

Minnesota Board of Water and Soil Resources

NOTICE OF INTENT TO ADOPT RULES WITHOUT A PUBLIC HEARING

Revised: May 10, 2012

Proposed Amendments to Rules Relating to the Land and Water Treatment Program, Governing the State Conservation Cost-Share Program and the Reinvest in Minnesota Program, Minnesota Rules, parts 8400.0500 (Purpose); 8400.0060 (Authority); 8400.0100 (Definitions); 8400.0250 (Program Policy); 8400.0300 (Approved Conservation Practices); 8400.0500 (Maximum Cost-Share Rates); 8400.0550 (Recording Conservation Practices); 8400.0600 State Board Allocation of Funds to Districts); 8400.0900 (District Administration of Program Funds); 8400.1650 (Recording Conservation Practices); 8400.1700 (Maintenance); 8400.1750 (Practice Site Inspections); 8400.1800 (Appeals); 8400.1900 (Reports to the State Board); 8400.3000 (Authority); 8400.3030 (Definitions); 8400.3060 (Criteria for Allocation of Funds); 8400.3300 (Criteria for Screening Committee Review of Applications); 8400.3630 (Approved Practices); 8400.3700 (Cost-Shared Practices); and 8400.3730 (Failure of Approved Practices).

Introduction. The Minnesota Board of Water and Soil Resources (BWSR) intends to adopt rules without a public hearing following the procedures in the rules of the Office of Administrative Hearings, *Minnesota Rules*, parts 1400.2300 to 1400.2310, and the Administrative Procedure Act, *Minnesota Statutes*, sections 14.22 to 14.28. You may submit written comments on the proposed rules and may also submit a written request that a hearing be held on the rules until Monday, June 11, 2012.

Agency Contact Person. You must submit comments or questions on the rules and written requests for a public hearing to the BWSR contact person. The BWSR contact person is: Dave Weirens, 520 Lafayette Road, St. Paul, Minnesota 55155, phone (651) 297-3432, fax (651) 297-5615, and email david.weirens@state.mn.us.

Subject of Rules. The BWSR is proposing to amend the rules that govern the State Conservation Cost-Share Program and Reinvest in Minnesota (RIM) Program. The primary purpose of these amendments is to conform the rule to statutory amendments made to Minnesota Statutes 103C and 103F in 2009. Additional changes are proposed to improve the application of these programs by:

- Streamlining the administration to increase efficiencies for both SWCDs and BWSR;
- Responding to evolving resource management strategies by accommodating greater use of other Best Management Practices (BMPs); and
- Improving the clarity of the permanent rule.

Statutory Authority. Minnesota Statutes 103C.501, Subd. 6 authorizes the board to adopt administrative rules for the Cost-Share Program. Minnesota Statutes 103F.531 authorize the board to adopt administrative rules for the RIM Reserve Program. In addition, the board has general rule making authority for carrying out all its programs pursuant to Minnesota Statutes, section 103B.101, subdivision 7.

Rule Availability. The proposed changes to Minnesota Rules Chapter 8400 are published in the State Register, or they can be viewed at the BWSR website (<http://www.bwsr.state.mn.us/cs/index.html>). A free copy of the proposed rule is available upon request by contacting the BWSR contact person listed above. Only one copy will be sent per request.

Comments. You have until 4:30 p.m. on Monday, June 11, 2012, to submit written comment in support of or in opposition to the proposed rules and any part or subpart of the rules. Your comment must be in writing and the BWSR contact person must receive it by the due date. Comments are encouraged. Your comment should identify the portion of the proposed rules addressed and the reason for the comment. You are encouraged to propose any change desired. You must also make any comments about the legality of the proposed rules during this comment period.

Request for a Hearing. In addition to submitting comments, you may also request that the BWSR hold a hearing on the rules. Your request must be in writing and the BWSR contact person must receive it by 4:30 p.m. on Monday, June 11, 2012. Your written request for a public hearing must include your name and address. You must identify the portion of the proposed rules that you object to or state that you oppose the entire set of rules. Any request that does not comply with these requirements is not valid and it cannot be counted when determining whether it must hold a public hearing. You are also encouraged to state the reason for the request and any changes you want made to the proposed rules.

Withdrawal of Requests. If 25 or more persons submit a valid written request for a hearing, the BWSR will hold a public hearing unless a sufficient number withdraw their requests in writing. If enough requests for hearing are withdrawn to reduce the number below 25, written notice must be provided to all persons who requested a hearing that explains the actions taken to effect the withdrawal, and ask for written comments on this action. If a public hearing is required, the procedures in *Minnesota Statutes*, sections 14.131 to 14.20 will be followed.

Alternative Format. Upon request, this information can be made available in an alternative format, such as large print, braille, or audio. To make such a request, please contact the BWSR contact person at the address or telephone number listed above.

Modifications. The proposed rules may be modified as a result of public comment. The modifications must be supported by comments and information submitted to the BWSR, and the adopted rules may not be substantially different than these proposed rules, unless the BWSR follows the procedure under *Minnesota Rules*, part 1400.2110. If the proposed rules affect you in any way, the BWSR encourages you to participate in the rulemaking process.

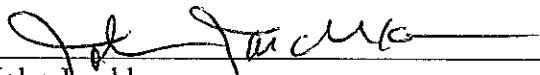
Statement of Need and Reasonableness. The statement of need and reasonableness statement contains a summary of the justification for the proposed rules, including a description of who will be affected by the proposed rules and an estimate of the probable cost of the proposed

rules. It is now available from the BWSR contact person. You may review it or obtain copies for the cost of reproduction by contacting the agency contact person.

Lobbyist Registration. *Minnesota Statutes*, chapter 10A, requires each lobbyist to register with the State Campaign Finance and Public Disclosure Board. You should direct questions about 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.

Adoption and Review of Rules. If no hearing is required, the BWSR may adopt the rules after the end of the comment period. The BWSR will then submit the rules and supporting documents to the Office of Administrative Hearings for review for legality. You may ask to be notified of the date the BWSR submits the rules to the office. If you want to be so notified, or want to receive a copy of the adopted rules, or want to register with the BWSR to receive notice of future rule proceedings, submit your request to the BWSR contact person listed above.

5/10/12
Date



John Jaschke
Executive Director

