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EQB MONITOR

ENVIRONMENTAL ASSESSMENT WORKSHEETS

EAW Comment Deadline: April 21, 2010

Project Title: University of Minnesota Music Education Building Demolition

Description: The Music Education Building, constructed in 1888 and vacated 1997, is approved by the University of Minnesota for demolition. Demolition will involve salvaging usable sandstone, underground utility and tunnel work, and landscape restoration.

A copy of the Environment Assessment Worksheet will be posted on the University of Minnesota Capital Planning and Project Management Web Site, at the following:

http://www.cppm.umn.edu/master_planning.html

RGU: Regents of the University of Minnesota

Contact Person:

Kathleen O'Brien
Vice President for University Services
317 Morrill Hall
100 Church Street SE
Minneapolis, MN 55455
Phone: 612-624-3557
Fax: 612-626-2278
Email: kobrien@umn.edu

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
658 Cedar St., 300 Centennial Office Building
St. Paul, MN 55155-1388
Phone: 651-201-2480
Fax: 651-296-3698
<http://www.eqb.state.mn.us>

Project Title: Pioneer Mine Complex Engine House Demolition

Description: The project involves the removal of the Pioneer Mine Engine House. The building has been vacant for many years and is a safety hazard. Due to its deterioration condition demolition is currently the only feasible option to remove the liability and hazard.

RGU: City of Ely

Contact Person:

Harold R. Langowski
Title Operations Director
209 E. Chapman Street
Ely, MN 55731
Phone: 218-365-2695
Fax: 218-365-2994
Email: elyod@ely.mn.us

EA / EAW AVAILABLE**Project Title: Full Reconstruction of 2.31 Miles of CSAH 91 – Cities of Hermantown and Duluth, St. Louis County**

Description: The St. Louis County Public Works Department proposes to reconstruct a 2.31-mile segment of an existing two lane roadway, to include the addition of a multi-use lane and replacement of County Bridge 13 (no state number) spanning Merritt Creek from Canadian National Railroad crossing to CSAH 56 (Morris Thomas Road). The purpose of the project is to reconstruct Haines Road (CSAH 91) in order to improve traffic flow and safety. This will include the addition of a multi-use lane from the CN Railroad crossing to Berkeley Road and provide a wider shoulder for the down-bound traffic. In addition, some intersections will be changed to provide better sight distance and safer conditions for entering vehicles to reduce accidents. The project will also include sidewalks, curb and gutter, storm sewer, several concrete retaining walls to reduce impacts and some landscaping.

The EA and Section 4(f) Evaluation, which also serves as an EAW in accordance with Minnesota Rules, part 4410.1300, documents the purpose and need of the project, along with the anticipated social, economic, and environmental impacts. Copies of this document are available for public review beginning March 22, 2010, at the following locations: St. Louis County Public Works Department, 4787 Midway Road, Duluth, MN 55811, Duluth Public Library, 520 West Superior Street, Duluth, MN 55802.

To afford an opportunity for all interested persons, agencies, and groups to comment on the EA and Section 4 (f) Evaluation, a public hearing/open house meeting is scheduled for Wednesday, April 14, 2010, from 6:00 pm to 8:00 pm at the Hermantown Public Safety Training Center (5111 Maple Grove Road, Hermantown, MN 55811). Individuals with a disability who need reasonable accommodation to participate in the public meeting should please contact the Design Engineer (See below) or the Minnesota Relay Service at the telephone numbers listed below.

The EA and Section 4(f) Evaluation can be made available in alternative formats to individuals with disabilities by calling Peter R. Eakman, Design Engineer, at 218-635-3830 or to individuals who are hearing or speech impaired by calling the Minnesota Relay Service at 800-627-3529 TTY.

Copies of the EA and Section 4(f) Evaluation are being distributed to agencies on the current MEQB list and others. The comment period will begin on March 22, 2010. Comments will be accepted through April 30, 2010.

RGU: St. Louis County Public Works Department

Contact Person:

Peter R. Eakman
Design Engineer
St. Louis County Public Works Department
4787 Midway Road
Duluth, MN 55811
Phone: 218-625-3830

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*.

- City of St. Paul, University of St. Thomas – Anderson Student Center/Anderson Athletic and Recreation Complex, February 26, 2010 (December 14, 2009).

EIS POSITIVE DECLARATION

Project Title: Living Word Bible Camp (LWBC)

Per Minnesota Rule 4410.1700, Subp. 5, please be informed that on 2/23/2010, the Itasca County Board of Commissioners (3:1) issued a positive declaration for an EIS on the proposed LWBC development.

SUPPLEMENTAL ENVIRONMENTAL IMPACT STATEMENT PREPARATION NOTICE

DNR will prepare a Supplemental EIS on a proposal by Essar Steel Minnesota to increase the production capacity of the Nashwauk facility's crusher, concentrator, and taconite pellet plant from 4.1 million tons per year (mtpy) to 6.5 mtpy. 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.

The SEIS is designated to deal only with impacts, alternatives, and mitigation that are no longer adequately examined in the original EIS due to the changes in the project, information, or circumstances.

The DNR proposes that the following alternatives, impacts, and issues will be examined as part of the SEIS.

Alternatives: The SEIS will address four alternatives for the increased production in taconite pellets: 1) the Proposed Alternative (Increase taconite pellet production from 4.1 mtpy to 6.5 mtpy), which was not addressed in the original EIS; 2) the No-Action Alternative, which is the original “Build or Proposed Project” Alternative evaluated in the Minnesota Steel EIS; 3) a re-evaluation of best available control technology (BACT) for criteria pollutants whose emission are estimated to increase in amounts greater than the significant increase thresholds under 40 CFR Part 52, for any proposed changes to the BACT identified in the original EIS; and 4) air emissions control technology alternatives for mercury.

Impacts and Issues: surface water quantity and quality; wild rice; solid waste generation; air quality; contribution to global greenhouse emissions; mercury; cumulative air quality: Class I PSD Pollutants, Class I Acid Deposition and Ecosystem Acidification, and Class I Visibility Impairment; cumulative mercury; cumulative effects – climate change; and socioeconomics.

Special Studies or Research: updated mine plan; updated water quantity and water quality balance; wild rice; solid wastes generation estimates and disposal options; air emissions inventory; BACT evaluation for air emissions; Class I air quality analysis; Class II air quality analysis; mercury mass balance and control technology assessment; human health screening level risk assessment; screening level ecological risk assessment; greenhouse gas emissions inventory; cumulative effects on Class I air quality – PSD pollutants; cumulative effects on Class I air quality – acid deposition and ecosystem acidification; cumulative effects on Class I air quality – visibility impairment; cumulative health risk screening assessment; cumulative mercury; cumulative effects on climate change; socioeconomic effects.

The DNR will accept written comments on the Preparation Notice during a 21-day period beginning March 22, 2010. Comments must be received by 4:30 PM on April 12, 2010. Comments may be emailed to environmentalrev@state.mn.us with “Essar Steel” in the subject line. If using the email address, please include a name and mailing address so that it can be added to the mailing list.

A public informational meeting will be held on March 25, 2010 at the Nashwauk-Keewatin High School, 400 2nd Street, Nashwauk, MN, 55769, from 5:30 – 7:30 PM.

A draft SEIS is tentatively expected to be released for public review between October to December, 2010. The contact person at the DNR is: Bill Johnson, Planning Director, 500 Lafayette Road, St. Paul, MN 55155; 651-259-5126; bill.johnson@state.mn.us.

NOTICES

Minnesota Department of Agriculture Notification of Releases of Genetically Engineered Organisms

File Number	Company	Crop	Project	County
10-NO-022	SES VanderHave	Sugar Beet	Virus Resistance	Polk
10-NO-023	Monsanto	Soybean	Herbicide Tolerance Altered Oil Profile	Blue Earth, Faribault, Lac qui Parle, Lincoln, Redwood, Swift
10-NO-024	Monsanto	Soybean	Herbicide Tolerance Increase Oil Content	Redwood (5), Renville (4)
10-NO-025	Syngenta	Corn	Insect Resistance Improved Grain Processing	Brown, Dakota, Faribault, Goodhue, Mower, Rice (2)
10-NO-026	Monsanto	Canola	Herbicide Tolerance Increased Yield	Otter Tail, Pennington, Polk (2), Red Lake, Wilkin
10-NO-027	Monsanto	Canola	Increased Yield	Otter Tail, Pennington, Polk (2), Red Lake, Wilkin
10-NO-028	Syngenta	Corn	Improved Drought Tolerance Improved Stress Tolerance Improved Yield	Goodhue, Mower
10-NO-029	Syngenta	Corn	Herbicide Tolerance Disease Resistance	Brown, Rice
10-NO-030	Syngenta	Soybean	Herbicide Tolerance	Fillmore, Freeborn
10-NO-031	Syngenta	Soybean	Herbicide Tolerance	Dodge, Goodhue, Jackson, Renville, Steele (2)
10-NO-032	Monsanto	Canola	Increased Yield	Otter Tail, Pennington, Polk (2), Red Lake, Wilkin
10-NO-033	Dow Agro- Sciences	Corn	Herbicide Tolerance	Otter Tail, Renville, Sibley, Stearns, Wilkin
10-NO-034	Dow Agro- Sciences	Soybean	Herbicide Tolerance	Marshall, Polk (2), Renville (2), Stevens, Wilkin
10-NO-035	Monsanto	Soybean	Improved Production Quality	Otter Tail, Wilkin
10-NO-036	Syngenta	Corn	Insect Resistance	Brown, Cottonwood, Dakota (3), Faribault (2), Fillmore, Freeborn (4), Goodhue, Mower, Nobles, Redwood, Renville, Rice (2)
10-NO-037	M.S. Technologies	Soybean	Herbicide Tolerance	Becker, Blue Earth, Clay (2), Grant (2), Kandiyohi (4), Lac qui Parle, Martin, Norman, Renville, Rice Traverse, Yellow Medicine (2)

For more information contact Mary Hanks, Minnesota Department of Agriculture, 625 Robert St N., St. Paul, MN 55155, 651/201-6277, mary.hanks@state.mn.us.

**MINNESOTA POLLUTION CONTROL AGENCY
PUBLIC NOTICE OF
PUBLIC INFORMATION MEETING**

NOTICE IS HEREBY GIVEN, that the Commissioner of the Minnesota Pollution Control Agency (MPCA) will hold a public information meeting regarding the Environmental Assessment Worksheet (EAW) and the draft air quality and solid waste permits for East Central Solid Waste Commission (ECSWC) and Southern Minnesota Municipal Power Agency (SMMPA), for the landfill and proposed generator at 1756 180th Avenue, Mora, Kanabec County, Minnesota.

The purpose of the meeting is to provide information and take questions pertaining to the proposed expansion of the ECSWC landfill, and SMMPA's proposed construction and operation of a landfill gas-fired generator on land leased from ECSWC. The draft permits are not available for review and comment at this time. It is anticipated that they will be available for 30 days beginning in mid March, 2010, prior to the scheduled public meeting.

The meeting will be held from 6:30 p.m. to 8:30 p.m. on Monday, April 12, 2010, at the Kanabec County Courthouse, 18 North Vine Street, Mora, Minnesota. The meeting will begin with a time for informational discussion, followed by a presentation at 7:00 p.m. and time for additional questions and answers. The meeting will end at 8:30 p.m.

Questions about the meeting may be addressed to:

Toni Volkmeier, Air Quality Permits Section
Industrial Division, Minnesota Pollution Control Agency
520 Lafayette Road North, St. Paul, Minnesota 55155
Phone: 651-296-8717
Fax: 651-757-2802
Email: toni-volkmeier@state.mn.us

When drafted, the draft permits will be made available on the MPCA's website at <http://www.pca.state.mn.us/news/data/index.cfm?PN=1>. The EAW will be available at <http://www.pca.state.mn.us/eaw/index.html>. All MPCA offices may be reached by calling 1-800-657-3864.

**STATE OF MINNESOTA
Office of Energy Security**

Issued: March 16, 2010

**NOTICE OF AVAILABILTY OF DRAFT SITE PERMIT,
NOTICE OF AVAILABILITY OF ENVIRONMENTAL REPORT
AND
NOTICE OF PUBLIC HEARING
BEFORE THE**

MINNESOTA PUBLIC UTILITIES COMMISSION

**In the Matter of the Application of Buffalo Ridge Power Partners, LLC, for a Certificate of Need for the 138 MW Bitter Root Wind Farm Project in Yellow Medicine and Lincoln Counties:
Docket Number IP6684/CN-08-785; and**

**In the Matter of the Application of Buffalo Ridge Power Partners, LLC, for a Site Permit for up to 138 MW of Wind Energy Generation in Yellow Medicine and Lincoln Counties:
Docket Number IP6684/WS-08-1448**

PLEASE TAKE NOTICE that a public hearing will be held on behalf of the Minnesota Public Utilities Commission on Buffalo Ridge Power Partner, LLC's, applications for a certificate of need and site permit for the proposed Bitter Root Wind Farm Project (project). The hearing will address: (a) whether the proposed project is needed and in the public interest, and (b) issues related to the proposed siting of the project. The hearing will be held at the following time and location:

**6:30 PM
Tuesday, March 30, 2010
P K Egans
115 Saint Olaf Avenue North
Canby, MN**

Administrative Law Judge. Administrative Law Judge (ALJ) Bruce Johnson from the Minnesota Office of Administrative Hearings will preside at the hearing. Any person who would like to comment on the need for the project or the proposed site can do so at the hearing or in writing to Judge Johnson: Bruce H. Johnson, Office of Administrative Hearings, P.O. Box 64620, St. Paul, MN 55164-0620, (phone) 651-361-7839, (fax) 651-361-7936, bruce.johnson@state.mn.us

Written Comments. Written comments should be submitted to Judge Johnson at the address listed above. Comments will be accepted through **April 21, 2010**. Mailed comments must be postmarked by this date. Faxed, emailed, and delivered comments must be received by 4:30 PM on this date.

Purpose and Conduct of the Hearing. During the public hearing, members of the public may offer either oral or written testimony, offer exhibits for inclusion in the public hearing record, and ask questions of the applicant. Any person who wishes to ask questions but does not want to ask the questions personally may submit them in writing to the ALJ, who will then ask the question during the hearing.

Interested persons may comment on the draft site permit, the environmental report, the site permit application, the certificate of need application, or on the project generally. The hearing will continue until all persons have had the opportunity to offer testimony and ask questions. If needed, the hearing may be recessed and continued by the ALJ. At the close of written comment period, Judge Johnson will prepare a written summary of the comments received at the hearing and file it with the Commission which will consider them in its deliberations of the certificate of need and site permit applications.

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 Report. The Office of Energy Security (OES) has completed and issued an environmental report for the proposed Bitter Root Wind Farm Project (see “Project Contacts and Information” below). The environmental report addresses potential human and environmental impacts of the proposed project and alternatives.

Project Description. Buffalo Ridge Power Partners, LLC, proposes a Large Wind Energy Conversion System (LWECS) of up to 138 MW using between 46 and 92 utility scale wind turbine generators, depending on what turbines are ultimately selected. Turbines between 1.5 MW and 3.0 MW in nameplate capacity are under consideration. Turbines under consideration have hub heights between 80 meters (262 feet) and 100 meters (328 feet); total heights (ground to tip when blades are fully extended) of these turbines are 389 to 492 feet. In addition to the wind turbines, the project would include access roads, meteorological towers, communications lines, power lines, and a project substation.

The project area consists of 22,434 acres located west and southwest of Canby, Minnesota, in Fortier, Norman, and Florida Townships in Yellow Medicine County and in the northern portion of Hansonville Township in Lincoln County. The applicant has options on approximately 11,500 acres within the project area. The applicant anticipates that the project will permanently impact approximately 120 acres of the project area for all the facilities. The applicant expects to begin construction in 2011 and begin commercial operation 12 – 18 months after construction begins. Electricity from the project would be transmitted via 34.5 kV electric lines to a new project substation. The project would connect to the electric grid along Otter Tail Power Company’s 115 kV Toronto-Canby transmission line at a new project substation.

Authority and Statement of Issues to Be Decided. In order to proceed with this project, the applicant must obtain both a certificate of need and a site permit from the Commission. The Commission is authorized by Minnesota Statute § 216B.243, Subd. 2, to issue a certificate of need for a large energy facility if the applicant can prove that there is a need for the project. A certificate of need is a state permit that is issued upon a determination that construction of an energy facility is in the public interest. The Commission is authorized by Minnesota Statutes §§ 216E.02, Subd. 2 and 216F.04, Subd. a, to designate sites and issue site permits for designated projects. When the Commission designates a site, it issues a permit for the construction of the project specifying the design, location, preparation, and operation of the facility, along with any other appropriate conditions it deems necessary. The Commission is required by Minnesota Statutes §§ 216B.243, subd. 4, and 216F.05, Subd. 3 to hold public meetings and hearings on such applications.

Project Contacts and Information. For more information on the Certificate of Need, please contact:
Michael Kaluznaik
Minnesota Public Utilities Commission
121 7th Place E., Suite 350, St. Paul, MN 55101-2147
651-201-2257

For additional information regarding the **Site Permit** application, or to place your name on the project mailing list maintained for this project, please contact:

Suzanne Steinhauer
State Permit Manager
Minnesota Department of Commerce
85 7th Place E., Suite 500, St. Paul, MN
55101-2198
651-296-2888
Suzanne.steinhauer@state.mn.us

Larry Hartman
Public Advisor
Minnesota Department of Commerce
85 7th Place E., Suite 500, St. Paul, MN
55101-2198
651-296-5089
larry.hartman@state.mn.us

Other contact information: Toll-Free Tel: 1-800-657-3794, Fax: 651-297-7891 or TTY: Minnesota Relay Service, 800-627-3529, and ask for the DOC.

A copy of the certificate of need application and environmental report can be found on the Commission's eDockets webpage: <https://www.edockets.state.mn.us/EFiling/search.jsp> using Year "08" and Number "785." The LWECs site permit application and draft site permit can be found on the eDockets webpage using Year "08" and Number "1448"

Copies of the site permit application, draft site permit, environmental report, and other relevant documents, including Minnesota rules and statutes governing the site permitting process, are also available on the Commission's energy facilities permitting website at: <http://energyfacilities.puc.state.mn.us/Docket.html?Id=25538>

Persons may add their names to the project mailing list for the Bitter Root Wind Farm Project by contacting Ms. Steinhauer or by registering on the Commission's energy facilities permitting website (above).

Copies of the certificate of need application, the environmental report prepared on the certificate of need application, the site permit application, and the draft site permit are available at the offices of the Yellow Medicine County Administrator and the Lincoln County Auditor, and at the Canby Public Library, 110 Oscar Ave. N, Canby, MN 56220.

Questions about the Bitter Root Wind Project can also be directed to the applicant by contacting:

Peter Kennon

Project Developer

ACCIONA Energy North America

333 West Wacker Drive, Suite 1500

Chicago, IL 60606

(312) 673-3020

pkennon@acciona-na.com.

Contested Case Hearing Request. Any person may request a more formal contested case hearing on the site permit proceeding for the LWECs pursuant to Minnesota Rules part 7854.0900. All contested case hearing requests must be filed with Judge Johnson in writing by 4:30 PM on April 21, 2010. The person requesting the contested case hearing must list the issues sought to be addressed in the hearing and the reason why a contested case hearing is required to resolve those issues. The Commission shall order a contested case hearing if it finds that a material issue of fact has been raised and that the holding of the contested case hearing will aid it in making a final decision on whether to authorize construction of the project. Upon completion of the public participation and hearing process, the record created will be presented to the Commission for final decisions on the applications.

Eminent Domain. Buffalo Ridge Power Partners, LLC, an independent power producer, does not have the power of eminent domain to acquire the land or wind rights necessary for this project. Wind and land rights necessary for the project will be limited to voluntary easement or lease agreements between Buffalo Ridge Power Partners, LLC, and individual landowners.

This document can be made available in alternative formats (i.e., large print or audio tape) by calling 651-201-2202 (Voice) or 1-800-627-3529 (TTY relay service).

**STATE OF MINNESOTA
OFFICE OF ADMINISTRATIVE HEARINGS**

OAH Docket No. 11-2000-21160-2

FOR THE MINNESOTA DEPARTMENT OF NATURAL RESOURCES

In the Matter of the Appeal of Public
Waters Permit No. 2010-0117 Issued to
MNDOT for Structural Load Testing

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

TO: David Beaudet, Mayor of the City of Oak Park Heights, 14168 Oak Park Boulevard No., P.O. Box 2007, Oak Park Heights, MN 55082-2007, and the Minnesota Department of Transportation, Rich Lamb, 1400 Gervais Avenue, Maplewood, MN 55109.

NOTICE OF HEARING

DAVID BEAUDET, MAYOR OF THE CITY OF OAK PARK HEIGHTS, AND THE MINNESOTA DEPARTMENT OF TRANSPORTATION (“MNDOT”) ARE HEREBY NOTIFIED that the Minnesota Department of Natural Resources (“DNR”) has initiated this action pursuant to Mr. Beaudet’s appeal of the issuance of a public waters permit to MNDOT.

ORDER FOR PREHEARING CONFERENCE

IT IS HEREBY ORDERED that a contested case prehearing conference will be held on Tuesday, April 20, 2010, at 1:30 p.m. at 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 Barbara L. Neilson, Administrative Law Judge, Office of Administrative Hearings, P.O. Box 64620, St. Paul, Minnesota 55164-0620, telephone (651) 361-7845.

The hearing will be conducted pursuant to the contested case procedures set out in chapter 14 of Minnesota Statutes, the Rules of the Office of Administrative Hearings, Minn. Rules 1400.5100-.8500 and Minn. Stat. §§ Minn. Stat. §§ 103G.301 - 315 (2008). A copy of these materials may be purchased from the Minnesota Book Store, telephone (651) 297-3000, or are available at www.revisor.leg.state.mn.us. Copies of the rules are also available at www.oah.state.mn.us. The rules generally provide for the procedural rights of the parties, including: rights to advance notice of witnesses and evidence, right to a prehearing conference, rights to present evidence and cross-examination, and right to purchase a transcript of the record.

The attorneys for the DNR, David P. Iverson and Jill Schlick Nguyen, Assistant Attorneys General, 445 Minnesota Street, Suite 900, St. Paul, Minnesota, 55101-2127, (651) 757-1466 or (651) 757-1325, may be contacted to discuss discovery or informal disposition of this matter.

After the hearing in this matter, the record and the Administrative Law Judge's recommendations will be forwarded to the Commissioner of Natural Resources to make a final decision. DNR staff involved in the pretrial conference and subsequent hearing will not participate in the Commissioner's deliberations in this matter. In addition, the Commissioner will be advised by an attorney other than David P. Iverson or Jill Schlick Nguyen.

ALLEGATIONS

1. On August 18, 2009, MNDOT applied to DNR for a public waters permit to conduct structural load testing at a proposed bridge site over Lake St. Croix, a natural impoundment of the St. Croix River. The site is located in Section 27, Township 130, Range 20, Washington County, Minnesota.

2. DNR granted MNDOT public waters permit no. 2010-0117 on January 22, 2010 (the “Permit”), allowing MNDOT to drill a shaft up to eight feet in diameter to a depth of 170 feet, and then fill the shaft with concrete and later remove it to within two feet of the river bottom.

3. In its letter dated January 22, 2010, DNR stated the Permit involves a “minimum encroachment, change, or damage to the environment” as required by Minn. Stat. § 103G.245, subd. 7 (2008).

4. DNR also stated the Permit is “reasonable, practical, and will adequately protect public safety and promote the public welfare” as required by Minn. Stat. § 103G.315, subd. 6 (2008).

5. The issuance of the Permit is also justified because it complies with the DNR rules for excavation in public waters set forth in Minnesota Rules 6115.0200 through 6115.0201 (2009).

6. On February 9, 2010, the Mayor of the City of Oak Park Heights timely requested a contested case hearing pursuant to Minn. Stat. § 103G.311, subd. 5 (2008).

ISSUES

1. Whether the proposed structural load testing in Lake St. Croix is consistent with the applicable Minnesota statutes and Minnesota rules, specifically Minn. R. 6115.0150 through 6115.0280 (2009), supporting issuance of a public waters permit.

2. The relevant statutes and rules include, but need not be limited to, Minn. Stat. §§ 103G.245, 103G.311 & 103G.315 (2008); Minn. R. 6115.0200-0201 & Minn. R. 6115.0250 (2009).

ADDITIONAL NOTICE

1. Respondent’s failure to appear at the hearing or prehearing conference may result in a finding that the Respondent is in default, that the DNR allegations contained in this Notice and Order may be accepted as true, and its proposed action may be upheld.

2. If any party has good cause for requesting a delay of the hearing or any prehearing conference, the request must be made in writing to the Administrative Law Judge at least five days prior to the prehearing conference. A copy of the request must be served on the other party.

3. Any party intending to participate as a party at the prehearing conference must file a Notice of Appearance form and return it to the Administrative Law Judge within 20 days of the date of service of this Notice and Order. A copy must be served on the DNR's attorney. A Notice of Appearance form is enclosed.

4. All parties have the right to be represented by legal counsel, by themselves, or by a person of their choice if not otherwise prohibited as the unauthorized practice of law. The parties are entitled to the issuance of subpoenas to compel witnesses to attend the hearing. The parties will have the opportunity to be heard orally, to present evidence and cross-examine witnesses, and to submit evidence and argument. Ordinarily the hearing is tape-recorded. The parties may request that a court reporter record the testimony at their expense.

5. Persons attending the hearing should bring all evidence bearing on the case, including any records or other documents. Be advised that if data that is not public is admitted into the record, it may become public data unless an objection is made and relief is requested under Minn. Stat. § 14.60, subd. 2.

6. Requests for subpoenas for the attendance of witnesses or the production of documents at the hearing shall be made in writing to the Administrative Law Judge pursuant to Minn. R. 1400.7000. A copy of the subpoena request shall be served on the other parties. A subpoena request form is available at www.oah.state.mn.us or by calling (651) 361-7900.

7. This case may be appropriate for mediation. The parties are encouraged to consider requesting the Chief Administrative Law Judge to assign a mediator so that mediation can be scheduled promptly.

8. The Office of Administrative Hearings conducts contested case proceedings in accordance with the Minnesota Rules of Professional Conduct and the Professionalism Aspirations adopted by the Minnesota Supreme Court. A Guide to Participating in Contested Case Proceedings at the Office of Administrative Hearings is available at www.oah.state.mn.us or by calling (651) 361-7900. Pursuant to Minnesota Rules 1400.5100, subpart 3a and 1400.5500, filing may be accomplished by mail, delivery, fax or licensed overnight express mail service. The fax number for the Administrative Law Judge is (651) 361-7936.

9. Any party who needs an accommodation for a disability in order to participate in this hearing process may request one. Examples of reasonable accommodations include wheelchair accessibility, an interpreter, or Braille or large-print materials. If any party requires an interpreter, including a foreign language interpreter, the administrative law judge must be promptly notified. To arrange for an accommodation or an interpreter, contact the Office of Administrative Hearings, P.O. Box 64620, St. Paul, Minnesota 55164-0620, or call (651) 361-7900 (voice) or (651) 361-7878 (TTY).

Dated this ____ day of _____, 2010.

MINNESOTA DEPARTMENT OF NATURAL RESOURCES

Mark Holsten
Commissioner

STATE OF MINNESOTA

Office of Energy Security

Issued: March 15, 2010

NOTICE OF PUBLIC INFORMATION AND SCOPING MEETING

In the Matter of Lakefield Wind Project, LLC's Applications for a Certificate of Need and for a Large Wind Energy Conversion System (LWECS) Site Permit for the 205.5 MW Lakefield Wind Project in Jackson County, Minnesota

**Certificate of Need Docket Number: IP-6829/CN-09-1046
Site Permit Docket Number: IP-6829/WS-09-1239**

PLEASE TAKE NOTICE that Minnesota Office of Energy Security staff will hold a public information and environmental report scoping meeting on the applications submitted by Lakefield Wind Project, LLC ("Lakefield Wind" or "Applicant") to the Minnesota Public Utilities Commission (Commission) for a certificate of need (CN) and a site permit to build and operate the 205.5 megawatt (MW) Lakefield Wind Project in Jackson County.

**THURSDAY, APRIL 8, 2010
7:00 P.M.**

at the

**Immanuel Lutheran School Gymnasium
620 Bush Street
Lakefield, MN**

Prior to the public information meeting, the Applicant will host an open house beginning at 6:30 p.m.

The purpose of the public meeting is to provide information about the proposed project and to take public comment and input on (1) issues to be considered in the scope of the environmental report (ER) to be prepared for the certificate of need, and (2) on the draft site permit issued by the Commission. Office of Energy Security (OES) staff will provide an overview of the state's wind energy permitting process. The public is invited to review the CN and site permit applications, learn more about the Commission review process, make comments, ask questions, and suggest alternatives to the project and impacts to address in the ER and in the draft site permit. Representatives from the applicant will be available to answer questions about the project.

Public Comment Period. This public information meeting and comment period are the public's opportunity to participate in the determination of the content or "scope" of the ER and comment on the draft site permit. OES staff will accept written comments on (1) issues that should be considered and suggested alternatives to be evaluated in the ER and (2) comments on the draft site permit by the close of business (**4:30 p.m.**) on **April 29, 2010**. Comments should be mailed, emailed, or faxed to Larry Hartman (see contact information below). Please include the project docket number (**IP-6829/CN-09-1046 or IP-6829/WS-09-1239**) on all comments.

Project Description. The proposed Lakefield Wind Project includes 137 General Electric 1.5 MW wind turbine generators mounted on 80 meter (262.5 foot) towers, gravel access roads to the turbines, an electrical system consisting of underground collection and feeder lines that will deliver power to an on-site project substation (located near the Lakefield Junction Substation), permanent meteorological towers, and an operations and maintenance building located near the project substation. Lakefield Wind's goal is to complete construction of the project and achieve commercial operation prior to December 31, 2010.

Proposed Location. The project site is located in Heron Lake, Belmont, Des Moines and Hunter townships about six miles west of Jackson, Minn., on either side of I-90 (see attached map). Lakefield Wind has over 19,780 acres under easement agreement within the proposed 28,622 acre project area. The site is large enough to provide flexibility in the micro-siting process.

Eminent Domain. The applicant **does not** have the power of eminent domain to acquire land or wind rights for the project. Wind and land rights necessary to build the facility must be in the form of voluntary easements or lease agreements between individual landowners and the applicant.

Commission Review Process. Two separate Commission approvals are required to build an LWECs larger than 50 megawatts (MW). A project developer must obtain a certificate of need (CN) under Minnesota Statutes Section 216B.243 and a site permit under Minnesota Statutes Chapter 216F.

The applicant filed its CN application on September 2, 2009, and its site permit application on November 4, 2009. The Commission accepted both applications as complete on December 3, 2009, and December 21, 2009, respectively. The applications are available on the Commission's website and from the applicant's representative listed below.

OES staff is responsible for conducting public meetings and environmental review for the CN application under Minnesota Rule 7849.1400. The ER will consider issues related to the CN such as size, type, timing, and general human and environmental impacts of the project. The ER is a written document that describes the human and environmental impacts of the project, alternatives to the project, and methods to mitigate anticipated adverse impacts. The ER must be prepared and issued before the Commission can make a decision on the CN for the project.

After completion of the ER, the Commission will hold a public hearing on the CN application, presided over by an administrative law judge from the Office of Administrative Hearings. Under Minnesota law, the CN proceeding is the only time at which the "no-build" alternative and the size, type, and timing of a new electrical generating facility can be considered. These items will not be addressed in the site permit process. Notice of the public hearing will be published in local newspapers and mailed to persons who register their names on the OES project mailing list.

In addition to the CN, a site permit for a LWECs under Minnesota Statutes Chapter 216F is required from the Commission before the project can be constructed. The process for reviewing site permit applications is outlined in Minnesota Rules Chapter 7854. After a site permit application is accepted by the Commission, OES staff initiates this review process. The site permit application was made available for public review and comment until January 22, 2010. Following this comment period, the Commission, on March 9, 2010, issued a draft site permit for public review and comment. The Commission may hold a public hearing on the draft site permit in conjunction with the CN proceeding described above.

The Commission will make a final decision on both the CN and the site permit after it receives the record of the proceeding from the administrative law judge. If the project is approved, a CN and site permit are issued with any conditions the Commission considers necessary to protect the environment, enhance sustainable development, and promote the efficient use of resources.

Contested Case Hearing Request. Any person may request a contested case hearing on the site permit proceeding for the Lakefield Wind Project pursuant to Minnesota Rules part 7854.0900. Contested case hearing requests must be received during the public comment period. The person requesting the contested case hearing must list the issues sought to be addressed in the hearing and the reason why a contested case hearing is required to resolve those issues. The Commission shall order a contested case hearing if it finds that a material issue of fact has been raised and that the holding of the contested case hearing will aid it in making a final decision on whether to authorize construction of the project.

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

Larry Hartman, Project Manager
Minnesota Office of Energy Security
85 7th Place East, Suite 500
St. Paul, MN 55101
(651) 296-5089
Fax: 651-297-7891
larry.hartman@state.mn.us

Ingrid Bjorklund, Public Advisor
Minnesota Office of Energy Security
85 7th Place East, Suite 500
St. Paul, MN 55101
(651) 297-7039
ingrid.bjorklund@state.mn.us

Persons interested in adding their names to the OES mailing list for this project should contact the project manager, public advisor, or register online at: <http://energyfacilities.puc.state.mn.us/Docket.html?Id=25684>.

Questions about the project and site permit application can also be directed to the applicant by contacting Ms. Melissa Peterson, Landowner & Community Coordinator, Tel (612) 746-0770 ext. 333; MPeterson@enxco.com or by mail at: Lakefield Wind Project, LLC, 10 Second Street NE, Suite 107, Minneapolis, MN 55413.

The site permit application and other documents relevant to the proposed project are available on the Commission's website: <http://energyfacilities.puc.state.mn.us/Docket.html?Id=25684> and on the eDocket website at: <https://www.edockets.state.mn.us/EFiling/search.jsp> (enter the docket number 09-1239 for the site permit and 09-1046 for the CN).

Copies of the application are also available for review at the public library in Jackson, the Auditor's Office in Jackson County, the city offices in Jackson and Lakefield and with the clerks of Hunter, Des Moines, Belmont and Heron Lake townships.

This document can be made available in alternative formats (i.e., large print or audio tape) by calling 651-210-2202 (Voice) or 1-800-627-3529 (TTY relay service).

STATE OF MINNESOTA Office of Energy Security

ISSUED: MARCH 18, 2010

NOTICE OF APPLICATION ACCEPTANCE AND SCOPING MEETING

**In the Matter of Paynesville Wind, LLC Applications for a
Large Wind Energy Conversion System Site Permit and a Certificate of Need
for the Paynesville Wind Farm in Stearns County**

PUC Docket Numbers: IP-6828/WS-09-1197 and IP-6828/CN-09-937

PLEASE TAKE NOTICE that the Minnesota Office of Energy Security Energy Facilities Permitting (EFP) staff will hold a public meeting on the Site Permit and Certificate of Need (CN) applications submitted by Paynesville Wind, LLC (Applicant), a wholly owned subsidiary of

Geronimo Wind Energy, LLC, to the Minnesota Public Utilities Commission (Commission) to build and operate the Paynesville Wind Farm (Project).

MONDAY, APRIL 19, 2010

7:00 p.m.

SPORTSMAN'S DEN

23396 Highway 4

Paynesville, MN 56362

The purpose of the public meeting is to provide information about the proposed Project and to take public comment and input on the scope of the Environmental Report and issues to be considered in developing a Draft Site Permit for the Project. In addition, EFP staff will provide an overview of the state's wind energy permitting process. The public is invited to review the Project applications, learn more about the Commission review process, and make comments, including suggestions about alternatives to the Project and impacts to address in the Environmental Report. Representatives from Geronimo Wind Energy will be available to answer questions about the Project.

Project Description

Paynesville Wind, LLC, proposes a Large Wind Energy Conversion System (LWECS) of 95 megawatts (MW) using between 42 and 63 utility scale wind turbine generators, depending on what turbines are ultimately selected. Turbines between 1.5 MW and 2.3 MW in nameplate capacity are under consideration. Each turbine model has a hub height of 80 meters (262 feet).

In addition to the wind turbines, the Project would include access roads, a permanent meteorological tower, electrical collection system, one substation, one metering yard adjacent to an existing substation, one transmission line, and an operations and maintenance building. The electricity from a group of turbines totaling 50 MW will be transported via the collection system, operating at 34.5 kV, to a new substation, which will step up the voltage to 69 kV and be transported on a new 69 kV line of less than one mile in length to the Paynesville substation.

The electricity from the remaining turbines will be transported via the collection system and delivered to a new metering yard adjacent to the Paynesville substation where it will connect to the Paynesville substation. The Applicant's goal is to begin commercial operation in the third quarter of 2011.

Proposed Site Location

The Project area (shown in the accompanying map) consists of approximately 15,000 acres located in Stearns County in Zion, Paynesville, Spring Hill, and Lake Henry townships. The project area is located north of Paynesville and southeast of Lake Henry. Approximately 11,500 acres are under the Applicant's control via wind easements. The Applicant believes the site is sufficiently large to provide flexibility in the micro-siting process.

Eminent Domain for Paynesville Wind, LLC

The Applicant does not have the power of eminent domain to acquire the land or wind rights for the Project. Wind and land rights necessary to build the facility must be in the form of voluntary easements or lease agreements between individual landowners and the Applicant.

Commission Review Process

Two separate Commission approvals are required to build a LW ECS larger than 50 MW. A project developer must obtain a CN under Minnesota Statutes section 216B.243 and a Site Permit under Minnesota Statutes Chapter 216F.

The Applicant filed its CN application on December 8, 2009, which was accepted as complete by the Commission on February 5, 2010. The Applicant filed its Site Permit application on January 29, 2010, which was accepted as complete by the Commission on March 9, 2010. The applications are available on the Commission's website and from the Applicant's representatives listed below. Landowners and governmental units inside the LW ECS boundary will receive a copy of the Site Permit application directly from the Applicant.

The EFP staff is responsible for conducting a public meeting as part of the environmental review for the CN application under Minnesota Rule 7849.1400. After the public meeting, EFP staff will prepare an Environmental Report, which will consider issues related to the CN, such as size, type, timing, and general environmental impacts of the Project. After completion of the Environmental Report, the Commission will hold a public hearing on the CN application, presided over by an Administrative Law Judge from the Office of Administrative Hearings. Under Minnesota law, the CN proceeding is the only time at which the "no-build" alternative and the size, type, and timing of a new electrical generating facility can be considered. These items will not be addressed in the Site Permit process.

Pursuant to Minnesota Statutes section 216E.05, the Applicant does not need a route permit from the Commission for its proposed transmission line because it is less than 100 kV. The Applicant will seek the necessary permits for its proposed transmission line and substations at the county level.

The EFP staff is also soliciting comments on issues that should be included in the Draft Site Permit for the Project. Such issues include unique characteristics of the proposed site or project that should be considered and items that may be missing or mischaracterized in the Site Permit application. Based on comments received, EFP staff will prepare and submit a Draft Site Permit to the Commission for consideration. If the Commission issues a Draft Site Permit for public review and comment, then a public meeting will be held in the project area and members of the public will have an opportunity to ask questions and present comments. Persons on the EFP Mailing List for this project (see below) will receive notice of all public and Commission meetings.

Public Comment Period

The EFP staff will accept written comments on issues that should be considered in developing the Draft Site Permit and suggested alternatives and issues to be evaluated in the Environmental Report until **May 10, 2010**. Comments should be mailed, emailed, or faxed to Ingrid Bjorklund (see contact information below).

Project Contacts and Information

The Site Permit application and other documents relevant to the proposed project are available on the Commission's website: <http://energyfacilities.puc.state.mn.us/Docket.html?Id=25836>, and on the Department of Commerce's eDocket website:

<https://www.edockets.state.mn.us/EFiling/search.jsp> (enter the docket number 10-49 for the Site Permit documents or 09-1110 for the CN documents).

Copies of the applications are also available for review at the: Auditor's Offices in Stearns

County; City Offices in Paynesville and Lake Henry; Township Clerks of Paynesville, Zion, Spring Hill, and Lake Henry; and the Paynesville Public Library in Stearns County.

Questions about the Project and the Public Utilities Commission's permitting process may be directed to:

Ingrid Bjorklund, Project Manager
Minnesota Office of Energy Security
85 7th Place East, Suite 500
St. Paul, MN 55101
(651) 297-7039
Fax: 651-297-7891
ingrid.bjorklund@state.mn.us

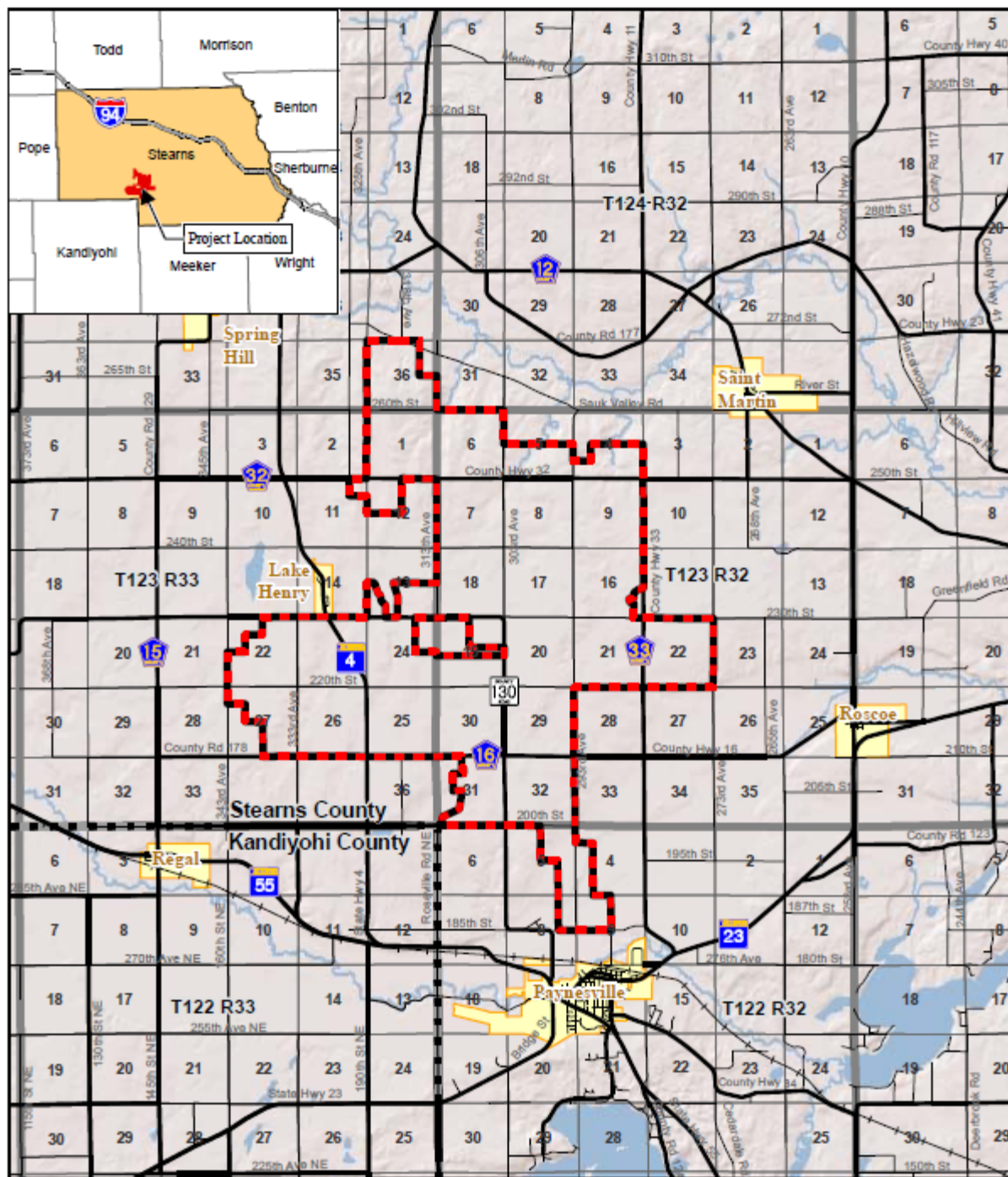
Larry Hartman, Public Advisor
Minnesota Office of Energy Security
85 7th Place East, Suite 500
St. Paul, MN 55101
(651) 296-5089
Fax: 651-297-7891
larry.hartman@state.mn.us

Persons interested in adding their names to the EFP Project Mailing List for this project should contact the project manager, public advisor, or register online at:

<http://energyfacilities.puc.state.mn.us/Docket.html?Id=25836>

Questions about the Paynesville Wind, LLC, LWECS Site Permit application can also be directed to the Applicant by contacting Justin Pickar by email at justin@geronimowind.com or Patrick Smith at patrick@geronimowind.com or by calling 952-988-9000. The address for Geronimo Wind Energy is 7650 Edinborough Way, Suite 725, Edina, MN 55435.

This document can be made available in alternative formats (i.e., large print or audio tape) by calling 651- 201-2202 (Voice) or 1-800-627-3529 (TTY relay service).



- Legend
- Project Boundary
 - Cities
 - Townships
 - County Boundary

Figure 1-1. Project Vicinity Map
Paynesville Wind Farm
Geronimo Wind Energy
Stearns County, MN

**STATE OF MINNESOTA
Office of Energy Security**

Issued: February 5, 2010

NOTICE OF PERMIT DECISION

In the Matter of the Application for a Route Permit for the Noble Flat Hill Windpark I 230 kV Transmission Line (PUC Docket No. IP-6687/TL-08-988)

At a meeting on January 12, 2010, and in an Order issued February 5, 2010, the Minnesota Public Utilities Commission determined that the Environmental Impact Statement and the record created at the public hearing had adequately addressed the issues identified in the Scoping Decision. The Commission also designated and issued a High Voltage Transmission Line Route Permit to Noble Flat Hill Wind Park I, LLC, for the Noble Flat Hill Windpark I 230 kV Transmission Line, authorizing the Permittee to:

Build a new 11.4 mile 230 kilovolt (kV) high voltage transmission line transmission line located within Clay County in the State of Minnesota, from a new project substation in Spring Prairie Township to a new switching station in Riverton Township., including:

- A new single circuit 230 kV transmission line to capture energy generated by the Noble Flat Hill Windpark I located in Clay County, Minnesota, and connect to the Otter Tail Power Company (OTP) Sheyenne-Audubon 230 kV transmission line southeast of Glyndon, Minnesota;
- The new project substation within the Noble Flat Hill Windpark I at 70th Avenue North and 120th Street North, northeast of Glyndon in Clay County, Minnesota; and
- The new switching station along the existing OTP Sheyenne-Audubon 230 kV transmission line southeast of Glyndon, Minnesota.

If you have any questions about this project or would like more information, please contact the OES Project Manager, David E. Birkholz, 85 7th Place East, Suite 500, St. Paul, MN 55155. Tel: 651.296.2878; e-mail: david.birkholz@state.mn.us.

See <http://www.energyfacilities.puc.state.mn.us/Docket.html?Id=19642> to view the Order and the Permit.