

Minnesota Attorney General: Administrative Rules Proceedings

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Version 3
August 20, 2018

RULE REVIEW CHECKLIST

File No. 1382
DATE RECEIVED 7/23/87
REVIEW DATE 7/31/87
DUE DATE 8/[illegible]/87

APPROVED 8.6.87 mjc
DISAPPROVED
WITHDRAWN

Docket No. 05.0009.0575
ADOPTED W/O HEARING X
EMERGENCY RULE

REVISOR APPROVED
REVISOR DISAPPROVED
FIELD W/SEC.STATE 8/10/87
RETURNED TO AGENCY 8/11/87

X Rule as adopted (4 copies)

X Notice to Solicit Outside Information/Opinion
9/16/85 Date published in State Register
none Comments

~~Petition for Adoption of a Rule~~

~~Board's Authorizing Resolution~~

X Proposed rule
yes Revisor's Certificate

X Notice of Intent to Adopt Rule
104.34 + 104.35 Statutory Authority
no Small Business Statement
none Expenditure of public money statement
yes Signature

X Statement of Need and Reasonableness
no Small Business Statement
no Fees - § 16A.128

X Affidavit of Mailing Notice of Intent to Adopt Rule
5/20/87 Date 30/25 days before adoption

X Publication in State Register
6/1/87 Date 30/25 days before adoption

~~Resolution Adopting~~

X ~~Findings of Fact, Conclusions~~ & Order Adopting
7/17/87 Date

~~Written requests, submissions or comments~~

X Declaration of attorney
Bill Clapp Name of SAAG representing agency

~~Notice of Submission to Attorney General~~

~~Affidavit of Mailing Notice to Attorney General~~

SF-00006-05 (4/86)

STATE OF MINNESOTA

Office Memorandum

DEPARTMENT : ATTORNEY GENERAL

DATE : August 11, 1987

TO : BILL CLAPP
Special Assistant
Attorney General

FROM : MARTHA CASSERLY
Special Assistant
Attorney General

PHONE : 6-6204

SUBJECT : In the Matter of the Adopted Rule Relating to Kettle River Wild and Scenic River Designation

The above-referenced rule has been approved as to its legality by the Attorney General on August 6, 1987.

Enclosed is the agency's copy of the approved rule. This office has already filed two copies with the Secretary of State, who will forward one copy to the Revisor of Statutes. The fourth 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:nah

Enclosures

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

Duane Harves
Chief Administrative Law Judge
Office of Administrative Hearings

Department of Natural Resources

Adopted Permanent Rules Relating to the Kettle River Wild and Scenic River Designation

Rules as Adopted

6105.0605 DESIGNATION OF RIVER.

That portion of the Kettle River from the Carlton-Pine county line to its confluence with the Saint Croix River is designated a component of the Minnesota wild and scenic rivers system.

6105.0610 SCOPE.

Parts 6105.0600 to 6105.0760 apply to those portions of the river and its designated wild and scenic river land use districts indicated by the land use district legal descriptions of part 6105.0730.

6105.0620 PURPOSE.

Parts 6105.0600 to 6105.0760 provide standards and criteria for state and local management of the designated land use districts of the Kettle River wild and scenic river. They establish the manner in which public recreational use of the river and public and private development of the land use districts may take place.

6105.0625 CLASSIFICATION OF RIVER.

The Kettle River from the Carlton-Pine county line downstream to the Kettle River dam site at Sandstone is classified as scenic. The Kettle River from the dam downstream to its confluence with the Saint Croix River is classified as wild.

6105.0640 LAND MANAGEMENT.

Subpart 1. **Permitted utility crossings.** No permit will be issued for a utility crossing of the designated land use districts of the Kettle River, except for those utility

crossings identified below:

A. County State Aid Highway (CSAH) 46 crossing;

B. CSAH 52 crossing;

C. CSAH 41 crossing;

D. CSAH 61 crossing;

E. CSAH 33 crossing;

F. Section 14-15, Township 40N, Range 20W power line crossing; and

G. Township road bridge crossing in SW 1/4 Section 10, T44N-R20W.

Further, utility crossings are particularly inappropriate within the wild river land use district. However, additional crossings would be allowed at the existing line crossing (Section 14-15, Township 40N, Range 20W) only if the preferred alternative of using a crossing above the designated area or using one of the corridors in the scenic portion of the river would generate even greater adverse environmental effects and if the crossings can be installed without significant additional right-of-way clearing within the land use district.

Subp. 2. [Unchanged.]

Subp. 3. **Management area.** The commissioner of natural resources adopts the land use district legal descriptions of part 6105.0730 according to part 6105.0070, subpart 2 for the protection and management of lands within the wild and scenic river land use districts.

A. to E. [Unchanged.]

6105.0650 ADMINISTRATION OF PLAN.

Subpart 1. **Pine County.** Pine County shall enact or amend ordinances and maps as necessary to:

A. establish the wild river and scenic river land use districts identified in the land use district legal descriptions of part 6105.0730 within Pine County; and

B. [Unchanged.]

Subp. 2. **Willow River, Rutledge, and Sandstone.** The municipalities of Willow River, Rutledge, and Sandstone shall

enact or amend ordinances as necessary to:

A. Establish the scenic river land use districts as delineated for their jurisdictions in the land use district legal descriptions.

B. Conform to the provisions of parts 6105.0010 to 6105.0090 and 6105.0110 to 6105.0250 with the following exceptions to the dimensional standards and provisions of these parts:

(1) Minimum lot size, 20,000 square feet;

(2) Minimum structure setback, 75 feet;

(3) Minimum lot width at OHW and structure setback, 100 feet; and

(4) Minimum on-site sewage treatment system setback, 50 feet.

No clearcutting of trees within 75 feet of the OHW of the river and designated tributaries.

C. [Unchanged.]

Subp. 3. **More protective rules.** Nothing in parts 6105.0010 to 6105.0250 or this management plan shall preclude Pine county or its subdivisions or the municipalities of Willow River, Rutledge, or Sandstone from adopting regulations more protective than those adopted in this management plan, subject to approval by the commissioner of Natural Resources.

Subp. 4. [Unchanged.]

REPEALER. Minnesota Rules, part 6105.0700 is repealed.

STATE OF MINNESOTA
DEPARTMENT OF STATE
FILED
AUG 10 1987
Joan Anderson Growe
Secretary of State
10:25 AM

APPROVED AS TO FORM AND LEGALITY
August 6 1987
HUBERT H. HUMPHREY, III
ATTORNEY GENERAL
BY MJ Cassely
SPECIAL ASSISTANT ATTORNEY GENERAL

H. intra-aortic balloon pump technicians;

I. optometrists; and

J. registered nurses.

Department of Natural Resources

Proposed Permanent Rules Relating to the Kettle River Wild and Scenic River Designation

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 entitled amendment to Minn. Rules 1985 part 6105.0600 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 proposed amendments concern the clarification of rule text related to land use management within the designated land use districts in Pine County.

No land is being added to or deleted from the land use district, land use district uses and dimensions are not being amended and changes to designations are not proposed, as a result of these corrections.

Persons interested shall have 30 days to submit comment on the proposed amendment. The proposed amendment may be modified prior to final adoption if modifications are supported by the data and view 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 proposed amendment, should address their correspondence to:

William Zachmann
Department of Natural Resources
500 Lafayette Rd.
St. Paul, MN 55155-4032

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: 7 May 1987

Joseph N. Alexander, Commissioner
Department of Natural Resources

Rules as Proposed

6105.0605 DESIGNATION OF RIVER.

That portion of the Kettle River from the Carlton-Pine county line to its confluence with the Saint Croix River is designated a component of the Minnesota wild and scenic rivers system.

6105.0610 SCOPE.

Parts 6105.0600 to 6105.0760 apply to those portions of the river and its ~~shorelands~~ designated wild and scenic river land use districts indicated by the ~~attached maps and~~ land use district legal descriptions of part 6105.0730.

6105.0620 PURPOSE.

Parts 6105.0600 to 6105.0760 provide standards and criteria for state and local management of the ~~waters and shores~~ designated land use districts of the Kettle River ~~component of the Minnesota~~ wild and scenic ~~rivers system~~ river. They establish the manner in which public recreational use of the river and ~~its shores will be provided for and controlled, and the manner in which~~ public and private development of the ~~river shorelands~~ land use districts may take place.

6105.0625 CLASSIFICATION OF RIVER.

The Kettle River from the Carlton-Pine county line downstream to the Kettle River dam site at Sandstone is classified as scenic. The Kettle River from the dam downstream to its confluence with the Saint Croix River is classified as wild.

6105.0640 LAND MANAGEMENT.

Subpart 1. **Permitted utility crossings.** No permit will be issued for a utility crossing of the designated ~~portion~~ land use districts of the Kettle River, ~~from the Carlton-Pine county line to the Saint Croix River,~~ except for those utility crossings identified below:

A. County State Aid Highway (CSAH) 46 crossing;

B. CSAH 52 crossing;

C. CSAH 41 crossing;

D. ~~U.S. Highway~~ CSAH 61 crossing;

E. CSAH 33 crossing; ~~and~~

F. Section 14-15, Township 40N, Range 20W power line crossing; and

G. Township road bridge crossing in SW 1/4 Section 10, T44N-R20W.

Further, utility crossings are particularly inappropriate within the wild river land use district. However, additional crossings would be allowed at the existing line crossing (Section 14-15, Township 40N, Range 20W) only if the preferred alternative of using a crossing above the designated area or using one of the corridors in the scenic portion of the river would generate even greater adverse environmental effects and if the crossings can be installed without significant additional right-of-way clearing within the land use district.

Subp. 2. [Unchanged.]

Subp. 3. **Management ~~maps~~ area.** The commissioner of natural resources adopts the land ~~management maps in part 6105.0700, subparts 1 to 8 to the area identified in the~~ use district legal ~~description and~~ descriptions of part 6105.0730 according to part 6105.0070, subpart 2 for the protection and management of lands within the wild and scenic river land use districts.

A. to E. [Unchanged.]

6105.0650 ADMINISTRATION OF PLAN.

Subpart 1. **Pine County.** Pine County shall enact or amend ~~such~~ ordinances and maps as necessary to:

A. establish the wild river and scenic river land use districts identified ~~on the land management maps and~~ in the land use district ~~property~~ legal descriptions of part 6105.0730 within Pine County; and

B. [Unchanged.]

Subp. 2. **Willow River, Rutledge, and Sandstone.** The municipalities of Willow River, Rutledge, and Sandstone shall enact or amend ordinances as necessary to:

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.

A. Establish the scenic river land use districts as delineated for their jurisdictions ~~on~~ in the land ~~management maps;~~ use district legal descriptions.

B. Conform to the provisions of parts ~~6120.2600 to 6120.3900 and administer these provisions according to parts 6105.0220~~ 6105.0010 to ~~6105.0250, as applicable;~~ 6105.0090 and 6105.0110 to 6105.0250 with the following exceptions to the dimensional standards and provisions of these parts:

(1) Minimum lot size, 20,000 square feet;

(2) Minimum structure setback, 75 feet;

(3) Minimum lot width at OHW and structure setback, 100 feet; and

(4) Minimum on-site sewage treatment system setback, 50 feet.

No clearcutting of trees within 75 feet of the OHW of the river and designated tributaries.

C. [Unchanged.]

Subp. 3. **More protective rules.** Nothing in parts 6105.0010 to 6105.0250 or this management plan shall preclude Pine ~~or Carlton counties~~ county or ~~their~~ its subdivisions or the municipalities of Willow River, Rutledge, or Sandstone from adopting regulations more protective than those ~~promulgated~~ adopted in this management plan, subject to approval by the commissioner of Natural Resources.

Subp. 4. [Unchanged.]

REPEALER. Minnesota Rules, part 6105.0700 is repealed.

Board of Teaching

Proposed Permanent Rules Relating to Teacher Licensing

Notice of Intent to Adopt Rules without a Public Hearing

Notice is hereby given that the State Board of Teaching intends to adopt the above-entitled rules without a public hearing following the procedures set forth in the Administrative Procedures Act for adopting rules without a public hearing in Minnesota Statutes, section 14.22 to 14.28. The statutory authority to adopt the rules is Minnesota Statutes, section 125.05, subd. 1, and 125.185, subd. 4.

All persons have 30 days in which to submit comment in support of or in opposition to the proposed rules or any part or subpart of the rules. Comment is encouraged. Each comment should identify the portion of the proposed rules addressed, the reason for the comment, and any change proposed.

Any person may make a written request for a public hearing on the rules within the 30-day comment period. If 25 or more persons submit a written request for a public hearing within the 30-day comment period, a public hearing will be held unless a sufficient number withdraw their request in writing. Any person requesting a public hearing should state his or her name and address, and is encouraged to identify the portion of the proposed rule addressed, the reason for the request, and any change proposed. If a public hearing is required, the agency will proceed pursuant to Minnesota Statutes, section 14.131 to 14.20.

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

Kenneth L. Peatross, Executive Secretary
Minnesota Board of Teaching
608 Capitol Square
550 Cedar Street
St. Paul, MN 55101
612/296-2415

The proposed rules may be modified if the modifications are supported by data and views submitted to the agency and do not result in a substantial change in the proposed rules as noticed.

A copy of the proposed rules is attached to this notice.

A Statement of Need and Reasonableness that describes the need for and reasonableness of each provision of the proposed rules and identifies the data and information relied upon to support the proposed rules has been prepared and is available from Kenneth L. Peatross, Executive Secretary, Minnesota Board of Teaching, 608 Capitol Square, 550 Cedar Street, St. Paul, MN 5101, upon request.

Department of Natural Resources

Proposed Permanent Rules Relating to the Kettle River Wild and Scenic River Designation

Rules as Proposed

6105.0605 DESIGNATION OF RIVER.

That portion of the Kettle River from the Carlton-Pine county line to its confluence with the Saint Croix River is designated a component of the Minnesota wild and scenic rivers system.

6105.0610 SCOPE.

Parts 6105.0600 to 6105.0760 apply to those portions of the river and its ~~shorelands~~ designated wild and scenic river land use districts indicated by the ~~attached maps and~~ land use district legal descriptions of part 6105.0730.

6105.0620 PURPOSE.

Parts 6105.0600 to 6105.0760 provide standards and criteria for state and local management of the ~~waters and shores~~ designated land use districts of the Kettle River ~~component of the Minnesota~~ wild and scenic ~~rivers system~~ river. They establish the manner in which public recreational use of the river and ~~its shores will be provided for and controlled, and the manner in which~~ public and private development of the ~~river shorelands~~ land use districts may take place.

6105.0625 CLASSIFICATION OF RIVER.

The Kettle River from the Carlton-Pine county line downstream to the Kettle River dam site at Sandstone is classified as scenic. The Kettle River from the dam downstream to its confluence with the Saint Croix River is classified as wild.

6105.0640 LAND MANAGEMENT.

Subpart 1. **Permitted utility crossings.** No permit will be

Approved by Revisor PER

issued for a utility crossing of the designated ~~portion~~ land use districts of the Kettle River, ~~from the Carlton Pine county line to the Saint Croix River,~~ except for those utility crossings identified below:

A. County State Aid Highway (CSAH) 46 crossing;

B. CSAH 52 crossing;

C. CSAH 41 crossing;

D. ~~U.S. Highway~~ CSAH 61 crossing;

E. CSAH 33 crossing; ~~and~~

F. Section 14-15, Township 40N, Range 20W power line crossing; and

G. Township road bridge crossing in SW 1/4 Section 10, T44N-R20W.

Further, utility crossings are particularly inappropriate within the wild river land use district. However, additional crossings would be allowed at the existing line crossing (Section 14-15, Township 40N, Range 20W) only if the preferred alternative of using a crossing above the designated area or using one of the corridors in the scenic portion of the river would generate even greater adverse environmental effects and if the crossings can be installed without significant additional right-of-way clearing within the land use district.

Subp. 2. [Unchanged.]

Subp. 3. **Management maps area.** The commissioner of natural resources adopts the land ~~management maps in part 6105.0700, subparts 1 to 8 to the area identified in the~~ use district legal ~~description and~~ descriptions of part 6105.0730 according to part 6105.0070, subpart 2 for the protection and management of lands within the wild and scenic river land use districts.

A. to E. [Unchanged.]

6105.0650 ADMINISTRATION OF PLAN.

Subpart 1. **Pine County.** Pine County shall enact or amend ~~such~~ ordinances and maps as necessary to:

A. establish the wild river and scenic river land use

Approved by Revisor _____

districts identified ~~on the land management maps and~~ in the land use district ~~property~~ legal descriptions of part 6105.0730 within Pine County; and

B. [Unchanged.]

Subp. 2. **Willow River, Rutledge, and Sandstone.** The municipalities of Willow River, Rutledge, and Sandstone shall enact or amend ordinances as necessary to:

A. Establish the scenic river land use districts as delineated for their jurisdictions ~~on~~ in the land ~~management maps;~~ use district legal descriptions.

B. Conform to the provisions of parts ~~6120.2600 to 6120.3900 and administer these provisions according to parts 6105.0220~~ 6105.0010 to ~~6105.0250, as applicable;~~ 6105.0090 and 6105.0110 to 6105.0250 with the following exceptions to the dimensional standards and provisions of these parts:

(1) Minimum lot size, 20,000 square feet;

(2) Minimum structure setback, 75 feet;

(3) Minimum lot width at OHW and structure setback, 100 feet; and

(4) Minimum on-site sewage treatment system setback, 50 feet.

No clearcutting of trees within 75 feet of the OHW of the river and designated tributaries.

C. [Unchanged.]

Subp. 3. **More protective rules.** Nothing in parts 6105.0010 to 6105.0250 or this management plan shall preclude Pine ~~or Carlton counties~~ county or ~~their~~ its subdivisions or the municipalities of Willow River, Rutledge, or Sandstone from adopting regulations more protective than those ~~promulgated~~ adopted in this management plan, subject to approval by the commissioner of Natural Resources.

Subp. 4. [Unchanged.]

REPEALER. Minnesota Rules, part 6105.0700 is repealed.

Approved by Revisor _____

Office of the Revisor of Statutes

Administrative Rules

TITLE: Proposed Permanent Rules Relating to the Kettle River Wild and Scenic River Designation

AGENCY: Department of Natural Resources

MINNESOTA RULES: Chapter 6105

The attached rules are approved for publication in the State Register

Paul E. Rohde
Senior Assistant Revisor

DEPARTMENT OF NATURAL RESOURCES

PROPOSED RULE AMENDMENT RELATING TO KETTLE WILD AND SCENIC RIVER DESIGNATION

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 entitled amendment to Minn. Rules 1985 part 6105.0600 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 proposed amendments concern the clarification of rule text related to land use management within the designated land use districts in Pine County.

No land is being added to or deleted from the land use district, land use district uses and dimensions are not being amended and changes to designations are not proposed, as a result of these corrections.

Persons interested shall have 30 days to submit comment on the proposed amendment. The proposed amendment may be modified prior to final adoption if modifications are supported by the data and view 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 proposed amendment, should address their correspondence to:

William Zachmann
Department of Natural Resources
500 Lafayette Rd.
St. Paul, MN 55155-4032

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 7, 1987

JOSEPH N. ALEXANDER, Commissioner

Department of Natural Resources

SF-00006-03

STATE MINNESOTA

DEPARTMENT MDNR-Div. of Waters

Office Memorandum

TO: File - Kettle River

DATE: 2/26/87

FROM: Bill Zachmann, Hydrologist
Wild and Scenic Rivers Program

PHONE: 6-9224

SUBJECT: STATEMENT OF NEED AND REASONABLENESS - KETTLE RIVER RULE AMENDMENTS

This memo is intended to serve as the file document for fulfilling the Statement of Need and Reasonableness for the above referenced rule amendments.

Amendments to the rule were developed after an extensive evaluation of the Kettle River rule by Bill Zachmann, Division of Waters during the period November, 1984 ending April, 1986. River landowners and community administrators have actively participated in the evaluation. Comments were solicited from the public through notices seeking Outside Opinion concerning Kettle River Rule amendments. The notices were published in the state register and in 4 local Pine County Newspapers. No outside opinions were submitted during the time period.

Attached to this memo are the proposed amendments followed by "EXPLANATION " paragraphs which serve as the specific statements of need. In general, the proposed changes clarify and simplify the existing rule. No amendments are being proposed that will either materially affect the manner in which the state or local units of government manage land uses within the designated land use districts or require any new procedures.

Additional documents pertaining to the Kettle River evaluation are on file at the Division of Waters, Minnesota Department of Natural Resources, 500 Lafayette Road, St. Paul, MN. 55155-4032.

BZ:fw

Attachment

[redacted]

STATEMENTS OF NEED AND REASONABLENESS 2/26/87

2/19/87 [REVISOR] PER/AT RD1066

Department of Natural Resources

Proposed Permanent Rules Relating to the Kettle River Wild and Scenic River Designation

Rules as Proposed

6105.0605 DESIGNATION OF RIVER.

That portion of the Kettle River from the Carlton-Pine county line to its confluence with the Saint Croix River is designated a component of the Minnesota wild and scenic rivers system.

6105.0605 Explanation: A clear, straightforward designation statement does not currently appear anywhere in the rule text. Numerous references throughout the rule substantiate the area designated, but do so within text addressing other topics. (See 6105.0640 subp. 1., 6105.0650 subp. 1. and subp. 2., 6105.0720 (river mile 51 is at Pine-Carlton County line), and 6105.0730 (T45N-R20W is most northerly township in Pine County).

6105.0610 SCOPE.

Parts 6105.0600 to 6105.0760 apply to those portions of the river and its ~~shorelands~~ designated wild and scenic river land use districts indicated by the ~~attached maps and~~ land use district legal descriptions of part 6105.0730.

6105.0610 Explanation: The existing rule text refers to "shorelands", a term that is used in the state shoreland management act and associated rules. The "designated wild and scenic river land use districts" is a more accurate reference and is language consistent with the preceding statewide rules, 6105.0010 - 6105.0250. Additionally, reference to the maps should be deleted. The published maps in Parts 6105.0700 are difficult to read in the published rule, and subsequent to change by amendments to the written land use district legal descriptions. In later adopted wild and scenic river rules, maps were not published to avoid confusion. Therefore, the maps published in part 6105.0700 should also be deleted since the land use district legal descriptions accurately and adequately define the area being managed by the rule.

6105.0620 PURPOSE.

Parts 6105.0600 to 6105.0760 provide standards and criteria for state and local management of the ~~waters-and-shores~~ designated land use districts of the Kettle River ~~component-of the-Minnesota~~ wild and scenic ~~rivers-system~~ river. They establish the manner in which public recreational use of the river and ~~its-shores-will-be-provided-for-and-controlled,-and the-manner-in-which~~ public and private development of the ~~river shorelands~~ land use districts may take place.

6105.0620 Explanation: The proposed rewording of this part is consistent with previous terminology referencing the designated land use district and eliminating confusing or vague references to "shores", "waters and shores" and "shorelands".

6105.0625 CLASSIFICATION OF RIVER.

The Kettle River from the Carlton-Pine county line downstream to the Kettle River dam site at Sandstone is classified as scenic. The Kettle River from the dam downstream to its confluence with the Saint Croix River is classified as wild.

6105.0625 Explanation: This information was inadvertently omitted from the final rule when published in 1975. Similar classification language is included in the other 5 state designated wild and scenic rivers. The above classification is the way in which the river was described it would be classified in public hearings in 1975, and subsequently, is the way in which the river has been managed for 10 years. Inclusion of this language in rule text is needed so that rule reference to the appropriate classification can be made during routine aspects of rule administration. Staff feels this does not constitute a controversial addition, since this reflects the agreed upon and status quo management of the river.

6105.0640 LAND MANAGEMENT.

Subpart 1. **Permitted utility crossings.** No permit will be

Approved by Revisor PER

issued for a utility crossing of the designated ~~portion~~ land use districts of the Kettle River, ~~from the Carlton Pine county line to the Saint Croix River~~, except for those utility crossings identified below:

A. County State Aid Highway (CSAH) 46 crossing;

B. CSAH 52 crossing;

C. CSAH 41 crossing;

D. ~~U.S. Highway~~ CSAH 61 crossing;

E. CSAH 33 crossing; ~~and~~

F. Section 14-15, Township 40N, Range 20W power line crossing; and

G. Township road bridge crossing in SW 1/4 Section 10, T44N-R20W.

Further, utility crossings are particularly inappropriate within the wild river land use district. However, additional crossings would be allowed at the existing line crossing (Section 14-15, Township 40N, Range 20W) only if the preferred alternative of using a crossing above the designated area or using one of the corridors in the scenic portion of the river would generate even greater adverse environmental effects and if the crossings can be installed without significant additional right-of-way clearing within the land use district.

Subp. 2. [Unchanged.]

6105.0640 SUBP. 1

Explanation: As currently written, the text could be interpreted to mean "road crossings" and/or "utility crossings". Since several other road crossings of State Highways and an interstate highway crossed the river prior to rule adoption it is obvious and logical that "road crossings" is not the intent here. Discussion of utility crossings in the draft Kettle River Management is consistent to the list in A. to F. below, with the exception of the recommended change. Therefore, inserting "utility" crossing is justified and would aid in routine administrative reference to this subpart.

Subp. 3. **Management maps** area. The commissioner of natural resources adopts the land ~~management maps in part 6105.0700, subparts 1 to 8 to the area identified in the~~ use district legal ~~description and~~ descriptions of part 6105.0730 according to part 6105.0070, subpart 2 for the protection and management of lands within the wild and scenic river land use districts.

A. to E. [Unchanged.]

6105.0640 SUBP. 3. Explanation: Consistent with previous recommended changes, reference to the management maps should be deleted in preference for the more accurate listed legal descriptions.

6105.0650 ADMINISTRATION OF PLAN.

Subpart 1. **Pine County.** Pine County shall enact or amend ~~such~~ ordinances and maps as necessary to:

A. establish the wild river and scenic river land use districts identified ~~on the land management maps and~~ in the land use district ~~property~~ legal descriptions of part 6105.0730 within Pine County; and

B. [Unchanged.]

6105.0650 SUBP. 1. Explanation: The above changes would be consistent with clarifications II, III and VI as previously discussed.

Subp. 2. **Willow River, Rutledge, and Sandstone.** The municipalities of Willow River, Rutledge, and Sandstone shall enact or amend ordinances as necessary to:

A. Establish the scenic river land use districts as delineated for their jurisdictions ~~on~~ in the land ~~management maps;~~ use district legal descriptions.

B. Conform to the provisions of parts ~~6120.2600 to 6120.3900 and administer these provisions according to parts 6105.0220~~ 6105.0010 to ~~6105.0250, as applicable;~~ 6105.0090 and 6105.0110 to 6105.0250 with the following exceptions to the dimensional standards and provisions of these parts:

(1) Minimum lot size, 20,000 square feet;

(2) Minimum structure setback, 75 feet;

(3) Minimum lot width at OHW and structure setback, 100 feet; and

(4) Minimum on-site sewage treatment system setback, 50 feet.

No clearcutting of trees within 75 feet of the OHW of the river and designated tributaries.

C. [Unchanged.]

6105.0650 SUBP. 2

Explanation: The above proposed amendment deletes all references to the state shoreland management regulations, yet clearly establishes the required dimensional standards and provisions that are only referenced in the original rule. Due to proposed amendments to the current state shoreland management regulations, the reordering of shoreland chapter subparts would require amendment to this subpart. It is more preferable to have the requirements for these cities listed in the rule, rather than rely on the provisions of another program.

Subp. 3. **More protective rules.** Nothing in parts 6105.0010 to 6105.0250 or this management plan shall preclude Pine ~~or Carlton counties~~ county or ~~their~~ its subdivisions or the municipalities of Willow River, Rutledge, or Sandstone from adopting regulations more protective than those ~~promulgated~~ adopted in this management plan, subject to approval by the commissioner of Natural Resources.

Subp. 4. [Unchanged.]

6105.0650 SUBP. 3

Explanation: The above revisions delete references to Carlton County from rule text as previously discussed and provide for inclusion of the 3 municipalities. Reference to the municipalities does not change any aspects of rule required management, but clearly states the municipalities can be more restrictive if they choose.

REPEALER. Minnesota Rules, part 6105.0700 is repealed.

6105.0700

Explanation: These maps should be deleted from the rules. The maps in the rule were photocopied from a set of draft management maps that do not accurately match the written land use district legal descriptions. Because of similar conflicts between land use district depictions on maps and the final adopted set of legal descriptions, most of the subsequent wild and scenic river rules publications opted to not publish land use district maps. In sum, deletion of the maps deletion will make the rules easier to read and administer. Rule users would immediately refer to the listed legal descriptions of Part 6105.0730 and then consult U.S.G.S. topographical maps or county plat maps for accurate physical location of the land use districts.

RECEIVED
MAY 0 6 1987
ATTORNEY GENERAL'S OFFICE
SUITE 200
520 LAFAYETTE ROAD
ST. PAUL, MN 55155

Addition to Kettle River Rule Amendment

Statement of Need and Reasonableness

To provide additional information in justifying an addition to Part 6105.0640 subpart 1. Item G. as reads:

G. Township road bridge crossing in SW¼ Section 10, T44N-R20W.

This addition is needed and reasonable it adds a bridge crossing for utility crossing purposes in a semi-developed, rural area of the land use district. Both upstream and downstream of this crossing, the CSAH 41 and the C.S.A.H. 61 crossings distribute utility to areas similar to the areas adjacent to the subject crossing.

A past request to locate a phone cable crossing at the subject location had to be denied to comply with the rule, even though such a crossing would not have had any adverse impact on the district.

Bill Zachman
5/1/87

Kettle Rule charge file
c. Bill Clapp

STATE OF MINNESOTA

DEPARTMENT OF NATURAL RESOURCES

In the matter of the proposed rule amendments to the Kettle Wild and Scenic River

AFFIDAVIT OF MAILING

WILLIAM R. ZACHMANN deposes and says:

That on the 20 day of May, 1987 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 address listed on the attached Certificate of the Commissioner of Natural Resources.

William R. Zachmann

Subscribed and sworn to before me this 20 day of May, 1987.

Jeanne Matczynski

JEANNE M. MATCZYNSKI
NOTARY PUBLIC-MINNESOTA
DAKOTA COUNTY
My Comm. Expires Dec. 29, 1992

STATE OF MINNESOTA

DEPARTMENT OF NATURAL RESOURCES

In the matter of the proposed rule amendments to the Kettle Wild and Scenic River.

CERTIFICATION

I hereby certify that the attached 78 labels and 3 sheets constitute the complete list of persons, associations, and other interested groups who as of 3 o'clock P.M. this 20 day of MAY, 1987 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: Cindy T. Brewer

A. M. Twilley
Env. Control & Energy Dept.
Ford Motor Company
Automotive Assembly Division
17000 Oakwood Blvd.
Allen Park, Mich. 48121

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

[redacted]

Mr. John A. Knapp
Hessian, McKasy & Soderberg
1500 Midwest Plaza Bldg.
Minneapolis, MN 55402
Returned

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]
27

[redacted]

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

[redacted]

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

Sam Ruhle
Office of Adminis. Hearings
400 Summit Bank Building
310 South Fourth Avenue
Minneapolis, MN 55415

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

Marylee Fithian
Director
Development Disabilities Planni
200 Capitol Square Bldg.
INTEROFFICE
RETURNED

Robert S. Burk
4344 IDS Center
Minneapolis, 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

Marylee Fithian, Exec. Director
Oden & Associates
905 Park Ave. So.
Mpls., 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 Distric
402 E. Lake St.
Wayzata, MN 55391

Jean Dawson, Editor
The Minnesota Government Report
B-12, Press Room
StateCapitol Bldg.
INTEROFFICE

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

T. J. Manthey
Pickands Mather & Co.
1100 Superior Ave. NE
Cleveland, 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

Craig Waldron

Region Nine Dev. Commission
410 So. 5th St., P.O. Box 3367
Mankato, MN 56001

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

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

Antitrust Division
MN Attorney General's Office
2nd Floor, Ford Bldg.
117 University Ave.
St. 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

Professor Robert Synder
248 Classroom-Office Bldg.
University of Minnesota
St. 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

[redacted]

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

Thomas M. Polt
McCarthy Bldg.
Eyota, MN 55934

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

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

President
Interstate Power Co.
1000 Main St.
Dubuque, IA 52001

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

[redacted]

Harriet Lykken
4600 Emerson Ave. So.
Mpls., 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

Kenneth Peterson, Exec. Director
MPIRG
2412 University Ave. SE
Mpls., MN 55414

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

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

[redacted]

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

[redacted]

[redacted]

Badger Safe Energy Alliance
Box 68
Durand, Wis. 54736

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

[redacted]

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

Rodney Watkins
105 University Rd.
Cloquet, MN 55720

ERNEST N. WENTWORTH
ROUTE #2, BOX 285
HINES, MINN.

DARLENE OLSEN
KOOCHICHING COUNTY COURTHOUSE
INT'NAT'L FALLS, MINN. 56649

[redacted]

John M. Broeker
2850 Metro Drive
Suite 800
Mpls., MN 55420

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

Henry Holte
Grygla, MN 56727

[redacted]
Minnesota Woodlands
Boise Cascade Corporation
International Falls,MN 56649

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

[redacted]

Andrea Hughes-Whaley Returned
2803 Lake Blvd. North
North St. Paul, MN 55109

[redacted] 25

[redacted]

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

Copies of the public hearing draft are available free of charge from the Council's Communications Department at 291-6464. Copies are also available for public inspection beginning Sept. 10 at the following locations:

Metropolitan Council Library
300 Metro Square Bldg.
St. Paul, MN 55101

Minneapolis Public Library
Government Documents Room
300 Nicollet Mall
Minneapolis, MN 55401

St. Paul Public Library
Science and Industry Room
90 W. Fourth St.
St. Paul, MN 55102

Anoka County Library—Blaine Branch
707 Hwy. 10
Blaine, MN 55434

Carver County Library—Chaska Branch
314 Walnut St.
Chaska, MN 55318

Dakota County Library—Burnsville Branch
1101 W. County Rd. 42
Burnsville, MN 55337

Hennepin County Library—Southdale Branch
7001 York Av.
Edina, MN 55435

Ramsey County Library—Roseville Branch
2180 N. Hamline Av.
Roseville, MN 55113

Scott County Library—Shakopee Branch
235 S. Lewis St.
Shakopee, MN 55379

Washington County Library—Park Grove Branch
7510 - 80th St. S.
Cottage Grove, MN 55106

Sandra S. Gardebring, Chair

Metropolitan Waste Control Commission

Public Hearing: Facility Plan for Combined Sewer Overflow Control in the Twin Cities Area

Notice is hereby given that on Tuesday, October 8, 1985, the Metropolitan Waste Control Commission will hold a public hearing at 4:00 p.m. in the Board Room of the Commission's offices at 350 Metro Square Building, St. Paul, to receive public comments on the Commission's Facility Plan for Combined Sewer Overflow (CSO) Control in the Twin Cities Area.

The proposed CSO Control Plan is based on the continuation of the existing sewer separation program as planned and being implemented by the Cities of Minneapolis, St. Paul and South St. Paul. The objective of the CSO Control Plan is the elimination of overflows to the Mississippi River which contain sanitary wastewater in addition to stormwater runoff.

The Facility Planning Report, together with the Environmental Information Document, are on file at the office of the Metropolitan Waste Control Commission and may be viewed between the hours of 8:00 a.m. to 5:00 p.m. Arrangements to review the reports can also be made by contacting Mr. Klaus Foerster at 222-8423.

Interested parties and representatives of local government and organizations are invited to present their views and comments, in writing, or in person, at the hearing. Written statements may be mailed to: Louis J. Breimhurst, Chief Administrator, Metropolitan Waste Control Commission, 350 Metro Square Building, St. Paul, Minnesota 56101, and will be accepted as part of the hearing record until Monday, October 21st.

Please bring this notice to the attention of any person you feel would be interested in this matter.

September 5, 1985

By:
Louis J. Breimhurst
Chief Administrator

Department of Natural Resources Division of Waters

Outside Opinion Sought Concerning Amendments to the Kettle Wild and Scenic River Rules

Notice is hereby given that the Minnesota Department of Natural Resources is seeking information or opinions from interested

persons outside of the agency regarding amendments to the Land Management and Administration requirements of MN Rule 1983 Part 6105.0640 and Part 6105.0650 (formerly NR 2300 (c) and (d)).

Amendments to the rule are authorized by Minnesota Statutes, Section 104.34, Subdivision 1, which establishes the Commissioner of Natural Resources' responsibility to promulgate regulations for the management of designated components of the Minnesota Wild and Scenic Rivers System. The Kettle River was designated a wild and scenic river in 1975 and the department is currently evaluating the applicable rules and considering appropriate amendments.

All interested persons may submit comments or information on this subject either orally or in writing. Written statements should be addressed to:

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

Oral statements should be received during regular business hours over the telephone at 612/296-9224 or in person at the above address. All statements of information and comment will be accepted until October 7, 1985. Any written material received shall become part of the record in the event the rules are amended.

Joseph N. Alexander
Commissioner of Natural Resources

Pollution Control Agency

Outside Opinion Sought Concerning Proposed Amendments Incorporating Provisions of the Federal Hazardous and Solid Waste Amendments of 1984

Notice is hereby given that the Minnesota Pollution Control Agency (MPCA) is seeking information and opinions from sources outside the MPCA regarding amendments to portions of the Minnesota hazardous waste rules to incorporate the federal Hazardous and Solid Waste Amendments of 1984.

The MPCA will be amending at least the following to conform to the federal requirements:

1. Minnesota Rules, parts 7045.0450 to 7045.0642 (Facility Standards);

2. Hazardous waste facility permitting requirements of Minnesota Rules, Chapter 7001; and

3. Minnesota Rules, parts 7045.0075 (Petitions), 7045.0120 (Exempt Wastes), 7045.0135 (Lists of Hazardous Wastes), 7045.0296 (Annual Reporting), 7045.0125 (Management of Waste by Use, Reuse, Recycling, and Reclamation).

The MPCA requests information and comments concerning the subject matter of the proposed amendments.

Written or oral information concerning the subject matter will be accepted until October 10, 1985. Oral statements will be received during regular business hours. Written statements should be addressed to:

Melba Hensel
Minnesota Pollution Control Agency
Solid and Hazardous Waste Division
1935 West County Road B2
Roseville, Minnesota 55113
612/296-7712

September 9, 1985

Michael Robertson
for
Thomas J. Kalitowski
Executive Director

STATE OF MINNESOTA

DEPARTMENT OF NATURAL RESOURCES

In the Matter of the
Proposed Amendments
to the Kettle Wild and
Scenic River Rules.

ORDER ADOPTING
RULE AMENDMENTS

Notice of intent to adopt proposed amendment without hearing was published in the State Register on June 1, 1987, and mailed to those on the agency's rules mailing list on May 20, 1987.

Having received no comments and having determined that the amendments, as proposed are needed and reasonable

NOW THEREFORE IT IS ORDERED that the proposed amendments are adopted, pursuant to authority vested in me by Minnesota Statutes Section 104.35.

Dated: July 17, 1987.

JOSEPH N. ALEXANDER,
Commissioner

Extra

STATE OF MINNESOTA

DEPARTMENT OF NATURAL RESOURCES

In the Matter of the Proposed Adoption of Amendments to the Rules for the Kettle Wild and Scenic River, Minn. Rules 1985 6105.0600

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 7, 1987

Joseph N. Alexander

JOSEPH N. ALEXANDER, Commissioner
Department of Natural Resources

STATE OF MINNESOTA

DEPARTMENT OF NATURAL RESOURCES

In the Matter of the
Proposed Amendments
to the Kettle Wild and
Scenic River Rules.

ORDER ADOPTING
RULE AMENDMENTS

Notice of intent to adopt proposed amendment without hearing was published in the State Register on June 1, 1987, and mailed to those on the agency's rules mailing list on May 20, 1987.

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NOW THEREFORE IT IS ORDERED that the proposed amendments are adopted, pursuant to authority vested in me by Minnesota Statutes Section 104.35.

Dated: July 17, 1987.

JOSEPH N. ALEXANDER,
Commissioner

STATE OF MINNESOTA

DEPARTMENT OF NATURAL RESOURCES

In the Matter of the
Proposed Amendments to
the Kettle Wild & Scenic
River Rules

CERTIFICATE OF COMPLIANCE

I am familiar with the laws and rules pertaining to the adoption of rules by state agencies. I have reviewed the documents pertaining to the subject rule adoption. I believe that the agency has satisfied the legal requirements.

Dated: July 22, 1987.

HUBERT H. HUMPHREY, III
Attorney General

By: A. W. Clapp III

A. W. CLAPP III
Special Assistant
Attorney General

Suite 200
520 Lafayette Road
St. Paul, Minnesota 55101
Telephone: (612) 296-0686

Counsel for the Minnesota
Department of Natural Resources

Rule

See Proposed - not all new material

Notice of Intent ok

Citation 104.34 - ok

104.35

They are not establishing a new River to be included in the wild + scenic rivers systems ∴ 104.35 doesn't apply

A copy of the Notice of to Solicit is on its way