

A. W. Clapp III

A. W. CLAPP III
Special Assistant
Attorney General

TO: Marty
FR: Paula
8-4-86
RE: PNR Rules

1 - ~~auth~~ Order Adopting
statutory authority cite
does not appear to mention
authority for rulemaking

104.34 is correct cite - is on the Notice - sub. statutory comp.

2 - ~~Notice of Rulemaking~~
~~- not included~~

2 - Notice of Intent
- cite for hearing (p. 2)
- statement summarizing rules is included

sufficient

- Notice - sounds mandatory - must specify why a hearing is desired - ?

OK