

Minnesota Department of Natural Resources

Division of Ecological and Water Resources

NOTICE OF HEARING

Proposed Amendments to Rules Relating to Endangered, Threatened, and Special Concern Species, *Minnesota Rules*, parts 6134.0170, 6134.0200, 6134.0300, and 6134.0400; Revisor's ID Number R-03921

Public Hearing. The Department of Natural Resources intends to adopt rules after a public hearing following the procedures in the rules of the Office of Administrative Hearings, *Minnesota Rules*, parts 1400.2200 to 1400.2240, and the Administrative Procedure Act, *Minnesota Statutes*, sections 14.131 to 14.20. The department will hold public hearings on the above-named rules starting at 6:00 p.m. and continuing until the hearing is completed at the following locations and dates:

Tuesday, January 29, 2013, at Ramada Hotel and Conference Room, 1517 16th Street SW, Rochester, Minnesota 55902

Wednesday, January 30, 2013, at New Ulm Community Center, 600 North German, New Ulm, Minnesota 56073

Tuesday, February 5, 2013, at The Sanford Center – Bemidji Regional Event Center, 1111 Event Center Drive NE, Bemidji, Minnesota 56601

Wednesday, February 6, 2013, at Gitchee Gumee Conference Center, U.S. Environmental Protection Agency Mid-Continent Ecology Division, 6201 Congdon Boulevard, Duluth, Minnesota 55804

Thursday, February 7, 2013, at Best Western Plus Kelly Inn, 2705 North Annapolis Lane, Plymouth, Minnesota 55441

The agency will schedule additional days of hearing if necessary. All interested or affected persons will have an opportunity to participate by submitting either oral or written data, statements, or arguments. Statements may be submitted without appearing at the hearing.

Administrative Law Judge. Administrative Law Judge James E. LaFave will conduct the hearing. The judge can be reached at the Office of Administrative Hearings, 600 North Robert Street, P.O. Box 64620, Saint Paul, Minnesota 55164-0620, telephone 651-361-7848, and FAX 651-361-7936. The rule hearing procedure is governed by *Minnesota Statutes*, sections 14.131 to 14.20, and by the rules of the Office of Administrative Hearings, *Minnesota Rules*, parts 1400.2000 to 1400.2240. You should direct questions about the rule hearing procedure to the administrative law judge.

Subject of Rules, Statutory Authority, and Agency Contact Person. The proposed rules will update Minnesota's List of Endangered, Threatened, and Special Concern Species (List) in *Minnesota Rules*, chapter 6134, which was last revised in 1996. The statutory authority to adopt the rules is *Minnesota Statutes*, section 84.0895, subdivisions 3(a) and 3(c). A copy of the proposed rules is published in the *State Register*, posted on the DNR website at <http://www.dnr.state.mn.us/ets/rulesrevision.html>, and attached to this notice as mailed. A free copy of the rules is available upon request from the agency contact person. The agency contact person is: Richard Baker at Division of Ecological and Water Resources, Minnesota Department

of Natural Resources 500 Lafayette Road, St. Paul, Minnesota 55155-4025, 651-259-5073, and richard.baker@state.mn.us. TTY users may call the Department of Natural Resources at 651-296-5484 or 1-800-657-3929.

Statement of Need and Reasonableness. The statement of need and reasonableness contains a summary of the justification for the proposed rules, including a description of who will be affected by the proposed rules and an estimate of the probable cost of the proposed rules. It is now available from the agency contact person. You may review or obtain copies for the cost of reproduction by contacting the agency contact person.

Public Comment. You and all interested or affected persons, including representatives of associations and other interested groups, will have an opportunity to participate. The administrative law judge will accept your views either orally at the hearing or in writing at any time before the close of the hearing record. Submit written comments to the administrative law judge at the address above or to rulecomments@state.mn.us. All evidence that you present should relate to the proposed rules. You may also submit written material to the administrative law judge to be recorded in the hearing record for five working days after the public hearing ends. At the hearing, the administrative law judge may order this five-day comment period extended for a longer period but for no more than 20 calendar days. Following the comment period, there is a five-working-day rebuttal period during which the agency and any interested person may respond in writing to any new information submitted. No one may submit additional evidence during the five-day rebuttal period. The Office of Administrative Hearings must receive all comments and responses submitted to the administrative law judge no later than 4:30 p.m. on the due date. All comments or responses received are public and will be available for review at the Office of Administrative Hearings.

The agency requests that any person submitting written views or data to the administrative law judge before the hearing or during the comment or rebuttal period also submit a copy of the written views or data to the agency contact person at the address stated above.

Alternative Format/Accommodation. Upon request, this information can be made available in an alternative format, such as large print, braille, or audio. To make such a request or if you need an accommodation to make this hearing accessible, please contact the agency contact person at the address or telephone number listed above.

Modifications. The agency may modify the proposed rules as a result of the rule hearing process. It must support modifications by data and views presented during the rule hearing process. The adopted rules may not be substantially different than these proposed rules, unless the agency follows the procedure under *Minnesota Rules*, part 1400.2110. If the proposed rules affect you in any way, the agency encourages you to participate.

Adoption Procedure after the Hearing. After the close of the hearing record, the administrative law judge will issue a report on the proposed rules. You may ask to be notified of the date when the judge's report will become available, and can make this request at the hearing or in writing to the administrative law judge. You may also ask to be notified of the date that the agency adopts the rules and files them with the Secretary of State, or ask to register with the agency to receive notice of future rule proceedings. You may make these requests at the hearing or in writing to the agency contact person stated above.

Lobbyist Registration. *Minnesota Statutes*, chapter 10A, requires each lobbyist to register with the State Campaign Finance and Public Disclosure Board. You should direct questions regarding this requirement to the Campaign Finance and Public Disclosure Board at: Suite #190, Centennial Building, 658 Cedar Street, St. Paul, Minnesota 55155, telephone 651-296-5148 or 1-800-657-3889.

Order. I order that the rulemaking hearing be held at the date, time, and location listed above.

November 27, 2012

/s/ Tom Landwehr
Commissioner of Natural Resources