

11/17/2015

Notice of Intent to Adopt Rules under the Good Cause Exemption, Minnesota Statutes Section 14.388, Subdivision 1, Clause 3

Proposed Exempt Rules Relating to Recreational Trails, *Minnesota Rules*, chapter 4410.4300 Subp. 37; Revisor's ID Number RD4381

Dear Interested and Affected Party:

Introduction: The Minnesota Environmental Quality Board (EQB) intends to adopt amendments to rules under the good cause exemption rulemaking process in the Administrative Procedure Act, Minnesota Statutes, § 14.388, subdivision 1, clause 3, and the rules of the Office of Administrative Hearings, Minnesota Rules, part 1400.2400. These rule amendments will incorporate the statutory amendments mandated through the 2015 legislative session.

Interested parties have five business days after the date of this notice to submit comment to the Office of Administrative Hearings. You may submit comment until 4:30 p.m. on November 25, 2015. The EQB requests that any person submitting comment to the Office of Administrative Hearings also submit a copy of the comment to the EQB's contact person, Erik Cedarleaf Dahl, whose contact information is provided below.

Subject of the Proposed Exempt Rule Amendments and Statutory Authority: The proposed exempt rule amendments will amend Minnesota Rule, Ch. 4410.4300, subp. 37. The legislative language is:

Minn. Laws 2015, Ch. 4, section 33. *RULEMAKING; MOTORIZED TRAIL ENVIRONMENTAL REVIEW.*

(a) The Environmental Quality Board shall amend Minnesota Rules, chapter 4410, to allow the following without preparing a mandatory environmental assessment worksheet:

(1) constructing a recreational trail less than 25 miles long on forested or other naturally vegetated land for a recreational use;

(2) adding a new motorized recreational use or a seasonal motorized recreational use to an existing motorized recreational trail if the treadway width is not expanded as a result of the added use; and

(3) designating an existing, legally constructed route, such as a logging road, for motorized recreational trail use.

(b) The board may use the good cause exemption rulemaking procedure under Minnesota Statutes, section 14.388, subdivision 1, clause (3), to adopt rules under this section, and Minnesota Statutes, section 14.386, does not apply except as provided under Minnesota Statutes, section 14.388.

Good Cause Exempt Rulemaking Process The legislature specifically directed that EQB could use the good cause rulemaking process provided in Minnesota Statutes, section 14.388, subdivision 1, clause (3) to amend Minnesota Rules, ch. 4410.4300 subp. 37 for all of the amendments identified above. The EQB finds the good cause exempt rulemaking process is an appropriate process to incorporate the changes as no statutory interpretation is required for the legislative amendments proposed. The EQB further finds the use of the good cause rulemaking

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process is an effective use of resources to implement the changes in an expedient and cost-effective manner as possible.

A copy of the proposed amendments is attached to this notice. In accordance with Minnesota Statutes § 16E.07, subd. 3, the proposed amendments may also be viewed at: <https://www.eqb.state.mn.us/content/eqb-good-cause-rulemaking> You may also obtain information about the proposed amendments from the EQB's contact person identified below.

Comments: You have until 4:30 p.m. on November 25, 2015, to submit comment to the Office of Administrative Hearings in support of or in opposition to the proposed rule amendments, or to address the legality of the proposed rule amendments. Comments are encouraged. Your comment must be in writing in either electronic or paper form and received by the Office of Administrative Hearings contact person by the deadline. Comments must describe the nature of any concern and must include the commenter's name and mailing address.

Contact Persons: The Office of Administrative Hearings contact person is: Denise Collins, Office of Administrative Hearings, at P0 Box 64620, St. Paul, MN 55164-0620, phone 651-361-7875, Fax 651- 361-7936, and e-mail rulecomments@state.mn.us.

The EQB contact person for this rulemaking is Erik Cedarleaf Dahl, EQB, 520 Lafayette Road North, St. Paul, MN 55155-4194, phone 651 757-2364, Fax: (651) 297-8683, and e-mail Erik.Dahl@state.mn.us TTY users may call 651-292-7553 or 800-657-3867.

Alternative Format: Upon request, the EQB can make this notice available in an alternative format, such as large print, Braille, or cassette tape. To make such a request, please contact the EQB's contact person identified above.

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

Review and Adoption of Exempt Rules: The proposed rule amendments and supporting documents have been submitted to the Office of Administrative Hearings for a review of their legality. The Administrative Law Judge has 14 days to approve or disapprove the rule amendments. If the rule amendments are approved, the EQB will adopt the rule amendments and publish notice of their adoption in the *State Register*. The rule amendments will take effect on the date they are published in the *State Register*.

If you want to receive a copy of the adopted rules, or want to register to receive notice of future rule proceedings, submit your request to the EQB's contact person listed above.

For more information on these possible rules visit: <https://www.eqb.state.mn.us/content/eqb-good-cause-rulemaking>

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Thank you,

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