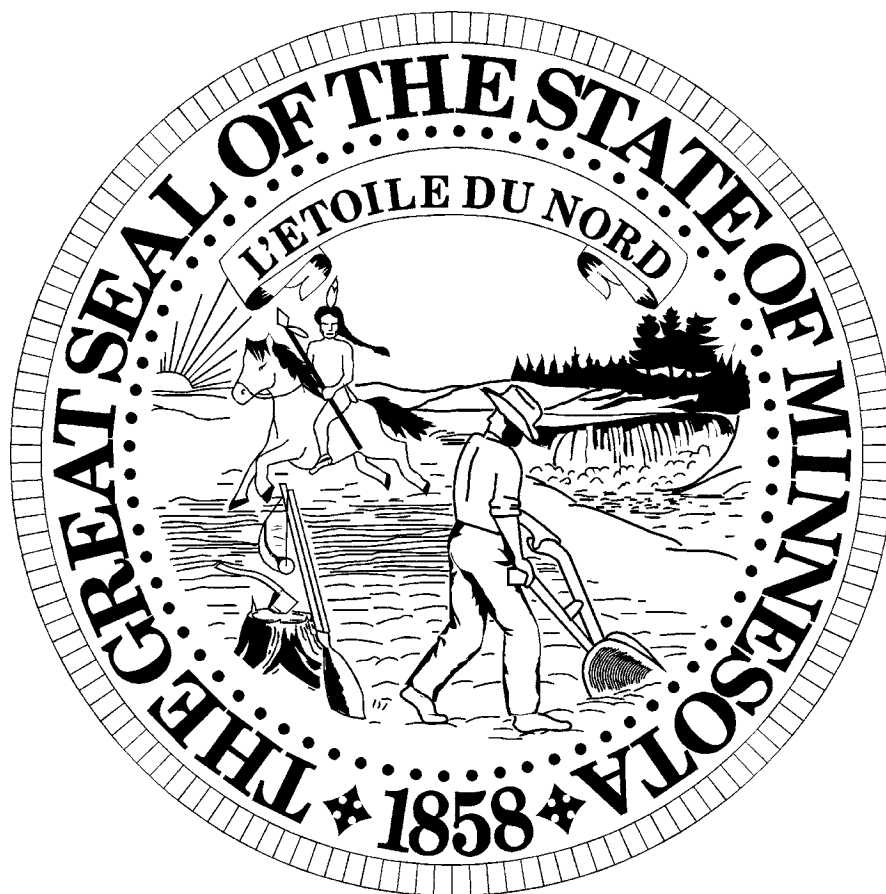


- A. The Request for Comments on planned amendments to rules governing Water Quality Standards – Use Classification 2, as published in the *State Register* on April 5, 2021.

# Minnesota State Register

Published every Monday (Tuesday when Monday is a holiday)



**Proposed, Adopted, Emergency, Expedited, Withdrawn, Vetoed Rules;  
Executive Orders; Appointments; Commissioners' Orders; Revenue Notices;  
Official Notices; State Grants & Loans; State Contracts; Non-State Public Bids,  
Contracts and Grants**

**Monday 5 April 2021  
Volume 45, Number 40  
Pages 1069 - 1098**

# Minnesota State Register

## Judicial Notice Shall Be Taken of Material Published in the Minnesota State Register

The Minnesota State Register is the official publication of the State of Minnesota’s Executive Branch of government, published weekly to fulfill the legislative mandate set forth in Minnesota Statutes, Chapter 14, and Minnesota Rules, Chapter 1400. It contains:

- Proposed Rules
- Adopted Rules
- Exempt Rules
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- Executive Orders of the Governor
- Appointments
- Proclamations
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- Commissioners’ Orders
- Revenue Notices
- Official Notices
- State Grants and Loans
- Contracts for Professional, Technical and Consulting Services
- Non-State Public Bids, Contracts and Grants

### Printing Schedule and Submission Deadlines

Vol. 45 Issue Number	Publish Date	Deadline for: all Short Rules, Executive and Commissioner’s Orders, Revenue and Official Notices, State Grants, Professional-Technical- Consulting Contracts, Non-State Bids and Public Contracts	Deadline for LONG, Complicated Rules (contact the editor to negotiate a deadline)
#41	Monday 12 April	Noon Tuesday 6 April	Noon Thursday 1 April
#42	Monday 19 April	Noon Tuesday 13 April	Noon Thursday 8 April
#43	Monday 26 April	Noon Tuesday 20 April	Noon Thursday 15 April
#44	Monday 3 May	Noon Tuesday 27 April	Noon Thursday 22 April

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# Minnesota Rules: Amendments and Additions

## NOTICE: How to Follow State Agency Rulemaking in the State Register

The State Register is the official source, and only complete listing, for all state agency rulemaking in its various stages. State agencies are required to publish notice of their rulemaking action in the State Register. Published every Monday, the State Register makes it easy to follow and participate in the important rulemaking process. Approximately 80 state agencies have the authority to issue rules. Each agency is assigned specific Minnesota Rule chapter numbers. Every odd-numbered year the Minnesota Rules are published. Supplements are published to update this set of rules. Generally speaking, proposed and adopted exempt rules do not appear in this set because of their short-term nature, but are published in the State Register.

An agency must first solicit Comments on Planned Rules or Comments on Planned Rule Amendments from the public on the subject matter of a possible rulemaking proposal under active consideration within the agency (Minnesota Statutes §§ 14.101). It does this by publishing a notice in the State Register at least 60 days before publication of a notice to adopt or a notice of hearing, or within 60 days of the effective date of any new statutory grant of required rulemaking.

When rules are first drafted, state agencies publish them as Proposed Rules, along with a notice of hearing, or a notice of intent to adopt rules without a hearing in the case of noncontroversial rules. This notice asks for comment on the rules as proposed. Proposed emergency rules, and withdrawn proposed rules, are also published in the State Register. After proposed rules have gone through the comment period, and have been rewritten into their final form, they again appear in the State Register as Adopted Rules. These final adopted rules are not printed in their entirety, but only the changes made since their publication as Proposed Rules. To see the full rule, as adopted and in effect, a person simply needs two issues of the State Register, the issue the rule appeared in as proposed, and later as adopted.

The State Register features partial and cumulative listings of rules in this section on the following schedule: issues #1-26 inclusive (issue #26 cumulative for issues #1-26); issues #27-52 inclusive (issue #52, cumulative for issues #27-52 or #53 in some years). A subject matter index is updated weekly and is available upon request from the editor. For copies or subscriptions to the State Register, contact the editor at 651-201-3204 or email at sean.plemmons@state.mn.us

## Volume 45 - Minnesota Rules

(Rules Appearing in Vol. 45 Issues #1-26 are in Vol. 45, #26 - Monday 28 December 2020)

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# Official Notices

## State Board of Investment Administrative Committee Official Meeting Notice

The State Board of Investment Administrative Committee will meet on Thursday, April 15, 2021 at 1:00 p.m. via Teleconference.

Notice, including any instructions for public access to the meeting, will be posted at the SBI office and on the SBI Website at <http://mn.gov/sbi>. For more information, the State Board of Investment can be reached at [minn.sbi@state.mn.us](mailto:minn.sbi@state.mn.us).

## Minnesota Pollution Control Agency (MPCA) Environmental Analysis and Outcomes Division REQUEST FOR COMMENTS on Planned Amendments to Rules Governing Water Quality Standards – Use Classification 2, *Minnesota Rules* chapter 7050, Revisor’s ID Number R-04692

**NOTICE IS HEREBY GIVEN** that the Minnesota Pollution Control Agency (MPCA) is requesting comments on planned amendments to water rules, *Minnesota Rules*, Chapter 7050 (Waters of the State). This rulemaking is referred to as the 2021-2022 Class 2 Use Designation Rule. This rulemaking will update designated uses for some state waters to improve their restoration and protection. Assigning the appropriate beneficial use is an important first step in the process to assure the goals for each water body are attainable and can be protected. Comments should be submitted in writing according to the Public Comment section below.

**Plain English Summary.** This Request for Comments is the MPCA’s legal notice of its intent to begin rulemaking. This is the first of several opportunities for public comment and input. At this stage, we do not yet have a draft of new rule language. We want your feedback to inform us about the ideas described below in the Subject of Rules. This is an opportunity to provide comments on the MPCA’s planned amendments to the rules and an opportunity for you to provide comment or information on any relevant issues related to this rulemaking. For example, if you have information on costs to regulated parties related to these use classifications or data related to this rulemaking that you wish to share with us to inform our decisions, please submit that information in writing. Submitting your ideas and information at this early stage in rulemaking allows more time to address issues that may come up, and helps to ensure informed decision-making on our part.

**Subject of Rules.** Minnesota’s surface waters are currently assigned, or designated, a number of possible beneficial uses (e.g. drinking water, aquatic life, and recreation such as fishing and swimming) based on which beneficial uses are or should be attained in those waters. Different physical and chemical criteria apply depending on the beneficial uses that need to be protected in each water. The MPCA routinely reviews use designations to ensure that assigned beneficial uses are protective and attainable as defined by the Clean Water Act and Minnesota Rule. As the result of routine monitoring by the MPCA and rule changes by the Minnesota Department of Natural Resources, the MPCA has identified reaches where the currently designated beneficial use does not accurately reflect an attainable use. The designated beneficial use for each water body must be correct and appropriate because the designated use affects many water quality protection and restoration efforts (e.g. assessment, stressor identification, National Pollution Discharge Elimination System permitting, and Watershed Restoration and Protection Strategies).

Most use designations are the result of routine use reviews that are performed as part of the MPCA’s Intensive Watershed Monitoring (IWM) effort. The IWM approach assesses watersheds for aquatic life, aquatic recreation, and aquatic consumption uses in Minnesota’s streams; each of the state’s 80 major watersheds are assessed on a rotating 10-year cycle. The MPCA expects to conduct rulemaking every two years to update designated uses based in part on the IWM effort. The most recent use designation rules (Class 2 and Class 7) were adopted in April 2020 (44 SR 1416).

# Official Notices

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These rule amendments will make updates and corrections to Class 2 (Aquatic Life) beneficial use designations or classifications for streams. These updates fall into two groups: 1) reviewing streams for appropriate classification as cold or warm water habitats; and 2) reviewing streams under the tiered aquatic life use (TALU) framework. The TALU rules, approved by United States Environmental Protection Agency, are a framework for classifying streams based on the aquatic life each supports or has the potential to support, and builds upon existing water quality standards.

This rulemaking focuses on assigning appropriate beneficial use designations and does not change numeric criteria or existing designated use frameworks. Planned changes include updating the designated uses for approximately 233 stream reaches and revising the documents incorporated by reference in Minn. R. 7050.0470 that list these specific use designations.

The state rulemaking process requires agencies to consider several specific topics as it develops rules. The MPCA requests any information pertinent to the subject of the rule amendments, and specifically requests any information on:

1. Whether the cost of complying with the rule in the first year after the rule takes effect will exceed \$25,000 for one small city or business (*Minnesota Statutes*, section 14.127).
2. Whether local governments might be required to adopt or amend an ordinance or other regulation in response to the changes (*Minnesota Statutes*, section 14.128).
3. The cumulative effect of the rule amendments with other federal and state regulations as related to the specific purpose of the rule (*Minnesota Statutes*, section 14.131(8)). Cumulative effect means the incremental impacts that result from the proposed rule in addition to other rules, regardless of what state or federal agency has adopted the other rules.

**Persons Affected.** Amendments to these rules potentially affect all persons working with or interested in Water Quality Standards, such as persons working in planning, natural resource management, soil and water conservation, and environmental protection. Because the rule amendments will result in a more accurate classification of waters and more efficient, effective assessment and implementation of Water Quality Standards, persons with a general interest in the quality of Minnesota's waters, such as fishing and tourism, may also be affected.

**Where to Get More Information.** The webpage for this rulemaking at <https://www.pca.state.mn.us/water/amendments-water-quality-standards-use-classification-2> provides information about updates to the beneficial use designations. The MPCA will post rulemaking documents on this webpage as they become available. As stated above, we do not yet have a draft of new rule language. However, a technical support document that provides information about the planned changes is available on the rule webpage.

If you are interested in being notified when the draft rules are available for review and of other activities relating to this (or other MPCA rulemakings) register for GovDelivery bulletins at <https://public.govdelivery.com/accounts/MNPCA/subscriber/new>. The checkbox for the 2021-2022 Class 2 Use Designation Rule is located under the topic heading "Public Notices and Rulemaking."

**Statutory Authority.** *Minnesota Statutes*, section 115.03, subdivision 1 grants the MPCA general authority to promulgate and/or revise rules relating to pollution of waters of the state, classify waters of the state, and to adopt water quality standards. *Minnesota Statutes*, section 115.44 grants the MPCA additional authority to group designated waters of the state into classes.

**Public Comment.** Interested persons or groups may submit written comments on these planned rule amendments and on other information related to this rulemaking until **4:30 p.m. on May 7, 2021**. Submit written comments or information to the Office of Administrative Hearings Rulemaking e-Comments website at <https://minnesotaoah.granicusideas.com>. Any questions about submitting comments via the Rulemaking e-Comments website should be directed to Denise Collins, Office of Administrative Hearings, telephone 651-361-7875 and [denise.collins@state.mn.us](mailto:denise.collins@state.mn.us). All comments received are public and will be available for review at the Office of Administrative Hearings. The MPCA will not publish a notice of intent to adopt rules until more than 60 days have elapsed from the date of this request for comments. The MPCA does not plan to appoint an advisory committee to comment on the planned rule amendments.

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# Official Notices

**MPCA Contact Person.** The MPCA contact person is Mary H. Lynn at the MPCA, 520 Lafayette Road North, St. Paul, MN 55155-4194; telephone 651-757-2439; and [mary.lynn@state.mn.us](mailto:mary.lynn@state.mn.us). Technical questions on the planned rule amendments should be directed to Will Bouchard at the MPCA, telephone 651-757-2333, and [will.bouchard@state.mn.us](mailto:will.bouchard@state.mn.us). You may also call the MPCA at 651-296-6300 or 800-657-3864 or use your preferred relay service [info.pca@state.mn.us](mailto:info.pca@state.mn.us).

**Alternative Format.** Upon request, the information in this notice can be made available in an alternative format, such as large print, braille, or audio. To make such a request, please contact the MPCA contact person via the contact information listed above.

**Note:** Comments received in response to this notice will not necessarily be included in the formal rulemaking record submitted to the Administrative Law Judge if and when the MPCA starts a proceeding to adopt rules. The MPCA is required to submit to the Administrative Law Judge only those written comments received in response to the draft rules after they are proposed. If you submit comments during the development of the rules and you want to ensure that the Administrative Law Judge reviews your comments, you must resubmit the comments after the rules are formally proposed.

Date: March 23, 2021

Laura Bishop, Commissioner  
Minnesota Pollution Control Agency

## Department of Transportation (MnDOT)

### Modal Planning and Program Management Division Office of Transportation System Management

### Notice of Public Comment Period for the Revised Public Participation Plan for the Statewide Multimodal Transportation Plan

NOTICE IS HEREBY GIVEN that the public is invited to review and provide comments through April 29 on the revised Public Participation Plan for the Statewide Multimodal Transportation Plan. The Statewide Multimodal Transportation Plan provides policy guidance for all modes of travel and for all transportation partners. The SMTP shares objectives, performance measures and strategies for transportation decisions over the next two decades. Following the Statewide Multimodal Transportation Plan, updates to MnDOT's plans for highways, rail, aviation, transit, freight and non-motorized transportation (walking, bicycling and rolling) answer what the Minnesota GO vision and the Statewide Multimodal Transportation Plan mean for each type of transportation.

Public engagement is key to ensuring the final plan reflects Minnesotans' transportation priorities. The revised Public Participation Plan outlines how MnDOT plans to connect with the public, stakeholders and partners to update the Statewide Multimodal Transportation Plan.

The revised Public Participation Plan can be accessed electronically at <http://www.minnesotago.org>. A hard copy is available by mail with written request to the contact shared below.

Written comments will be accepted through April 29 and should be addressed to:

**Hally Turner**  
Project Manager  
[Hally.Turner@state.mn.us](mailto:Hally.Turner@state.mn.us)  
651-366-3901

For more information, contact Hally Turner at 651-366-3901 or [hally.turner@state.mn.us](mailto:hally.turner@state.mn.us), or visit [www.minnesotago.org](http://www.minnesotago.org).