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Next Publication: January 23, 2012
Submittal Deadline: January 13, 2012
Submit to EQB.Monitor@state.mn.us

**This corrected *EQB Monitor* includes a notice of public hearing on the Little Falls 115 kV Transmission Line Project on page 5
The *EQB Monitor* Publication Calendar for 2012 is included in this edition**

EQB MONITOR

EXTENDED COMMENT DEADLINE FOR ENVIRONMENTAL ASSESSMENT WORKSHEET

EAW Comment Deadline: January 19, 2012, 4:00 p.m.

Project Title: Crosby Water Tower Dismantling

Description: The Crosby Water Tower, 28 Second Street NE, is listed on the National Register of Historic Places. The City just completed the construction of a larger water tower that will provide better overall system operation. As a result, the water tower is no longer serving its intended purpose due to insufficient size and incompatibility with new tower operations. The City of Crosby proposes to dismantle it for safety reasons

RGU: City of Crosby

Contact Person: Cindy Nelson, City Clerk
City of Crosby
2 Second Street SW
Crosby, MN 56441
Phone: 218-546-5021
E-mail: cityofcrosby@crosbyironton.net
Fax: 218-546-5686

ENVIRONMENTAL ASSESSMENT WORKSHEETS

EAW Comment Deadline: February 8, 2012

Project Title: Little McDonald Lake Outlet Project

Description: Little MacDonald, Kerbs, and Paul Lakes are landlocked. Water levels have risen rapidly from 2008 through 2011. Buildings, septic systems, wells, and public infrastructure are being damaged. Severe bank erosion is also occurring. The LID proposes to construct an outlet to County Ditch (CD) 25 to alleviate these problems.

The *EQB Monitor* is a biweekly publication of the Environmental Quality Board that lists descriptions and deadlines for Environmental Assessment Worksheets, Environmental Impact Statements, and other notices. The *EQB Monitor* is posted on the Environmental Quality board home page at <http://www.eqb.state.mn.us/>.

Upon request, the *EQB Monitor* will be made available in an alternative format, such as Braille, large print, or audio tape. For TTY, contact Minnesota Relay Service at 800-627-3529 and ask for Department of Administration. For information on the *EQB Monitor*, contact:

Minnesota Environmental Quality Board
520 Lafayette Road – 4th Floor
St. Paul, MN 55155-4194
Phone: 651-757-2873
Fax: 651-297-2343
<http://www.eqb.state.mn.us>

RGU: Otter Tail County

Contact Person: Roger A. Neizke, President
Little MacDonald, Kerbs, and Paul Lakes Improvement District
38272 North Shore, Little MacDonald
Frazee, MN 56544
Phone: 218-346-7219
ran@hbc.com

EAW NEED DECISIONS

The noted responsible governmental unit has made a decision regarding the need for an EAW in response to a citizen petition.

- City of Thief River Falls, Sanford Medical Center Project

EIS NEED DECISIONS

The responsible governmental unit has determined the following projects do not require preparation of an EIS. The dates given are, respectively, the date of the determination and the date the EAW notice was published in the *EQB Monitor*.

- Minnesota Pollution Control Agency, Asmus Egg Farms Feedlot Expansion, Sibley County, December 23, 2011 (November 14, 2011)
- Minnesota Department of Transportation, TH 169 and 93rd Avenue (CSAH 30) Interchange Project, City of Brooklyn Park, Hennepin County, December 23, 2011 (October 31, 2011)
- Minnesota Department of Transportation, Trunk Highway 36 and Washington County State Aid Highway 36 (Hilton Trail): Grade-Separated Interchange Construction (SP 8204-55), December 15, 2011 (April 18, 2011)

PETITIONS FILED

The following petitions have been filed with the EQB requesting preparation of an EAW. The EQB has assigned the indicated unit of government to review the petition and decide on the need for an EAW.

- City of Minneapolis, Linden Corner Mixed Use Development

EIS ADEQUACY DECISION

SEIS NOTICE OF DETERMINATION

The Minnesota Department of Natural Resources (DNR) prepared a Final Supplemental Environmental Impact Statement (SEIS) documenting the analysis of potential impacts associated with a project proposed by Essar Steel Minnesota, LLC (Essar). The Proposed Project consists of modifications to Essar's taconite mine and processing plant (previously approved and currently under construction) in Itasca County, near Nashwauk, Minnesota. The project would increase the production of taconite pellets from 3.8 million metric tons per year (mmtpy) of low flux taconite pellets to: 1) 6.5 mmtpy of high flux pellets, or 2) 7.0 mmtpy of low flux taconite pellets. This will require the addition of a crusher/concentrator line, and the installation of a larger pellet furnace, to the project evaluated in the original Minnesota Steel Project EIS (June 2007). Essar is also proposing to decrease the length of the mine plan time period from 20 years to 15 years.

The DNR issued an SEIS Preparation Notice to identify those project alternatives and issues that would be addressed in the SEIS. A summary of the SEIS Preparation Notice was published in the *EQB Monitor* (Vol. 34, No. 6) on March 22, 2010. The DNR held a public information meeting in Nashwauk, Minnesota on March 25, 2010, and accepted comments on the SEIS Preparation Notice through April 12, 2010. The DNR responded to all comments received and issued the Final Preparation Notice on July 20, 2010.

The DNR prepared a Draft SEIS that addressed all issues and alternatives identified during the scoping period, including identification of reasonable mitigation measures for adverse effects.

The Draft SEIS Notice of Availability was published in the *EQB Monitor* (Vol. 35, No. 9) on May 2, 2011. The DNR held a public information meeting on May 24, 2011, and accepted comments on the Draft SEIS through June 8, 2011.

The DNR prepared a Final SEIS which included responses to all comments received during the Draft SEIS review period. The notice of Final SEIS availability was published in the *EQB Monitor* (Vol. 35, No. 25) on December 12, 2011. In conjunction with the Final SEIS Availability Notice, a Notice of Amendment to SEIS Scope was published in the *EQB Monitor* (Vol. 35, No. 25) on December 12, 2011, as allowed under Minn. Rules, part 4410.2100, subpart 8. The DNR accepted comments on the adequacy of the Final SEIS through December 27, 2011. The DNR received three comment letters during the Final SEIS review period and one letter after its close.

On December 29, 2011, pursuant to the criteria prescribed in Minn. Rules, part 4410.2800, subpart 4, the DNR determined the Final SEIS to be adequate. The DNR prepared a record of decision/findings of fact and distributed it to all parties in accordance with Minn. Rules, part 4410.2800, subpart 6. The finding of SEIS adequacy concludes state environmental review for the Proposed Project.

Copies of the Adequacy Determination and response to comments received during the Final SEIS comment period are available at this web address:

<http://www.dnr.state.mn.us/input/environmentalreview/essar/index.html> and at the following locations through January 30, 2012

- DNR Library, 500 Lafayette Road, St. Paul
- DNR Northeast Regional Office Library, 1201 E. Hwy. 2, Grand Rapids
- Duluth Public Library, 520 W. Superior St., Duluth
- Grand Rapids Area Library, 140 NE 2nd Street, Grand Rapids
- Hibbing Public Library, 2020 E 5th Avenue, Hibbing
- Keewatin Public Library, 125 3rd Avenue West, Keewatin
- Legislative Reference Library, 645 State Office Bldg., 100 Rev. Dr. Martin Luther King Jr. Blvd., St. Paul
- Minneapolis Public Library, Government Documents, 2nd Floor, 300 Nicollet Mall, Minneapolis

Contact: Lisa Fay, Planner Principal
Environmental Review Unit
DNR Division of Ecological and Water Resources
500 Lafayette Road, Box 25
St. Paul, MN 55155
Phone: 651-259-5110
Fax: 651-297-1500
lisa.fay@state.mn.us

FINAL AUAR ADOPTED

- City of Elk River, Final 171st Avenue AUAR, Sibley County, December 19, 2011

NOTICES

Notification of Releases of Genetically Engineered Organisms

File Number	Company	Crop	Project	County
12-NO-001	Monsanto	Soybean	Herbicide Tolerant	Blue Earth, Brown, Clay (4), Cottonwood, Grant, Kandiyohi, Lac Qui Parle, Le Sueur, Norman, Polk, Redwood (5), Sibley, Stearns, Steele, Stevens
12-NO-002	Monsanto	Soybean	Herbicide Tolerant	Redwood (6)
12-NO-003	Monsanto	Soybean	Herbicide Tolerant	Blue Earth, Chippewa, Dakota, Freeborn, Redwood, Rock, Swift

For more information contact Tina Seeland, Minnesota Department of Agriculture, 625 Robert St N., St. Paul, MN 55155, 651-201-6404, tina.seeland@state.mn.us.

Public Meeting Notice – West Central Regional Landscape Committee Minnesota Forest Resources Council

The West Central Regional Landscape Committee of the Minnesota Forest Resources Council (MFRC) will meet on Friday, January 13, 2012, from 9:30 a.m. - 3:30 p.m. in New York Mills, Minnesota, at the Otter Tail County office building (located at 118 North Main Street).

For more information, please contact Lindberg Ekola at 320-256-8300 or go to the calendar on the MFRC website at <http://www.frc.state.mn.us>.

ISSUED: DECEMBER 22, 2011

NOTICE OF PUBLIC HEARING

Little Falls 115 kV Transmission Line Project

PUC Docket Number: ET-2, E015/TL-11-318

OAH Docket Number: 40-2500-22485-2

PLEASE TAKE NOTICE that a public hearing will be held on behalf of the Minnesota Public Utilities Commission (Commission) on the route permit application by Great River Energy and Minnesota Power (Applicants) for the Little Falls 115 kV Transmission Line Project near Little Falls, Minnesota. The public hearing will be held at the time and location listed below. Ending times reflect the latest a public hearing will run. Hearings may conclude earlier where all attendees have had the opportunity to comment and all other business has been concluded.

PUBLIC HEARING

January 12, 2012 – 6:30 p.m. to 9:00 p.m.

**Little Falls Township Hall
15132 Gordon Circle
Little Falls, MN 56345**

The purpose of the hearing is to gather public comments on the most prudent route for the proposed Little Falls 115 kV Transmission Project and issues that should be addressed in a route permit for the project. The Honorable Bruce Johnson, Administrative Law Judge (ALJ), will preside at the hearing. Any person who would like to comment on the project route or issues that should be addressed in a route permit may do so at the hearing or in writing to Judge Johnson.

The hearing record will remain open until **4:30 p.m., Friday, January 27, 2012**, for the receipt of written comments. Comments should be submitted directly to Judge Johnson at:

The Honorable Bruce Johnson
Office of Administrative Hearings
P.O. Box 64620
St. Paul, Minnesota 55164-0620
Fax: (651) 361-7936
Bruce.Johnson@state.mn.us

Conduct of Hearing. The public hearing will be conducted in accordance with the requirements of the Power Plant Siting Act (Minn. Stat. 216E, Minn. Rules 7850.3800). Members of the public will have an opportunity to offer testimony, submit materials into the record, and ask questions. Any person who wishes to ask a question, but does not want to ask the question personally, may submit it in writing to the ALJ who will then ask the question during the hearing. The hearing will continue until all persons have had the opportunity to offer

testimony and ask questions. If necessary, the hearing may be recessed and continued by the ALJ. Upon completion of the hearing, a transcript of the proceedings will be available at local libraries.

At the close of the written comment period, Judge Johnson will provide a report including a written summary of testimony given at the hearing along with comments received during the comment period to the Commission. Upon receipt of the ALJ's report, the Commission will make a final decision on the route permit application.

Request for Accommodation. Any person who needs an accommodation for a disability in order to participate in the hearing, and any person who requires an interpreter, including a foreign language interpreter, should promptly notify the Office of Administrative Hearings, P.O. Box 64620, 600 North Robert Street, St. Paul, Minnesota 55164-0620, Phone: (651) 361-7900 (voice) or (651) 361-7878 (TDD).

Environmental Assessment. Department of Commerce, Energy Facility Permitting (EFP) staff is preparing an environmental assessment (EA) for the proposed project. The EA analyzes the potential human and environmental impacts of the proposed project as well as possible mitigation measures. Electronic versions of the EA, maps of the proposed project, and other documents relevant to this matter will be available for viewing in early January 2012 on the Commission's energy facility permitting website:

<http://energyfacilities.puc.state.mn.us/Docket.html?Id=32098>. Additionally, documents are available on the Commission's eDockets system: <https://www.edockets.state.mn.us/EFiling/search.jsp> (enter the year "11" and the number "318").

Following publication in early January 2012, the EA will also be available for public review at the locations noted below:

Morrison County Planning and Zoning Morrison County Government Center 213 First Avenue SE Little Falls, MN 56345	Little Falls City Library 108 3 rd Street NE Little Falls, MN 56345
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Project Description. The Project would provide an additional power delivery source to rural areas east of Little Falls. As proposed by Applicants, the Project totals approximately 3.8 miles of transmission line and includes the following components:

- Construction of approximately 3.8 miles of new overhead 115 kV transmission line between Minnesota Power's Little Falls Substation and Crow Wing Power's Little Falls Substation.
- Modifications to the Minnesota Power Little Falls Substation to accommodate new 115 kV source.
- Expansion and modification of Crow Wing Power's Little Falls Substation to accommodate the new 115 kV source.

The Project is located east of Little Falls in Little Falls Township of Morrison County. The Applicants request a route width of 300 feet, within which a right-of-way of 100 to 120 feet would be located. Applicants propose to use a combination of single pole and H-frame structures with a height of approximately 60 to 85 feet and spans of approximately 300 to 400 feet between poles for the majority of the route length.

The Applicants anticipate beginning construction in mid-2012, with an in-service date of November, 2012. The Project is expected to cost approximately \$2.6 million dollars.

Project Contacts. If you have questions or would like further information about this project, please contact:

Suzanne Steinhauer, State Permit Manager
Energy Facility Permitting
Department of Commerce
85 7th Place East, Suite 500
St. Paul, MN 55101-2198
(651) 296-2888 or 1-800-657-3794
suzanne.steinhauer@state.mn.us

Jamie MacAlister, Public Advisor
Energy Facility Permitting
Department of Commerce
85 7th Place East, Suite 500
St. Paul, MN 55101-2198
(651) 297-1335
jamie.macalister@state.mn.us

Information about the project may also be obtained by contacting Marsha Parlow at Great River Energy (763-445-5215, mparlow@GREnergy.com). Ms. Parlow may be contacted in writing at: Great River Energy, 12300 Elm Creek Boulevard, Maple Grove, MN 55369.

Project Mailing List. Interested persons can add their names to the mailing list for this project by contacting the state permit manager or public advisor, or by registering on-line at: www.energyfacilities.puc.state.mn.us.

OAH Docket No. 15-2002-22453-2

**STATE OF MINNESOTA
OFFICE OF ADMINISTRATIVE HEARINGS**

FOR THE MINNESOTA DEPARTMENT OF NATURAL RESOURCES

ITMO the Appeal of Commissioner's Order and
Amendment to Limited Permit 1989-3893 by
Vicki Peterson.

**NOTICE AND ORDER FOR
PREHEARING CONFERENCE AND
ORDER FOR HEARING**

TO: VICKI PETERSON, and her attorneys, Dennis O'Toole, Lano, O'Toole & Bengtson,
Ltd., 515 NE Second Avenue, Grand Rapids, MN 55744.

NOTICE OF HEARING

Vicki Peterson IS HEREBY NOTIFIED that the Minnesota Department of Natural Resources ("DNR") has initiated this action pursuant to Minn. Stat. § 103G.311 (2011) to consider DNR's amendment of Limited Deed Recorded Permit 89-3593 and the Commissioner's Order requiring the removal of two 125-foot long breakwaters from Leech Lake and restoration of adjoining shoreline properties.

ORDER FOR PREHEARING CONFERENCE

IT IS HEREBY ORDERED that a contested case prehearing conference will be held on by telephone on January 24, 2012, at 1:30 p.m., initiated by the Office of Administrative Hearings, Harold E. Stassen Office Building, State Capitol Complex, 600 North Robert Street, St. Paul, MN 55101. **All mail sent to the Administrative Law Judge assigned to this matter should be directed to P.O. Box 64620, St. Paul, MN 55164-0620.**

ORDER FOR HEARING

IT IS FURTHER ORDERED that, pursuant to Minn. Stat. § 103G.311, a contested case hearing in this matter will be held at a time and place to be decided by the Administrative Law Judge at the prehearing conference.

The Chief Administrative Law Judge, Office of Administrative Hearings, has assigned this matter to Beverly Jones Heydinger, Administrative Law Judge, Office of Administrative Hearings, P.O. Box 64620, St. Paul, Minnesota 55164-0620, telephone (651) 361-7838.

ALLEGATIONS

1. Vicki Peterson is the fee owner of Northstar Resort (“the Resort”) located at 584 Northstar Drive NE, Federal Dam, Minnesota 56641. Northstar Resort is riparian to Leech Lake, a public water of the State of Minnesota under the jurisdiction of DNR pursuant to Minn. Stat. ch. 103G (2010), and is located on Portage Bay. The Resort is located within Section 17, Township 144 North, Range 28 West, Cass County, Minnesota.

2. By application dated June 26, 1989, Peterson’s predecessor-in-title, Thomas LeGro, applied to DNR for the creation of an inland harbor at the Resort, consisting of an excavated harbor area, an entrance channel to Leech Lake from the excavated harbor area, and two rock breakwaters to be installed within the lake with excavation to create a navigation channel into the inland harbor. LeGro requested the breakwaters to be 260 feet in length. In his cover letter dated June 23, 1989, LeGro stated that the breakwater was needed “to control the sand drifting into the navigation channel.” In his permit application in response to a question regarding environmental impacts of the project, LeGro specifically noted that the “waterbreak will alter sand drift along shoreline.”

3. On December 8, 1989, DNR issued LeGro Limited Deed Recorded Permit 89-3593 (hereinafter “Limited Permit”), which authorized the construction of the inland harbor, an entrance channel from Leech Lake, two rock breakwaters 125 feet in length, and dredging between the breakwaters to create a navigation channel. The permit specifically modified LeGro’s original proposal that had included two breakwaters 260 feet in length. DNR’s cover letter stated that “[c]onstruction of the authorized 125-foot breakwaters will provide protection

from sediment drift in the shallowest portion of the shoreline area, without creating an extensive encroachment into public waters.”

4. Minnesota Statutes, section 103G.315, subd. 6(b) states that:

In granting a permit, the commissioner may include in it terms and reservations about the amount and manner of the use or appropriation or method of construction or operation of controls as appear reasonably necessary for the safety and welfare of the people of the state.

5. Minnesota Statutes, section 103G.315, subd. 11(a) states that:

Except as otherwise provided by law, a permit issued by the commissioner under this chapter is subject to: (1) cancellation by the commissioner at any time if necessary to protect the public interests; [and] (2) further conditions on the term of the permit or its cancellation as the commissioner may prescribe and amend and reissue the permit

6. General Provision No. 4 of the Limited Permit states that:

This permit may be terminated by the Commissioner of Natural Resources at any time he deems it necessary for the conservation of the water resources of the state, and in the interest of public health and welfare

7. General Provision No. 7 of the Limited Permit states that:

In all cases where the doing by the permittee of anything authorized by this permit shall involve the taking, using, or damaging of any property rights or interests of any other person or persons, ... the permittee, before proceeding therewith, shall obtain the written consent of all persons, agencies, or authorities concerned, and shall acquire all property, rights and interests necessary therefore.

8. General provision No. 15 of the Limited Permit states that:

Any Commissioner's Order terminating this permit may also require the permittee, at his own expense, to remove within the time specified in said Order, any authorized project constructed under this permit

9. Special Provision No. 6 of the Limited Permit states that:

The Department of Natural Resources reserves the right to require modification of the authorized breakwaters if necessary to protect the public's interest. Furthermore, the DNR assumes no liability regarding any impact to adjacent property resulting from the interruption of sand drifts by said breakwaters.

Permittee may be directed by the Department to reasonably repair any such shoreline damage.

10. In 1990, LeGro constructed the inland harbor as authorized by the Limited Permit. The Limited Permit was thereafter transferred to Vicki Peterson upon her fee purchase of the Resort in approximately 2000. DNR files reflect that Peterson was issued DNR authorization for maintenance dredging of the navigation channel in the years 2000; 2002 through 2007; 2009; and 2010.

11. In 2011, DNR was notified by landowners located immediately east of the Resort breakwaters that their shoreland properties were experiencing a loss of sand, the undercutting of banks, and the loss of trees and other vegetation adjacent to Leech Lake. The landowners asserted that this loss had been occurring gradually over time and that in their opinion the breakwaters were the cause of the damage due to their interference with the natural easterly sand drift (aka longshore drift) along the shore of Leech Lake. Neither the property owners' consent nor their property rights had been secured by the permittee for this impact as required by General Provision No. 7 of the Limited Permit.

12. Based upon the observations of adjacent property owners, review of historic photographs of the shoreline, review of aerial photographs of Leech Lake, a survey of the shoreline, and its staff's own observations, DNR determined that the breakwaters located at the Resort have interrupted the natural easterly sand drift along the shoreline which has resulted in the damage experienced by the adjacent shoreline properties. Accordingly, by Commissioner's Order and Amendment to Limited Permit 1989-3593 dated September 12, 2011, DNR modified the Limited Permit by rescinding authorization of the two rock breakwaters and the maintenance dredging of the access channel and ordering Peterson to remove the two 125-foot breakwaters from the public waters and to reasonably repair the damaged shoreline on the adjacent properties.

13. By Notice dated October 7, 2011, Peterson timely appealed the Commissioner's Order and Amendment to Limited Deed Recorded Permit 1989-3593.

ISSUES

1. Whether DNR's Commissioner's Order and Amendment to Limited Deed Recorded Permit 1989-3593 is consistent with applicable Minnesota Statutes, specifically Minn. Stat. §§ 103G.245 and .315 (2010).

2. The relevant statutes and laws include, but need not be limited to, Minn. Stat. §§ 103G.245, subd. 1(2) and 103G.315, subd. 5, 7 and 11 (2010); and Minn. R. 6115.0211 subp. 4, 6115.0201, subp. 5.E(2)(c), 6115.0250, and 6115.0255, subp. 4 (2011).

For a complete copy of the Notice and Order for Prehearing Conference and Hearing, contact David P. Iverson, Minnesota Attorney General's Office, 445 Minnesota Street, Ste. 900, St. Paul, MN 55101, phone (651) 757-1374.

Dated this 7th day of December, 2011.

MINNESOTA DEPARTMENT OF NATURAL
RESOURCES

/s/ Tom Landwehr
TOM LANDWEHR
Commissioner of Natural Resources

EQB Monitor Publication Calendar for 2012

Volume Number	Deadline for Submission	Publication Date	EAW Comment Deadline
36-1	December 30 (Friday)	January 9	February 8
36-2	January 13 (Friday)	January 23	February 22
36-3	January 30	February 6	March 7
36-4	February 13	February 20	March 21
36-5	February 27	March 5	April 4
36-6	March 12	March 19	April 18
36-7	March 26	April 2	May 2
36-8	April 9	April 16	May 16
36-9	April 23	April 30	May 30
36-10	May 7	May 14	June 13
36-11	May 21	May 28	June 27
36-12	June 4	June 11	July 11
36-13	June 18	June 25	July 25
36-14	July 2	July 9	August 8
36-15	July 16	July 23	August 22
36-16	July 30	August 6	September 5
36-17	August 13	August 20	September 19
36-18	August 27	September 3	October 3
36-19	September 10	September 17	October 17
36-20	September 24	October 1	October 31
36-21	October 8	October 15	November 14
36-22	October 22	October 29	November 28
36-23	November 5	November 12	December 12
36-24	November 19	November 26	December 26
36-25	December 3	December 10	January 9, 2013
36-26	December 17	December 24	January 23, 2013