



Environmental Quality Board
Mandatory Categories Rulemaking
Preliminary Rule

Minnesota Rule Chapter 4410.0200, Definitions

The proposed changes to Minnesota Rules 4410.0200 herein are preliminary.

The Environmental Quality Board (EQB) staff have made the preliminarily proposed changes available for public comment. For more information on how to comment and the Mandatory Categories Rulemaking, please visit [EQB Mandatory Categories Rulemaking](#) webpage.

The preliminary rules are formatted as such:

- ~~Strikethrough~~ indicates a deletion
- Underline indicates new language
- **DISCUSSION** boxes follow the proposed rule changes and provide a brief description of the purpose of the deletion or addition of rule language
- Footnotes are intended to assist the reader in the preliminary rules and will not be included in the file rule

4410.0200 DEFINITIONS AND ABBREVIATIONS.

Subpart 1. Scope.

For the purpose of parts 4410.0200 to 4410.6500, the following terms and abbreviations have the meanings given them, unless otherwise provided.

Subp. 1a.

[Repealed, 31 SR 539]

Subp. 2. Agricultural land.

"Agricultural land" means land that is or has, within the last five years, been devoted to the production of livestock, dairy animals, dairy products, poultry and poultry products, fur bearing animals, horticultural and nursery stock, fruit, vegetables, forage, grains, or bees and apiary products. Wetlands, naturally vegetated lands, and woodlands contiguous to or surrounded by agricultural land shall be considered agricultural lands if under the same ownership or management as that of the agricultural land during the period of agricultural use.

Subp. 3. Animal units.

"Animal units" has the meaning given in part 7020.0300, subpart 5.

Subp. 4. Approval.

"Approval" means a decision by a unit of government to issue a permit or to otherwise authorize the commencement of a proposed project.

Subp. 5. Attached units.

"Attached units" means in groups of four or more units each of which shares one or more common walls with another unit.

[NEW SUBPART] Auxiliary lane.

"Auxiliary lane" means the portion of the roadway adjoining the through lane(s) for speed change, turning, storage for turning, weaving, truck climbing, which supplement through traffic movement.

DISCUSSION: New definition

Add "auxiliary lane" to correspond with the changes in Minn. R. 4410.4300, subpart 22.

[NEW SUBPART] BWSR.

"BWSR" means the Board of Water and Soil Resources.

DISCUSSION: New definitions

Provide more clarity.

Subp. 6. Biomass sources.

"Biomass sources" means animal waste and all forms of vegetation, natural or cultivated.

Subp. 6a. Capacity.

"Capacity," as used in parts 4410.4300, subpart 17, and 4410.4400, subpart 13, means the maximum daily operational input volume a facility is designed to process on a continuing basis.

Subp. 7. Class I dam.

"Class I dam" has the meaning given in part 6115.0340.

48 **Subp. 8. Class II dam.**

49 "Class II dam" has the meaning given in part 6115.0340.
50

51 **Subp. 9. Collector roadway.**

52 "Collector roadway" means a road that provides access to minor arterial roadways from local streets and adjacent land
53 uses.
54

55 **Subp. 9a. Common open space.**

56 "Common open space" means a portion of a development permanently set aside to preserve elements of the natural
57 landscape for public or private use, which will not be developed or subdivided and is either owned in common by the
58 individual owners in the development or by a permanently established management entity. Common open space does not
59 include the area within 25 feet of any structure, any impervious surface, or the area between buildings within an individual
60 cluster of buildings when the development is designed using clustered compact lots or clustered units or sites to create and
61 preserve green space, such as in a conservation subdivision, planned unit development, or resort.
62

63 **Subp. 9b. Compost facility.**

64 "Compost facility" means a facility used to compost or co-compost solid waste, including:

- 65
- 66 A. structures and processing equipment used to control drainage or collect and treat leachate; and
 - 67 B. storage areas for incoming waste, the final product, and residuals resulting from the composting process.
- 68

69 **Subp. 9c. Connected actions.**

70 Two projects are "connected actions" if a responsible governmental unit determines they are related in any of the
71 following ways:

- 72
- 73 A. one project would directly induce the other;
 - 74 B. one project is a prerequisite for the other and the prerequisite project is not justified by itself; or
 - 75 C. neither project is justified by itself.
- 76

77 **Subp. 10. Construction.**

78 "Construction" means any activity that directly alters the environment. It includes preparation of land or fabrication of
79 facilities. It does not include surveying or mapping.
80

81 **Subp. 11. Cumulative impact.**

82 "Cumulative impact" means the impact on the environment that results from incremental effects of the project in addition
83 to other past, present, and reasonably foreseeable future projects regardless of what person undertakes the other projects.
84 Cumulative impacts can result from individually minor but collectively significant projects taking place over a period of
85 time.
86

87 **Subp. 11a. Cumulative potential effects.**

88 "Cumulative potential effects" means the effect on the environment that results from the incremental effects of a project in
89 addition to other projects in the environmentally relevant area that might reasonably be expected to affect the same
90 environmental resources, including future projects actually planned or for which a basis of expectation has been laid,
91 regardless of what person undertakes the other projects or what jurisdictions have authority over the projects. Significant
92 cumulative potential effects can result from individually minor projects taking place over a period of time. In analyzing
93 the contributions of past projects to cumulative potential effects, it is sufficient to consider the current aggregate effects of
94 past actions. It is not required to list or analyze the impacts of individual past actions, unless such information is necessary
95 to describe the cumulative potential effects. In determining if a basis of expectation has been laid for a project, an RGU
96 must determine whether a project is reasonably likely to occur and, if so, whether sufficiently detailed information is
97 available about the project to contribute to the understanding of cumulative potential effects. In making these

98 determinations, the RGU must consider: whether any applications for permits have been filed with any units of
99 government; whether detailed plans and specifications have been prepared for the project; whether future development is
100 indicated by adopted comprehensive plans or zoning or other ordinances; whether future development is indicated by
101 historic or forecasted trends; and any other factors determined to be relevant by the RGU.
102

103 **Subp. 12. Day.**

104 "Day" in counting any period of time shall not include the day of the event from which the designated period of time
105 begins. The last day of the period counted shall be included, unless it is a Saturday, Sunday, or a legal holiday, in which
106 event the period runs until the end of the next day that is not a Saturday, a Sunday, or a legal holiday. When the period of
107 time prescribed or allowed is 15 days or less, intermediate Saturdays, Sundays, and legal holidays shall be excluded in the
108 counting of days.
109

110 **Subp. 13.**

111 [Repealed by amendment, L 1983 c 289 s 115 subd 1]
112

113 **Subp. 14. Disposal facility.**

114 "Disposal facility" has the meaning given in Minnesota Statutes, section 115A.03, subdivision 10.
115

116 **Subp. 15. DNR.**

117 "DNR" means Department of Natural Resources.
118

119 **Subp. 16. DOT.**

120 "DOT" means Department of Transportation.
121

122 **Subp. 17. EAW.**

123 "EAW" means environmental assessment worksheet.
124

125 **Subp. 18. EIS.**

126 "EIS" means environmental impact statement.
127

128 **Subp. 19.** [Repealed, 21 SR 1458]
129

130 **Subp. 20.** [Repealed, 21 SR 1458]
131

132 **Subp. 21.** [Repealed, 21 SR 1458]
133

134 **Subp. 22. Emergency.**

135 "Emergency" means a sudden unexpected occurrence, natural or caused by humans, involving a clear and imminent
136 danger, demanding immediate action to prevent or mitigate loss of, or damage to, life, health, property, or essential public
137 services. "Emergency" includes fire, flood, windstorm, riot, accident, or sabotage.
138

139 **Subp. 22a. Energy recovery facility.**

140 "Energy recovery facility" means a facility used to capture the heat value of solid waste for conversion to steam,
141 electricity, or immediate heat by direct combustion or by first converting the solid waste into an intermediate fuel product.
142 It does not include facilities that produce, but do not burn, refuse-derived fuel.
143

144 **Subp. 23. Environment.**

145 "Environment" means physical conditions existing in the area that may be affected by a proposed project. It includes land,
146 air, water, minerals, flora, fauna, ambient noise, energy resources, and artifacts or natural features of historic, geologic, or
147 aesthetic significance.

148
149 **Subp. 24. Environmental assessment worksheet.**

150 "Environmental assessment worksheet" means a brief document which is designed to set out the basic facts necessary to
151 determine whether an EIS is required for a proposed project or to initiate the scoping process for an EIS.

152
153 **Subp. 25. Environmental document.**

154 "Environmental document" means EAW, draft EIS, final EIS, substitute review document, and other environmental
155 analysis documents.

156
157 **Subp. 26. Environmental impact statement.**

158 "Environmental impact statement" means a detailed written statement as required by Minnesota Statutes, section 116D.04,
159 subdivision 2a.

160
161 **Subp. 27. EQB.** "EQB" means Environmental Quality Board.

162
163 **Subp. 28. Expansion.**

164 "Expansion" means an extension of the capability of a facility to produce or operate beyond its existing capacity. It
165 excludes repairs or renovations that do not increase the capacity of the facility.

166
167 ~~**Subp. 29. First class city.**~~

168 ~~"First class city" has the meaning given in Minnesota Statutes, section 410.01.~~

169 **DISCUSSION: Subp. 29. First class city.**

170 Deletion corresponds with the changes in Minn. R. 4410.4300, subpart 14 and 4410.4400, subpart 11.

171
172 **Subp. 30. Floodplain.**

173 "Floodplain" has the meaning given in Minnesota Statutes, section 103F.111.

174
175 **Subp. 31.** [Repealed, 21 SR 1458]

176
177 ~~**Subp. 32. Fourth class city.**~~

178 ~~"Fourth class city" has the meaning given in Minnesota Statutes, section 410.01.~~

179 **DISCUSSION: Subp. 32. Fourth class city.**

180 Deletion corresponds with the changes in Minn. R. 4410.4300, subpart 14 and 4410.4400, subpart 11.

181
182 **Subp. 33. Governmental action.**

183 "Governmental action" means activities including projects wholly or partially conducted, permitted, assisted, financed,
184 regulated, or approved by governmental units, including the federal government.

185
186 **Subp. 34. Governmental unit.**

187 "Governmental unit" means any state agency and any general or special purpose unit of government in the state, including
188 watershed districts organized under Minnesota Statutes, chapter 103D, counties, towns, cities, port authorities, housing
189 authorities, and the Metropolitan Council, but not including courts, school districts, the Iron Range Resources and
190 Rehabilitation Board, and regional development commissions.

191 **Subp. 35. Gross floor space.**

192 "Gross floor space" means the total square footage of all floors but does not include parking lots or approach areas.
193

194 **Subp. 35a. Genetically engineered organism.**

195 "Genetically engineered organism" has the meaning given in part 4420.0010, subpart 14.
196

197 **Subp. 35b. Genetic engineering.**

198 "Genetic engineering" has the meaning given in part 4420.0010, subpart 15.
199

200 **Subp. 36. Ground area.**

201 "Ground area" means the total surface area of land that would be converted to an impervious surface by the proposed
202 project. It includes structures, parking lots, approaches, service facilities, appurtenant structures, and recreational
203 facilities.
204

205 **Subp. 37. Hazardous waste.**

206 "Hazardous waste" has the meaning given in parts 7045.0129 to 7045.0141.
207

208 **Subp. 38. High voltage transmission line.**

209 "High voltage transmission line" has the meaning given in part 7849.1100.
210

211 **Subp. 39. Highway safety improvement project.**

212 "Highway safety improvement project" means a project designed to improve safety of highway locations that have been
213 identified as hazardous or potentially hazardous. Projects in this category include the removal, relocation, remodeling, or
214 shielding of roadside hazards; installation or replacement of traffic signals; and the geometric correction of identified high
215 accident locations requiring the acquisition of minimal amounts of right-of-way.
216

217 **Subp. 40. HVTL.** "HVTL" means high voltage transmission line.
218

219 **Subp. 40a. Incinerator.**

220 "Incinerator" means any furnace used in the process of burning solid waste for the purpose of reducing the volume of
221 waste by removing combustible matter.
222

223 **[NEW SUBPART] Institutional facility.**

224 "Institutional facility" means a land based facility owned and/or operated by an organization having a governmental,
225 educational, civic, or religious purpose such as a school, hospital, prison, military installation, church, or other similar
226 establishment or facility.

227 **DISCUSSION: New definitions**

228 Provide great clarity.
229

230 **Subp. 41. Large electric power generating plant; LEPGP.**

231 "Large electric power generating plant" or "LEPGP" has the meaning given in part 7849.1100.
232

233 **[NEW SUBPART] Legally constructed route.**

234 "Legally constructed route" means a state forest road MS 89.001, Subd. 14; forest road MR 6100.0500, Subp. 5f; or a
235 logging road.

236 **DISCUSSION: New definitions**

237 Add "legally constructed route" to correspond with the changes in Minn. R. 4410.4300, subpart 37.
238

239 **Subp. 42. LEPGP.**

240 "LEPGP" means large electric power generating plant.

241
242 **Subp. 42a. Light industrial facility.**

243 "Light industrial facility" means a subcategory of industrial land use with a primary function other than manufacturing
244 and less than 500 employees.

245
246 **Subp. 43. Local governmental unit.**

247 "Local governmental unit" means any unit of government other than the state or a state agency or the federal government
248 or a federal agency. It includes watershed districts established pursuant to Minnesota Statutes, chapter 103D, soil and
249 water conservation districts, watershed management organizations, counties, towns, cities, port authorities, housing
250 authorities, and the Metropolitan Council. It does not include courts, school districts, and regional development
251 commissions.

252 **DISCUSSION: Subp. 43. Local governmental unit**

253 Soil and water conservation districts and watershed management organizations have served as "local governmental units"
254 in the application Minn. R. 4410 and are being added here for greater consistency between the rule language and
255 application of the rules.

256
257 [NEW SUBPART] Logging road.

258 "Logging Road" means a road constructed to provide access to the forest for logging and/or other forest management
259 operations. A logging road does not include a skid trail.

260 **DISCUSSION: New definitions**

261 Add "logging road" to correspond with the changes in Minn. R. 4410.4300, subpart 37.

262
263 **Subp. 44. Marina.** "Marina" has the meaning given in part 6115.0170.

264
265 **Subp. 45. MDA.** "MDA" means Minnesota Department of Agriculture.

266
267 **Subp. 46. MDH.** "MDH" means Minnesota Department of Health.

268
269 **Subp. 47. Mineral deposit evaluation.**

270 "Mineral deposit evaluation" has the meaning given in Minnesota Statutes, section 103I.605, subdivision 2.

271
272 **Subp. 48. Minnesota River Project Riverbend area.**

273 "Minnesota River Project Riverbend area" means an area subject to the comprehensive land use plan of the Project
274 Riverbend Board established under Minnesota Statutes, chapter 103F.

275
276 **Subp. 49. Mississippi headwaters area.**

277 "Mississippi headwaters area" means an area subject to the comprehensive land use plan of the Mississippi River
278 Headwaters Board established under Minnesota Statutes, chapter 103F.

279
280 **Subp. 50. Mississippi headwaters plan.**

281 "Mississippi headwaters plan" means the comprehensive land use plan of the Mississippi River Headwaters Board
282 established under Minnesota Statutes, chapter 103F.

283
284 **Subp. 51. Mitigation.** "Mitigation" means:

- 285
286 A. avoiding impacts altogether by not undertaking a certain project or parts of a project;

- B. minimizing impacts by limiting the degree of magnitude of a project;
- C. rectifying impacts by repairing, rehabilitating, or restoring the affected environment;
- D. reducing or eliminating impacts over time by preservation and maintenance operations during the life of the project;
- E. compensating for impacts by replacing or providing substitute resources or environments; or
- F. reducing or avoiding impacts by implementation of pollution prevention measures.

Subp. 52. Mixed municipal solid waste.

"Mixed municipal solid waste" has the meaning given in Minnesota Statutes, section 115A.03, subdivision 21.

Subp. 53. Natural watercourse.

"Natural watercourse" has the meaning given in Minnesota Statutes, section 103G.005, subdivision 13.

Subp. 54. Negative declaration.

"Negative declaration" means a written statement by the RGU that a proposed project does not require the preparation of an EIS.

Subp. 55. Open space land use.

"Open space land use" means a use particularly oriented to and using the outdoor character of an area including agriculture, campgrounds, parks, and recreation areas.

Subp. 55a. Ordinary high water level.

"Ordinary high water level" has the meaning given in Minnesota Statutes, section 103G.005, subdivision 14.¹

Subp. 55b. Organism.

"Organism" has the meaning given in part 4420.0010, subpart 18.

Subp. 56. PCA. "PCA" means Minnesota Pollution Control Agency.

Subp. 56a. PCB.

"PCB" has the meaning given in Minnesota Statutes, section 116.36, subdivision 4.

Subp. 57. Permanent conversion.

"Permanent conversion" means a change in use of agricultural, naturally vegetated, or forest lands that impairs the ability to convert the land back to its agricultural, natural, or forest capacity in the future. It does not include changes in management practices, such as conversion to parklands, open space, or natural areas.

Subp. 58. Permit.

"Permit" means a permit, lease, license, certificate, or other entitlement for use or permission to act that may be granted or issued by a governmental unit, or the commitment to issue or the issuance of a discretionary contract, grant, subsidy, loan, or other form of financial assistance, by a governmental unit.

Subp. 59. Person.

"Person" means any natural person, state, municipality, or other governmental unit, political subdivision, other agency or instrumentality, or public or private corporation, partnership, firm, association, or other organization, receiver, trustee, assignee, agent, or other legal representative of the foregoing, and any other entity.

¹ <https://www.revisor.mn.gov/statutes/?id=103G.005>

334 **Subp. 60. Phased action.**

335 "Phased action" means two or more projects to be undertaken by the same proposer that a RGU determines:

- 336
- 337 A. will have environmental effects on the same geographic area; and
 - 338 B. are substantially certain to be undertaken sequentially over a limited period of time.
- 339

340 **Subp. 61. Positive declaration.**

341 "Positive declaration" means a written statement by the RGU that a proposed project requires the preparation of an EIS.

342

343 **Subp. 62. Potentially permanent.**

344 "Potentially permanent" means a dwelling for human habitation that is permanently affixed to the ground or commonly
345 used as a place of residence. It includes houses, seasonal and year round cabins, and mobile homes.

346

347 **Subp. 63. Preparation notice.**

348 "Preparation notice" means a written notice issued by the RGU stating that an EIS will be prepared for a proposed project.

349

350 **Subp. 64. Processing.**

351 "Processing," as used in parts 4410.4300, subpart 16, items B and C, and 4410.4400, subpart 12, item C, has the meaning
352 given in Minnesota Statutes, section 115A.03, subdivision 25.

353

354 **Subp. 65. Project.**

355 "Project" means a governmental action, the results of which would cause physical manipulation of the environment,
356 directly or indirectly. The determination of whether a project requires environmental documents shall be made by
357 reference to the physical activity to be undertaken and not to the governmental process of approving the project.

358

359 **Subp. 66.** [Repealed, 13 SR 1437]

360

361 **Subp. 67. Project Riverbend plan.**

362 "Project Riverbend plan" means the comprehensive land use plan of the Project Riverbend Board established under
363 Minnesota Statutes, chapter 103F.

364

365 **Subp. 68. Proposer.**

366 "Proposer" means the person or governmental unit that proposes to undertake or to direct others to undertake a project.

367

368 **Subp. 69. Public waters.**

369 "Public waters" has the meaning given in Minnesota Statutes, section 103G.005.

370

371 **Subp. 70. Public waters wetland.**

372 "Public waters wetland" has the meaning given in Minnesota Statutes, section 103G.005, subdivision 15a.

373

374 **Subp. 70a. PUC.**

375 "PUC" means the Minnesota Public Utilities Commission.

376

377 **Subp. 71. Recreational development.**

378 "Recreational development" means facilities for temporary residence while in pursuit of leisure activities. Recreational
379 development includes, but is not limited to, recreational vehicle parks, rental or owned campgrounds, and condominium
380 campgrounds.

381

382 **Subp. 71a. Refuse-derived fuel.**

383 "Refuse-derived fuel" means the product resulting from techniques or processes used to prepare solid waste by shredding,
384 sorting, or compacting for use as an energy source.
385

386 **Subp. 71b. Release.**

387 "Release" has the meaning given in part 4420.0010, subpart 19.
388

389 **Subp. 72.** [Repealed, 13 SR 1437]
390

391 **Subp. 73. Resource recovery.**

392 "Resource recovery" has the meaning given in Minnesota Statutes, section 115A.03, subdivision 27.
393

394 **Subp. 74.** [Repealed, 13 SR 1437]
395

396 **Subp. 75. Responsible governmental unit.**

397 "Responsible governmental unit" means the governmental unit that is responsible for preparation and review of
398 environmental documents.
399

400 **Subp. 76. RGU.**

401 "RGU" means responsible governmental unit.
402

403 **Subp. 77. Scientific and natural area.**

404 "Scientific and natural area" means an outdoor recreation system unit designated pursuant to Minnesota Statutes, [section](#)
405 [86A.05, subdivision 5](#).

406 **DISCUSSION: New definitions**

407 Add "section 86A.05, subdivision 5" to provide greater specificity.
408

409 **Subp. 78. Scram mining operation.**

410 "Scram mining operation" has the meaning given in part 6130.0100.
411

412 **Subp. 79. Second class city.**

413 ~~"Second class city" has the meaning given in Minnesota Statutes, section 410.01.~~

414 **DISCUSSION: Subp. 79. Second class city.**

415 Deletion corresponds with the changes in Minn. R. 4410.4300, subpart 14 and 4410.4400, subpart 11.
416

417 **Subp. 79a. Sensitive shoreland area.**

418 "Sensitive shoreland area" means shoreland designated as a special protection district pursuant to part 6120.3200 or
419 shoreland riparian to any of the following types of public waters:
420

- 421 A. lakes or bays of lakes classified as natural environment pursuant to part 6120.3000;
- 422 B. trout lakes and streams designated pursuant to part 6264.0050;
- 423 C. wildlife lakes designated pursuant to Minnesota Statutes, section 97A.101, subdivision 2;
- 424 D. migratory waterfowl feeding and resting lakes designated pursuant to Minnesota Statutes, section 97A.095,
425 subdivision 2; or
- 426 E. outstanding resource value waters designated pursuant to part 7050.0180.
427

428 **Subp. 80. Sewage collection system.**

429 "Sewage collection system" means a piping or conveyance system that conveys wastewater to a wastewater treatment
430 plant.
431

432 **Subp. 81. Sewered area.**

433 "Sewered area" means an area:

- 434
- 435 A. that is serviced by a wastewater treatment facility or a centralized septic system servicing the entire development;
 - 436 or
 - 437 B. that is located within the boundaries of the metropolitan urban service area, as defined pursuant to the
 - 438 development framework of the Metropolitan Council.
 - 439 C.

440 **Subp. 81a. Shore impact zone.**

441 "Shore impact zone" has the meaning given in part 6120.2500, or in a local ordinance, if the ordinance specifies a greater
442 size for the zone.
443

444 **Subp. 82. Shoreland.**

445 "Shoreland" has the meaning given in part 6120.2500, subpart 15, of the Department of Natural Resources.
446

447 **Subp. 83.** [Repealed, 21 SR 1458]
448

449 **[NEW SUBPART] Skid trail.**

450 "Skid trail" means a pathway used to remove harvested timber from a point near where trees were felled. Skid trails are
451 temporary, minimal or nonstructural pathways on forest soils, where felled trees or logs are dragged, resulting in duff and
452 ground disturbance.

453 **DISCUSSION: New definitions**

454 Add "skid trail" to correspond with the changes in Minn. R. 4410.4300, subpart 37.
455

456 **Subp. 84. Solid waste.**

457 "Solid waste" has the meaning given in Minnesota Statutes, section 116.06, subdivision 22.
458

459 **Subp. 84a. Sports or entertainment facility.**

460 "Sports or entertainment facility" means a facility intended for the presentation of sports events and various forms of
461 entertainment or amusement. Examples include sports stadiums or arenas, racetracks, concert halls or amphitheaters,
462 theaters, facilities for pageants or festivals, fairgrounds, amusement parks, and zoological gardens.
463

464 **Subp. 85. State trail corridor.**

465 "State trail corridor" means an outdoor recreation system unit designated pursuant to Minnesota Statutes, section 86A.05,
466 subdivision 4.
467

468 **Subp. 86. Storage.**

469 "Storage," as used in part 4410.4300, subpart 16, item D, has the meaning given in Code of Federal Regulations.
470

471 **~~Subp. 87. Third class city.~~**

472 ~~"Third class city" has the meaning given in Minnesota Statutes, section 410.01.~~

473 **DISCUSSION: Subp. 87. Third class city.**

474 Deletion corresponds with the changes in Minn. R. 4410.4300, subpart 14 and 4410.4400, subpart 11.
475

476 **Subp. 88. Tiering.**

477 "Tiering" means incorporating by reference the discussion of an issue from a broader or more general EIS. An example of
478 tiering is the incorporation of a program or policy statement into a subsequent environmental document of a more narrow
479 scope, such as a site-specific EIS.
480

481 **Subp. 89. Transfer station.**

482 "Transfer station" has the meaning given in Minnesota Statutes, section 115A.03, subdivision 33.
483

484 **Subp. 89a. Warehousing facility.**

485 "Warehousing facility" means a subcategory of industrial-commercial land use that has as its primary function the storage
486 of goods or materials. Warehousing facilities may include other uses, such as office space or sales, in minor amounts.
487

488 **Subp. 90. Waste.**

489 "Waste" has the meaning given in Minnesota Statutes, section 115A.03, subdivision 34.
490

491 **Subp. 91. Waste facility.**

492 "Waste facility" has the meaning given in Minnesota Statutes, section 115A.03, subdivision 35.
493

494 **Subp. 92. Wastewater treatment facility.**

495 "Wastewater treatment facility" means a facility for the treatment of municipal or industrial process waste water.

496 **DISCUSSION: Subp. 92. Wastewater treatment facility.**

497 Add "process" to the term industrial wastewater to make this definition consistent with the changes in Minn. R.
498 4410.4300, subpart 18.c.
499

500 **Subp. 92a. Water-related land use management district.**

501 "Water-related land use management district" includes:
502

- 503 A. shoreland areas;
- 504 B. floodplains;
- 505 C. wild and scenic rivers districts;
- 506 D. areas subject to the comprehensive land use plan of the Project Riverbend Board under Minnesota Statutes,
507 chapter 103F; and
- 508 E. areas subject to the comprehensive land use plan of the Mississippi River Headwaters Board under Minnesota
509 Statutes, chapter 103F.

510 **Subp. 92b. Water-related land use management district ordinance or plan, approved.**

511 "Water-related land use management district ordinance or plan, approved" means:
512

- 513 A. a state-approved shoreland ordinance;
- 514 B. a state-approved floodplain ordinance;
- 515 C. a state-approved wild and scenic rivers district ordinance;
- 516 D. the comprehensive land use plan of the Project Riverbend Board under Minnesota Statutes, chapter 103F; or
- 517 E. the comprehensive land use plan of the Mississippi River Headwaters Board under Minnesota Statutes, chapter
518 103F.
519

520 **Subp. 92c. Waters of the state.**

521 "Waters of the state" has the meaning given in Minnesota Statutes, section 103G.005, subdivision 17.
522

523 **Subp. 93. Wetland.**

524 "Wetland" has the meaning given in [Minnesota Statutes, section 103G.005, subdivision 19, and Minnesota Rules Chapter](#)
525 [8420U.S. Fish and Wildlife Service Circular No. 39 \(1971 edition\)](#).

526 **DISCUSSION: Subp. 93. Wetland.**

527 Updating the definition with the current Minnesota Wetland Conservation Act citation.
528

529 **Subp. 94. Wild and scenic rivers district.**

530 "Wild and scenic rivers district" means a river or a segment of the river and its adjacent lands that possess outstanding
531 scenic, recreational, natural, historical, scientific, or similar values and has been designated by the commissioner of the
532 DNR or by the legislature of the state of Minnesota for inclusion within the Minnesota wild and scenic rivers system
533 pursuant to Minnesota Statutes, sections 103F.301 to 103F.345, or by congress for inclusion within the national wild and
534 scenic rivers system pursuant to United States Code 1976, title 16, sections 1274 to 1286.
535

536 **Subp. 95. Wild and scenic rivers district ordinances, state approved.**

537 "Wild and scenic rivers district ordinances, state approved" means a local governmental unit ordinance implementing the
538 state management plan for the district. The ordinance must be approved by the commissioner of the DNR pursuant to
539 parts 6105.0220 to 6105.0250 or 6105.0500 to 6105.0550 of the Department of Natural Resources.
540

541 **Subp. 96. Wilderness area.**

542 "Wilderness area" means an outdoor recreation system unit designated pursuant to Minnesota Statutes, section 86A.05,
543 subdivision 6.
544

545 *Statutory Authority: MS s 14.388; 116C.94; 116D.04; 116D.045*

546 *History: L 1983 c 289 s 115; 11 SR 714; 13 SR 1437; 17 SR 139; 17 SR 1279; 21 SR 1458; 28 SR*
547 *951; 31 SR 539; 31 SR 646; 34 SR 721; 37 SR 820*