



February 13, 2006



Comments sought on amendments to Environmental Review program rules

The Minnesota Environmental Quality Board (EQB) intends to adopt amendments to 39 subparts of the Environmental Review program rules. Written comments will be received by the EQB through 4:30 p.m. on March 15, 2006. Comments should identify the portion of the proposed rules addressed, the reason for the comment, and any change proposed. If at least 25 persons request a hearing by 4:30 p.m. on March 15, 2006, the EQB will hold a public hearing in the Fort Snelling History Center Auditorium, Fort Snelling, Minnesota (at the junction of State Highways 5 & 55) on Thursday, March 30, 2006, one session starting at 2:00 p.m. and a second session starting at 7:00 p.m.

A copy of the proposed rule amendments and the official notice of rulemaking are published in the February 13, 2006 State Register and are also available at the EQB's website, www.eqb.state.mn.us. The Statement of Need and Reasonableness (SONAR) is also available at this web site and at the EQB offices and at the Office of Administrative Hearings. This document includes a summary of the justification for the proposed rules, a description of who will be affected by the proposed rules and an estimate of the probable cost of the proposed rules.

Most of the proposed amendments are minor "housekeeping" or technical amendments that are intended to clarify points of ambiguity or confusion in the existing rules or to correct minor flaws in the environmental review procedures. A few of the amendments are more substantial and would require additional review procedures in limited specific circumstances; this primarily would affect the Alternative Urban Areawide Review (AUAR) process at part 4410.3610. These amendments would also change the mandatory Environmental Assessment Worksheet (EAW) thresholds for air pollution sources, wastewater systems, and historical places.

Comments or questions on the rules and written requests for a public hearing on the rules must be submitted to the agency contact person. The agency contact person is: Gregg Downing, Environmental Quality Board, Room 300, Centennial Office Bldg., 658 Cedar Street, St. Paul, MN 55155; telephone 651/201-2476, fax 651/296-3698, and email address: gregg.downing@state.mn.us. TTY users may call the Department of Administration at 800-627-3529.

If you wish to request that the public hearing be held, you must make your request in writing. Your request must include your name and address. You must identify the portion of the proposed rule amendments to which you object or state that you oppose the entire set of rule amendments. Any request that does not comply with these requirements cannot be counted by the agency when determining whether a public hearing must be held. You are also encouraged to state the reason for the request and any changes you want made to the proposed rules.

ABOUT THE *EQB MONITOR*

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/>

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Next issue: February 27, 2006

Submittal deadline: February 17, 2006



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If the public hearing is held, the hearing will be conducted by Administrative Law Judge Steve M. Mihalchick, Office of Administrative Hearings, 100 Washington Square, Suite 1700, Minneapolis, 55401-2138, telephone 612-349-2544, fax 612-349-2665. The rule hearing procedure is governed by Minnesota Statutes, sections 14.131 to 14.20, and by the rules of the Office of Administrative Hearings, Minnesota Rules, parts 1400.2000-1400.2240. To find out whether the rules will be adopted without a hearing or if the hearing will be held, you should contact the agency contact person after March 15, and before March 30, 2006. Further information about the hearing procedures is available in the official notice of rulemaking. Questions concerning the rule hearing procedure should be directed to the Judge Mihalchick.

ENVIRONMENTAL ASSESSMENT WORKSHEETS

Comments due on March 15, 2006

Waibel Estates Subdivision

Description: Developer is proposing to develop 150 acres of current agricultural land over the next 10 years into residential lots ranging from 2-5 acres in size. A central sewer system is proposed consisting of a constructed wetland, lagoon, or mound system.

RGU: Lake of the Woods County

Contact: Josh Stromlund, Land & Water Planning Director, P.O. Box 808, Baudette, MN 56623; 218-634-1945; fax: 218-634-2509; e-mail: josh_s@co.lake-of-the-woods.mn.us

Legacy Village at Waconia

Description: Legacy Village at Waconia is a mixed-use development on the east side of the City of Waconia consisting of 72 acres to include approximately 102 single-family detached homes; 250 multi-family, attached homes; and approximately 150,000 square feet of commercial/retail. The development lies between Trunk Highway 5 and Lake Waconia with approximately 900 feet of shoreline and up to 226 private docks. The project includes construction of roads, buildings, ponds, and utilities such as storm water, wastewater, and water supply piping.

RGU: City of Waconia

Contact: John Hilgers, Planning Director, 201 South Vine Street, Waconia, MN 55387; 952-442-3106; fax: 952-442-2135; e-mail: jhilgers@waconia.org

Dollymount Dairy, LLP

Description: Dollymount Dairy, LLP (Dollymount Dairy or proposer), is proposing to construct a new dairy feedlot in Section 4 of Dollymount Township in Traverse County. The feedlot will consist of two 1,328-foot long by 122-foot wide free stall barns, one 190-foot long by 95-foot wide milking parlor, and one 684-foot long by 262-foot wide special needs barn. Manure from these buildings will be stored in a 1,600-foot long by 400-foot wide by 18-foot deep clay-lined earthen basin. In addition, a 1,200-foot long by 800-foot wide covered feed storage pad will be built. When completed, 4,500 cows will be milking twice a day. There will also be 500 dry cows and 500 heifers at the facility, for a total of 5,500 head (7,350 animal units).

A copy of the Environmental Assessment Worksheet will be posted on the Minnesota Pollution Control Agency website, at the following: <http://www.pca.state.mn.us/news/eaw/index.html>

RGU: Minnesota Pollution Control Agency



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Contact: Randy Hukriede, Project Manager, Environmental Review and Operations Section, Regional Division, 7678 College Road, Suite 105, Baxter, MN 56425; 218-828-6076

EAW NEED DECISIONS

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

- Cass County Planning Commission, Pine Way, Denied.
- Cass County Planning Commission, Antler Ridge harbor project, Ordered.

EIS NEED DECISIONS

The responsible governmental unit has determined the following projects do not require preparations 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.

- Lake County Board of Commissioners, Lake County CSAH 2 Reconstruction from CSAH 14 to Forest Highway 11, December 15, 2005 (November 7, 2005)

FINAL EIS AVAILABLE

University of Minnesota Football Stadium

Description: The University of Minnesota has prepared a Final Environmental Impact Statement (EIS) for a new 50,000 seat open air on-campus football stadium, including site and associated public infrastructure improvements within the City of Minneapolis in Hennepin County, Minnesota. The Stadium Project is located on the existing Huron Boulevard parking lots, in close proximity to Mariucci Arena and the Williams Arena/Sports Pavilion complex.

The Draft EIS comment period opened on October 24, 2005 and was extended through November 23, 2005. A Draft EIS public meeting was held on November 10, 2005.

The comment period deadline for the Final EIS is February 27, 2006.

RGU: Regents of the University of Minnesota

Contact: Brian Swanson, University Project Coordinator, 335 Morrill Hall, 100 Church Street SE, Minneapolis, MN 55455; 612-625-6665; e-mail: bswanson@umn.edu

NOTICES

Public Meeting Notice – Minnesota Forest Resources Council

The Minnesota Forest Resources Council (MFRC) will meet on Wednesday, March 15, 2006 from 9:30 a.m. – 3:30 p.m. at the Shoreview Community Center in St. Paul, MN.



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For more information please contact Jenna Fletcher at 651-603-0109 or go to the calendar on the MFRC website at <http://www.frc.state.mn.us>

**ITMO the Restoration Order Issued to Thomas M. Stanek
OAH Docket No. 3-2000-17028-2**

**STATE OF MINNESOTA
OFFICE OF ADMINISTRATIVE HEARINGS
FOR THE MINNESOTA DEPARTMENT OF NATURAL RESOURCES**

In the Matter of the Restoration Order Issued to Thomas
M. Stanek

NOTICE AND ORDER FOR HEARING

TO: Thomas M. Stanek, 2313 130th Court NE, Blaine, MN 55449-3903.

THOMAS M. STANEK IS HEREBY NOTIFIED that the Minnesota Department of Natural Resources ("Department") has initiated this action pursuant to Mr. Stanek's appeal of a Restoration Order dated July 13, 2005.

IT IS HEREBY ORDERED that a contested case hearing will be held on March 7 and 8, 2006, beginning at 9:30 a.m. each day at the Office of Administrative Hearings, 100 Washington Avenue South, Suite 1700, Minneapolis, Minnesota.

The Chief Administrative Law Judge, Office of Administrative Hearings, has assigned this matter to Kathleen D. Sheehy, Administrative Law Judge, Office of Administrative Hearings, 100 Washington Avenue South, Suite 1700, Minneapolis, MN 55401-2138, telephone (612) 341-7609.

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, Minnesota Rules 1400.5010-.8500 (2005), and Minnesota Statutes sections 103G.251, .311, and .315 (2004). 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 attorney for the Minnesota Department of Natural Resources, Jill Schlick, Assistant Attorney General, 445 Minnesota Street, #900, St. Paul, Minnesota 55101-2127, (651) 296-2377, 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. Department staff involved in the hearing will not participate in the Commissioner's deliberations in this matter. In addition, the Commissioner will be advised by an attorney other than Jill Schlick.

ALLEGATIONS

1. On June 23, 2005, Department staff inspected property owned by Thomas M. Stanek and observed a recently-constructed 120 foot by 5 foot bridge spanning the bed of Gale Lake between Mr. Stanek's property and a small island. Mr. Stanek's property is located in the Southeast Quarter of Section 15, Township 60 North, Range 25 West, Itasca County, Minnesota.

2. The Department issued a Restoration Order to Mr. Stanek on July 13, 2005, requiring him to remove the bridge. The Department's issuance of the Restoration Order was proper for several reasons, including the following:

- A. The bridge is prohibited by Minn. R. 6115.0230, subp. 3(F) (2005) because it provides private access to an island;
- B. The bridge exceeds a minimum encroachment upon the environment in violation of Minn. R. 6115.0230, subp. 5(A) and (B) (2005); and



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C. The bridge is not permitted by Minn. R. 6115.0230, subp. 5(E) (2005) because there are feasible alternatives that do not require placement of a structure in public waters.

3. Mr. Stanek appealed the Restoration Order pursuant to Minn. R. 6115.0255, subp. 5(A) (2005), and the Commissioner upheld the issuance of the Restoration Order.

4. Mr. Stanek then demanded a contested case hearing pursuant to Minn. R. 6115.0255, subp. 5(B) (2005).

ISSUE

Whether the issuance of the Restoration Order to Thomas M. Stanek is consistent with applicable Minnesota statutes and rules, specifically Minnesota Rule 6115.0230 (2005)?

The relevant laws and rules include, but are not limited to, Minnesota Statutes sections 103A.201, 103G.245, 103G.311, and 103G.315 (2004), and Minnesota Rules 6115.0170-.0255 (2005).

ADDITIONAL NOTICE

1. Respondent's failure to appear at the hearing may result in a finding that the Respondent is in default, that the Department's 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, the request must be made in writing to the Administrative Law Judge at least five days prior to the hearing. A copy of the request must be served on the other party.

3. Any party intending to appear at the hearing 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 Department's attorney. A Notice of Appearance form is enclosed.

4. At the hearing, 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 Minnesota Statutes section 14.60, subdivision 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 Minnesota Rule 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 (612) 341-7600.

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 (612) 341-7600.

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



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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 at 100 Washington Avenue South, Suite 1700, Minneapolis, Minnesota 55401, or may call (612) 341-7610 (voice) or (612) 341-7346 (TTY).

LEGAL ADVERTISEMENT - PUBLIC HEARING AND AVAILABILITY OF THE ENVIRONMENTAL ASSESSMENT (EA) FOR THE RECONSTRUCTION OF CARVER COUNTY CSAH 10 AND EXTENSION OF CSAH 32

The Carver County Public Works Division encourages the public to attend a public hearing for the proposed reconstruction of CSAH 10 and extension of CSAH 32, SP 10-632-14/SP 10-610-30, Minn. Proj. No. STPX 1006(111). The proposed project is located between the Cities of Waconia and Chaska, Carver County, Minnesota. The public hearing will be held March 14, 2006, at or soon thereafter after 9:00 A.M. in the Commissioner Board Room at the Carver County Government Center at 600 E 4th Street, Chaska, MN 55318.

The proposed scope of the project includes new construction of 0.7 miles of CSAH 32; constructed to two lane urban design standards; realignment and new construction of 1.7 miles of CSAH 10; reconstruction of 4.6 miles of existing two lane rural CSAH 10; all to two lane urban and rural design standards.

The purpose of the public hearing is to provide the public an opportunity to comment and ask questions related to this project regarding the Environmental Assessment (EA). During the public hearing, the public will be able to discuss the project in an informal matter with Carver County Board of Commissioners, along with representation from the Carver County engineering staff, who conducted the study.

Prior to the public hearing on Tuesday, March 14, 2006 and before board action is taken on Tuesday, March 21, 2006 related to the EA, the public is encouraged to ask questions and review project information during a 30 day comment period. Beginning Wednesday, February 16th until Friday, March 17th a 30 day review and comment period is available to the public. During this review and comment period maps, drawings, and other pertinent information, including the Environmental Assessment and other project documents developed for the proposal, as well as written views received from local, state, and federal agencies, will be available for public inspection and copying at Carver County Public Works. The public is encouraged to submit comments and ask questions during this 30 day comment period.

Comments will be received either written or verbally by a recorder, and will become part of the official public hearing record. The comments will be considered when making future project related decisions and before board action is taken on Tuesday, March 21, 2006.

Copies of the Environmental Assessment, which documents the purpose and need of the project along with the anticipated social, economic, and environmental impacts, are available for public inspection and copying during business hours until Friday, March 17, 2006 at the following locations:

Carver County Public Works
11360 Highway 212 West, Suite 1
Cologne, MN 55322

Carver County Public Library
4 City Hall Plaza
Chaska, MN 55318

Carver County Public Library
217 South Vine Street
Waconia, MN 55387

Comments can be mailed, prior to the close of the 30 day public comment period on Friday, March 17, 2006, to Scott Smith, Project Manager, at the Carver County Public Works address presented above or emailed to ssmith@co.carver.mn.us.



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The above referenced document is available in alternative formats to individuals with disabilities by calling the Project Manager at 952-466-5200, or to individuals who are hearing or speech impaired by calling the Minnesota Relay Service at 1-800-627-3529.

Individuals with a disability who need a reasonable accommodation to participate in this event should contact the Project Manager at 952-466-5200, or to individuals who are hearing or speech impaired by calling the Minnesota Relay Service at 1-800-627-3529 by March 10, 2006.

MINNESOTA ENVIRONMENTAL QUALITY BOARD
Thursday, February 16, 2006
State Office Building, 100 Rev. Dr. Martin Luther King Jr. Blvd., Hearing Room 5
St. Paul, Minnesota
9:00 a.m. – 12:00 p.m.

NOTICE: The legislative session will not begin until March 1st, but Legislative Committees will be meeting prior to the beginning of the session. The House of Representative staff have indicated that they do not believe that there will be a conflict with the February 16th Board meeting, but House policy is that the meeting room scheduled for the EQB may be given to another group up to 24 hours before the scheduled EQB meeting. Accordingly, EQB staff has made arrangements for the EQB to meet in the Pollution Control Agency Board room at 520 Lafayette Road, St. Paul, MN 55155 in the event that the State Office Building location becomes unavailable. EQB staff will contact all Board members and their Technical Representatives should the February 16, 2006 meeting location change.

PROPOSED AGENDA

- I.** ****Adoption of Consent Agenda**
Adoption of Proposed Agenda for Board Meeting
Adoption of Minutes for January 19, 2006
- II.** Executive Director's Report
- III.** Legal Counsel Report
- IV.** *Notice of Intent to remove land from Agricultural Preserve status in Waseca County
- V.** *Expansion of Flying Cloud Airport Environmental Impact Statement adequacy decision

Note: Items on the agenda are preliminary until the agenda is approved by the Board.

ADJOURN

**Denotes action may be taken.*

***Items requiring discussion may be removed from the Consent Agenda.*

If you have special needs that may necessitate accommodations at the meeting, please call (651)296-2603 or 1-800-657-3794. For TTY, contact Minnesota Relay Service at (651) 297-5353 or 1-800-627-3529.



Minnesota Environmental Quality Board
Department of Administration

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Minnesota Environmental Quality Board
300 Centennial, 658 Cedar St.
St. Paul, MN 55155-1388

Phone: 651-201-2480

Fax: 651-296-3698

E-mail: <mailto:eqb.monitor@state.mn.us>
