



May 8, 2006



ENVIRONMENTAL ASSESSMENT WORKSHEETS

Comments due on June 7, 2006

Savannah Run

Description: Savannah Run is a multi-phased residential development proposed by Woodland Development Corporation. The project is located in Isanti, MN near the intersection of Hastings Street NE and County Road 55. The project proposes 273 single-family lots on 146 acres of land.

RGU: City of Isanti

Contact: Donald Lorsung, City Administrator, 110 1st Avenue North, Isanti, MN 55040; 763-444-5512; fax: 763-444-5560; e-mail: dlorsung@ci.isanti.mn.us

Stearns County State Aid Highway 4 (8th Street North) Improvements and Pinecone Road Construction in the City of St. Cloud

Description: The proposed project consists of the upgrade of approximately 1.45 miles of 8th Street North (CSAH 4) to a six-lane divided arterial from TH 15 to County Road (CR) 134. The proposed six-lane section will transition back to the existing four-lane section between CR 134 and Rolling Ridge Road. The project also consists of the construction of approximately 2.0 miles of a north-south arterial in the Pinecone Road corridor from CR 120 to 3rd Street North.

RGU: Stearns County

Contact: Mitchell Anderson, Stearns County Engineer, 455 28th Avenue South, P.O. Box 246, Waite Park, MN 56387; 320-255-6180

Shafer Wastewater Treatment Facility Improvement

Description: The city of Shafer (City) proposes expansion of the existing wastewater treatment facility (WWTF) from a design average flow of 105,000 gallons per day (gpd) to 400,000 gpd. Increased capacity would be achieved by adding aeration to existing primary stabilization ponds. The project also includes the addition of controls for phosphorus and disinfection needed for the switch from controlled discharge to continuous discharge. In addition to the Environmental Assessment Worksheet (EAW), the Minnesota Pollution Control Agency's National Pollution Discharge Elimination System Permit and State Disposal System Permit for the City's WWTF Improvement project will also be available for public comment concurrently, beginning May 8.

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/>

Vol. 30, No. 10

Next issue: May 22, 2006

Submittal deadline: May 15, 2006



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The contact person for the Discharge Permit is Elise M. Doucette at 651-296-7290.

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

Contact: Kevin J. Kain, Project Manager, Environmental Review and Operations Section, Regional Division, 520 Lafayette Road N, St. Paul, MN 55155; 651-296-7432

Belle Plaine North Sanitary Sewer Interceptor

Description: The city of Belle Plaine proposes to construct the Belle Plaine North Sanitary Sewer Interceptor (Project). This will extend sanitary service to northern portions of Belle Plaine. The Project will consist of the construction of 9.543 linear feet total of gravity-fed sanitary sewer pipe to handle an ultimate average daily wastewater flow of 2.980 million gallons per day (MGD) and a wet weather flow of 4.440 MGD.

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

Contact: Barbara Jean Conti, Project Manager, Environmental Review and Operations Section, Regional Division, 520 Lafayette Road N, St. Paul, MN 55155; 651-296-6703

Trunk Highway 210 Backage Road Improvements Project

Description: The proposed project is to construct approximately 1.2 miles of new roadway south of TH 210 in the City of Pillager to facilitate vehicle access and traffic flow in a portion of the city that has been designated for future commercial and residential development.

RGU: City of Pillager

Contact: Terri Wickham, Administrator, 306 West Elm Avenue, Pillager, MN 56473; 218-746-3322; fax: 218-746-3673

Paumen Properties

Description: Paumen Development and Maverick Construction proposes to develop four parcels within the City of Hanover. Three of these parcels are residential and one is commercial development with some residential units. The three residential developments will have 269 unattached residential units. The commercial site has 11 retail buildings and an additional 26 attached housing units and 26 unattached housing units.

RGU: City of Hanover

Contact: Dan Buchholtz, City Administrator, 11250 5th Street NE, P.O. Box 278, Hanover, MN 55341; 763-497-3777; fax: 763-497-1873



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ENVIRONMENTAL ASSESSMENT AVAILABLE

Trunk Highway 36 Interchange, City of North St. Paul and Maplewood

Description: The proposed action involves the construction of a grade-separated access at McKnight Road and Margaret Street in North St. Paul, Minnesota. In addition, the proposed action will include the construction of new grade-separated bridges, entrance and exit ramps, closure of existing uncontrolled accesses, installation of frontage roads, a new pedestrian bridge crossing and modification and safety improvement to the Gateway State Trail and associated trail connections.

Public Review-Copies of the Environmental Assessment (EA) are being distributed to those agencies on the current MEQB document review list and others. The comment period will begin on **May 8, 2006** and will extend through **June 7, 2006**. Comments should be directed to Marc Goess, Project Manager (contact information is listed below).

The EA which documents the purpose and need of the project along with the anticipated social, economic, and environmental impacts, is available for public review at the following locations:

Minnesota Department of Transportation
Metro District
1500 West County Road B2
Roseville, MN 55113

Minnesota Department of Transportation Library
395 Johns Ireland Boulevard
St. Paul, MN 55155

Legislative Reference Library
645 State Office Building
St. Paul, MN 55155

North St. Paul Library
2290 1st Street North
North St. Paul, MN 55109

Maplewood Library
1670 Beam Avenue
Maplewood, MN 55109

White Bear Lake Library
4698 Clark Avenue
White Bear Lake, MN 55110

Environmental Conservation Library
Minneapolis Public Library
300 Nicollet Mall
Minneapolis, MN 55401

The above referenced document is available in alternative formats to individuals with disabilities by calling the Project Manager at 651-582-1031, or to individuals who are hearing or speech impaired by calling the Minnesota Relay Service at 1-800-627-3529.

Public Hearing-To afford an opportunity for all interested persons, agencies and groups to comment on the EA, a public hearing/open house has been scheduled for May 23, 2006 from 3:00PM to 7:00PM, at the North St. Paul City Hall, 2400 Margaret Street, North St. Paul, MN. An informal open house format will be used. The purpose of the public hearing/open house is to share information with the public about the project and encourages the public to comment and ask questions. The hearing/open house will also satisfy the environmental review legal requirements for the project.

RGU: Minnesota Department of Transportation

Contact: Marc Goess, Area Engineer, Metro District, 1500 West County Road B2, Roseville, MN 55113; 651-582-1301; e-mail: Marc.Goess@dot.state.mn.us



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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 Shoreview, Summercrest Condominium residential development
- City of Mantorville, residential development
- City of Chaska, Pioneer West
- Itasca County, Deer Lake LWBC development

EAW NEED DECISIONS

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

- Pope County Board of Commissioners, Hackberry Creek RV Campground, Ordered.
- Itasca County Board, Sandy Point, Denied.
- Becker County Board of Commissioners, Birch Lake Residential Subdivision, 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.

- Minnesota Pollution Control Agency Citizens' Board, Spruce Ridge Resource Management Facility North Development Area, April 25, 2006 (November 21, 2005)
- Kandiyohi County, Vreeman Construction Gravel Pit, April 18, 2006 (March 13, 2006)
- City of Paynesville, North Paynesville EAW, April 12, 2006 (February 27, 2006)
- City of Chaska, Hamlets of Lakeshire, April 17, 2006 (March 13, 2006)
- Grant County Board, Grant County CSAH 6 Improvement, April 19, 2006 (March 13, 2006)
- City of Watertown, Echo Development, April 21, 2006 (December 19, 2005)
- Hugo City Council, Del Webb Development, May 1, 2006 (February 27, 2006)

FINAL AUAR ADOPTED

The City of Monticello adopted the Jefferson at Monticello AUAR on April 24, 2006. The Final AUAR dated March 2006 that was submitted for the 10-day review on March 28, 2006 was the document that was adopted. Call Andrea Moffatt at 763-287-7196 with any questions.



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NOTICES

Notice of Public Information Meeting and Public Comment Period

May 9, 2006, 6:30 p.m. – 8:30 p.m.
Midwest Center for Wind Energy
Hendricks, MN 56136

**In the Matter of a Site Permit Application and Draft Site Permit
for the MinnDakota Wind Project in Lincoln County, MN
PUC Docket Number: PT 6530/WS-06-157**

PLEASE TAKE NOTICE that a public information meeting will be held on the application by MinnDakota Wind, LLC, an affiliate of PPM Energy, Inc, to build a 100 megawatt (MW) Large Wind Energy Conversion System (LWECS) in Lincoln County.

Staff of the Minnesota Department of Commerce (DOC) will conduct the public information meeting, and will review the state's wind energy site permitting process and Public Utilities Commission (PUC) draft site permit. A brief presentation about the process and project will begin at 7:00 p.m. Representatives of the MinnDakota Wind, LLC, will be at the meeting to describe the proposed project and answer questions.

Authority for LWECS site permits was transferred to the PUC from the Minnesota Environmental Quality Board on July 1, 2005, and responsibility for conducting the public review process was assigned to the DOC.

Project Description

The MinnDakota Wind project is a LWECS of up to 100 MW and will consist of up to 66 wind turbines. The turbines will be either the GE 1.5 MW or a similar wind turbine in the 1.5-3.0 MW size range mounted on freestanding tubular steel towers. The towers will be between 70 meters (230 feet) and 90 meters (295) in height. The Project will also require a 34.5 kilovolt (kV) electrical collection and feeder system to deliver power from each turbine to the new Yankee Substation, located in section 5 of Verdi Township. Other associated facilities will include pad mounted step-up transformers for each wind turbine, gravel access roads and possibly an operation san maintenance facility. The Applicant expects to begin construction of the MinnDakota Wind project as early as 2006 and be in-service by the end of 2007.

Proposed Site Location

The proposed project site is located in western Lincoln County, northwest of Lake Benton including portions of Drammen, Verdi, Shakotan, and Hendricks townships.

PUC Site Permit Review Process

PPM Energy filed a site permit application on behalf of MinnDakota Wind, LLC, with the PUC on February 21, 2006, and the PUC accepted the Application on March 20. A draft site permit has been issued and is available for public review and comment. The DOC is now reviewing the MinnDakota Wind site permit application under the Wind Siting Act (Minnesota Statutes, sections 116C.691 – 116C.697) and the Wind Permitting Rules (Minnesota Rules, Chapter 4401). Upon completion of the public review requirements, the DOC will present the record of this matter to the PUC for a final permitting decision. The PUC will hold a public hearing on the matter as early as June 2006.

Public Comment Period

Interested persons may comment on the site permit application and the draft site permit at the public meeting or may submit written comments starting April 24 and no later than **May 24, 2006**. Written comments should be directed to the Minnesota Department of Commerce at the address below and should include a heading referring to docket number **PT-6530/WS-06-157**.



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Any person may request a contested case hearing in this matter as described in Minnesota Rul 4401.0550, subp. 5 (A). All contested case hearing requests must be filed with the DOC in writing by **May 25, 2006**.

The site permit application, draft site permit and the agency rules guiding the review process are available on the PUC website at:

<http://energyfacilities.puc.state.mn.us/Docket.html?Id=4967>

Project Contacts

David Birkholz, Project Manager
Department of Commerce
85 7th Place East, Suite 500
St. Paul, MN 55101-2198
651-296-2878
Fax: 651-297-7891
David.birkholz@state.mn.us

Adam Sokolski, Public Advisor
Department of Commerce
85 7th Place East, Suite 500
St. Paul, MN 55101-2198
651-296-2096
Fax: 651-297-7891
adam.sokolski@state.mn.us

Tim Seck, Developer
PPM Energy
2211 Riverwood Place
St. Paul, MN 55104
651-917-9285
timothe.seck@ppmenergy.com

Questions about the project and the PUC permitting process may be directed to Mr. Birkholz or Mr. Sokolski with the DOC staff. Mr. Sokolski has been appointed as the public advisor to assist and advise citizens on how to participate in the site permit process.

Additional Information

Copies of the site permit application for the MinnDakota Wind Project have been distributed to affected landowners, and township, county and state officials. Copies of the application as well as the draft site permit are available for review at the Lincoln County Auditor's in Ivanhoe, MN. All project documents are available on the PUC website above.

Notice of Public Information Meeting and Public Comment Period

Monday May 15, 2006, 6:30 p.m. – 8:30 p.m.
Straight River Township Hall
Menahga, MN 56464

**In the Matter of the Application of GRE and Itasca-Mantrap Cooperative Electrical
Association for a High Voltage Transmission Line Route Permit under the
Alternative Permitting Process
PUC Docket Number: ET2/TL-06-468**

PLEASE TAKE NOTICE that a public information meeting will be held on the application by Great River Energy (GRE) and Itasca-Mantrap to upgrade approximately 2.5 miles of existing 34.5 kV electrical line to a 115 kV High Voltage Transmission Line (HVTL) within existing right-of-way (ROW) between the Itasca-Mantrap RDO Substation in Park Rapids, Minnesota and the GRE "HP" 115 kV HVTL. A portion of the proposed transmission line will include approximately one (1) mile of double circuit 115/34.5 kV line along Trunk Highway 87. In addition, the Applicants propose to upgrade the Itasca-Mantrap RDO substation to allow a 115 kV electrical source.

Staff of the Minnesota Department of Commerce (DOC) will conduct the public information meeting, and will review the state's transmission line alternative permitting process. A presentation about the process and project will begin at 7:00 p.m. Representatives of GRE and Itasca-Mantrap will be at the meeting to describe the proposed project and answer questions.

Authority for transmission line route permits was transferred to the PUC from the Minnesota Environmental Quality Board on July 1, 2005, and responsibility for conducting the public review process was assigned to the DOC.



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PUC Site Permit Review Process

The RDO Project application was accepted and public review procedures were initiated by the PUC on April 20, 2006. The DOC is now reviewing the RDO Project application under the Power Plant Siting Act (Minnesota Statutes, sections 116C.51 – 116C.69) and the Alternative Permitting Process Rules (Minnesota Rules, parts 4400.2000-4400.2950). A public information meeting will be held on May 15th to provide information about the project and to solicit comments on the scope of the Environmental Assessment (EA) to be prepared on the project. The DOC Commissioner will issue a scoping decision that will determine the contents of the EA. The EA will be published and made available to the public. A public hearing will be announced and held prior to the DOC presenting the record of this matter to the PUC for a final permitting decision, which must be made on or before October 20, 2006

Public Comment Period

Interested persons may comment on the route permit application and the scope of issues to be addressed in the Environmental Assessment. Persons may also propose alternate routes to be studied in the EA in accordance with Minnesota Rules, part 4400.2750. Interested persons may comment on the project at the May 15th meeting and/or submit written comments to the DOC no later than **June 2, 2006**. Written comments should be directed to Sharon Ferguson at the Minnesota Department of Commerce at the address below and should include a heading referring to docket number **ET2/TL-06-468**.

All project documents including the route permit application, notices, agency rules guiding the review process, and PUC orders in this matter are available on the PUC website at:

<http://energyfacilities.puc.state.mn.us/Docket.html?Id=18517>

Interested persons can also request to be added to the project mailing list at this website.

Project Contacts

Adam Sokolski, Project Manager
Department of Commerce
85 7th Place East, Suite 500
St. Paul, MN 55101-2198
651-296-2096
Fax: 651-297-7891
adam.sokolski@state.mn.us

Deb Pile, Public Advisor
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St. Paul, MN 55101-2198
651-297-2375
Fax: 651-297-7891
deborah.pile@state.mn.us

Carole Schmidt
Great River Energy
17845 East Highway 10
P.O. Box 800
Elk River, MN 55330
763-241-2272
cschmidt@GREnergy.com

Questions about the project and the PUC permitting process may be directed to Mr. Sokolski or Ms. Pile with the DOC staff. Ms. Pile has been appointed as the public advisor to assist and advise citizens on how to participate in the route permit process.

Additional Information

Copies of the route permit application for the RDO Project are available at the Itasca-Mantrap offices in Park Rapids, or by contacting any of the project contacts above.

Public Meeting Notice – Minnesota Forest Resources Council

The Minnesota Forest Resources Council (MFRC) will meet on Wednesday, May 18, 2006 from 9:30 a.m. – 3:30 p.m. at the MnDOT Arden Hills Training Center located in St. Paul, MN.

For more information please contact Leslie McInenly at 651-603-6761 or go to the calendar on the MFRC website at <http://www.frc.state.mn.us>



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OAH Docket No. 11-2000-17249-2

**STATE OF MINNESOTA
OFFICE OF ADMINISTRATIVE HEARINGS**

FOR THE MINNESOTA DEPARTMENT OF NATURAL RESOURCES

In the matter of the Revocation of the
Private Fish Hatchery License for Spring
Valley Ponds, LLC, and the Public Waters
Restoration and Replacement Order
No. W830836.

**NOTICE AND ORDER FOR
PREHEARING CONFERENCE**

TO: JOHN BONDHUS and SPRING VALLEY PONDS, LLC, and their attorneys, Harry E. Gallaher, Lockridge, Grindall, Nauen, P.L.L.P., Suite 200, 100 Washington Avenue South, Minneapolis, MN 55401-2179.

JOHN BONDHUS AND SPRING VALLEY PONDS, LLC, ARE HEREBY NOTIFIED that the Minnesota Department of Natural Resources ("DNR") has initiated this action as a result of John Bondhus' appeal of DNR's revocation of that part of Bondhus' Private Fish Hatchery License authorizing Spring Valley Ponds, LLC, and his appeal of the Public Waters Restoration and Replacement Order No. 830836.

IT IS HEREBY ORDERED that a contested case prehearing conference will be held on June 5, 2006, at 1:30 p.m., at the Office of Administrative Hearings, 100 Washington Avenue South, Suite 1700, Minneapolis, Minnesota, and that a 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 Neilson, Administrative Law Judge, Office of Administrative Hearings, 100 Washington Avenue South, Suite 1700, Minneapolis, Minnesota 55401-2138, telephone 612-341-7604.

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-.8401, and Minn. State. §§ 17.495 and 103G.251 (2005). 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 attorney for the DNR, David P. Iverson, Assistant Attorney General, 445 Minnesota Street, Suite 900, St. Paul, MN 55101-2127; telephone 651-296-0687, 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 deliberations of the Commissioner or his delegated decisionmaker in this matter. In addition, the Commissioner or his delegate will be advised by an attorney other than David P. Iverson.

ALLEGATIONS

1. Pursuant to Minnesota Statutes section 97C.211, subdivision 1 (2004), a person may not operate a private fish hatchery without a private fish hatchery license issued by the Commissioner of the DNR. Pursuant to Minnesota Rules part 6250.0101 (2005), "[p]rivate fish hatcheries are subject to the provisions for aquatic farms in Minnesota Statutes, chapter 17" Minnesota Statutes section 17.47, subdivision 3 (2004) defines an "aquatic farm" as including "private fish hatcheries licensed under section 97C.211." Pursuant to Minnesota Statutes section 17.4984, subdivision 1(e) (2004), a private fish hatchery license may only be issued if it has been determined by the Commissioner of DNR that the licensed facility "does not have a significant detrimental impact on the public resource."
2. John Bondhus is the owner of Spring Valley Ponds, LLC ("Spring Valley Ponds") a private fish hatchery located in Fillmore County, Minnesota, Bondhus purchased the existing but non-operating fish hatchery in 2003. Upon purchase, Bondhus has the Spring Valley Ponds facility added to his existing Private Fish Hatchery License and Approved Waters List, License No. 90. As a licensed private fish hatchery, Spring Valley Ponds is required to comply with the provisions of Minnesota Statutes sections 17.46-.4999 (2004).



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3. The Spring Valley Ponds facility is located along and is riparian to Spring Valley Creek. Spring Valley Creek is a cold water creek that supports a population of trout that provides recreational angling opportunities. This fishery is dependent upon cold water flowing into the creek from natural spring tributaries located along its length. One such spring tributary is located on the Spring Valley Ponds' property.
4. The Spring Valley Ponds facility historically appropriated water from this cold water spring for its operations. The spring flow was diverted by surface ditches through a series of artificial ponds and ultimately was discharged into Spring Valley Creek through two discharge outfalls.
5. Pursuant to Minnesota Statutes section 103G.005, subdivision 15(10) (2004), regulated public waters include "natural and altered watercourses designated by the commissioner [of DNR] as trout streams." Pursuant to Minnesota Rule part 6264.0050, subpart 4.S(34) (2005), that portion of Spring Valley Creek lying within Section 27, Township 103, Range 13, in Fillmore County, Minnesota, is designated as a trout stream of the state. Spring Valley Creek adjacent to Spring Valley Ponds property lies within this identified location and, consequently, is a public water subject to the regulatory jurisdiction of DNR pursuant to Minn. Stat. ch. 103G (2004). Thus, any work that involves a change in the course, current, or cross section of the creek requires a DNR public waters permit.
6. Pursuant to Minnesota Statutes section 103G.271, subdivision 1 (2004), a public water appropriation permit is required from DNR for any appropriation and use of waters of the states, including use in licensed private fish hatcheries. *See* Minn. Stat. § 103G.005, subd. 17 (2004) ("waters of the state" defined).
7. In approximately August 2003, Bondhus appropriated waters of the state by constructing a concrete structure at the spring head, installing lifters, and diverting the appropriated water through a new underground distribution system. In addition, hatchery pond modifications were made that resulted in the construction of three new outfalls for discharge of the appropriated water into Spring Valley Creek once such water had been routed through the modified pond system. This work was done without a public waters works permit issued pursuant to Minnesota Statutes section 103G.245 (2004) or a water appropriations permit issued pursuant to Minnesota Statutes section 103G.271 (2004).
8. DNR has determined that the unauthorized construction in and appropriation of public waters may have detrimental impact on Spring Valley Creek and its trout fishery by increasing the temperature of the spring water discharged into the creek. Since the above-described work was completed, Spring Valley Ponds has failed to provide DNR with the necessary data to establish that the modifications undertaken without necessary public waters permits will not adversely impact the existing resources, including the trout fishery.
9. By letter dated September 7, 2005, DNR amended Bondhus' existing 2005 Private Fish Hatchery License and Approved Waters List to remove the Spring Valley Ponds facility from his license. By Public Waters Restoration and Replacement Order No. W830836 dated September 8, 2005, DNR ordered Bondhus to restore public waters by, among other things, removing the concrete structure, lifters, distribution system, and outfalls constructed within the spring and creek, and to discontinue appropriating such water for use in the unlicensed hatchery.
10. DNR's actions are supported by reasons including, but not limited by, the following:
 - a. Minnesota Statutes section 17.4984, subdivision 1(e) (2004) states that a Private Fish Hatchery License may only be issued if the facility "does not have a significant detrimental impact on the public resource." Spring Valley Ponds has not provided DNR with sufficient data for the agency to conclude that the unpermitted modifications to the spring tributary and its flow will not have a detrimental impact on Spring Valley Creek and, in particular, the creek's trout fishery.
 - b. Minnesota Rule part 6115.0200, subpart 1.A (2005) states that it is a goal of DNR to limit excavation in public waters to "preserve the natural character of public waters and their shorelines, in order to minimize encroachment, change, or damage to the environment, particularly the ecosystem of the waters." *See also* Minn. R. 6115.0210, subp. 1.A (2005) (similar standard for the placement of structures in public waters). DNR has determined that the work performed by Spring Valley Ponds is inconsistent with this goal as it has not been shown what the unauthorized work will preserve the natural character of Spring Valley Creek and the existing trout fishery.
 - c. Minnesota Rule part 6115.0200, subpart 3.C (2005) prohibits excavation in public waters that may be "detrimental to significant fish and wildlife habitat" *See also* Minn. R. 6115.0210, subp. 3.B (2005) (same standard for the placement of structures in public waters). DNR has determined that the work performed by Spring Valley Ponds is prohibited as it may have a detrimental impact on the trout fishery in Spring Valley Creek.
 - d. Minnesota Rule part 6115.0200, subpart 5.C (2005) requires that the excavation in public waters present the minimal impact solution to a specific need and not exceed more than a minimum encroachment, drainage, or damage to the environment, particularly the ecology of the waters. *See also* Minn. R. 6115.0210, subp. 5.A



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- and B (2005) (same standards for the placement of structures in public waters); Minn. R. 6115.0230, subp. 5.A (2005) (similar standard for the construction of outfalls in public waters). DNR has determined that the work performed by Spring Valley Ponds exceeds the minimal impact solution to meet the needs of the hatchery operation and unreasonably endangers the ecology of the waters of Spring Valley Creek
- e. Minnesota Rule part 6115.0670, subpart 5.B (2005), states that placement of outfalls in public waters may only be permitted where “adverse effects on the physical or biological character of the waters are subject to feasible and practical measures to mitigate the effects.” DNR has determined that Spring Valley Ponds had failed to demonstrate feasible and practical measures to mitigate adverse effects to Spring Valley Creek resulting from its unauthorized work.
 - f. Minnesota Rule part 6115.0670, subpart 2.A(6) (2005) requires DNR to consider, when reviewing a proposed water appropriation, “the quantity, quality, and timing of any waters returned after use and the impact on the receiving waters involved.” DNR has determined that the discharge of the spring waters appropriated by Spring Valley Ponds into Spring Valley Creek could have a detrimental impact by increasing the temperature of the receiving waters.
 - g. Minnesota Rule part 6115.0670, subpart 2.B(3) (2005) requires DNR to consider the impact of a proposed water appropriation on the “aquatic system of the watercourse, ... and existing fish and wildlife management within the watercourse.” DNR has determined that the appropriation, use, and subsequent discharge of spring water as proposed by Spring Valley Ponds could have a detrimental impact on Spring Valley Creek and its trout fishery.
 - h. Minnesota Rule part 6115.0670, subpart 3.A(3) (2005) states that non appropriation permit shall be issued by DNR if “the appropriation is not reasonable, practical, and does not adequately protect public safety and promote the public welfare.” DNR has determined that the proposed appropriation is not in the public’s interest due to its possible detrimental impact on Spring Valley Creek.
11. Pursuant to Minnesota Statutes section 17.495 (2004) and 103G.251, subdivision 2(c) (2004), Bondhus timely appealed DNR’s regulatory actions by letter dated September 30, 2005.

ISSUES

1. Whether DNR’s removal of the Spring Valley Ponds facility from John Bondhus’ 2005 Private Fish Hatchery License and Approved Waters List is consistent with applicable law, specifically Minnesota Statutes section 17.4984, subdivision 1(e) (2004).
2. Whether DNR’s Public Waters Restoration and Replacement Order No. W830836 is consistent with applicable law, specifically Minnesota Statutes §§ 103G.245, .251 and .271 (2004).

The relevant statutes and rules include, but need not be limited to, Minnesota Statutes section 17.46-.4999, section 103G.245, section 103G.271 (2004) and Minnesota Rule 6115.0150-.0232, 6115.0600-.0810, and 6250.0101 (2005).

ADDITIONAL NOTICE

1. Respondent’s failure to appear at the prehearing conference may result in a finding that the Respondent is in default, that the Department of Natural Resources 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 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 appear 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 Department of Natural Resources’ attorney.
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.



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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 in to the record, it may become public data unless an objection made and relief is requested under Minn. Stat. § 14.60, subd. 2 (2004).
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 (2005). 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 to that mediation can be scheduled promptly.
8. The Office of Administrative Hearings conducts contested case proceeding 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. Pursuant to Minnesota Rules 1400.5100, subpart 3a, and 1400.5500 (2005), filing may be accomplished by mail, deliver, fax or licensed overnight express mail service. The fax number for the Administrative Law Judge is 612-349-2665.
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 required 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).

Notifications of Release of Genetically Engineered Organisms

File Number	Company	Crop	Project	County
06-NO-042	University of Minnesota	Arabidopsis thaliana	Visual marker	Ramsey
06-NO-043	Syngenta	Corn	Herbicide tolerance	Goodhue
06-NO-044	Monsanto	Corn	Herbicide tolerance	Rice, Clay
06-NO-045	University of Minnesota	Corn	Altered gene expression	Ramsey

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 .

**NOTICE OF APPLICATION
FOR A PIPELINE ROUTING PERMIT
AND
OPEN HOUSE & PUBLIC INFORMATION MEETINGS**

**Application of CenterPoint Energy
For a
Pipeline Routing Permit
For the
Riverside Pipeline Project**



May 8, 2006



PUC Docket No. G008/GP-06-426

PLEASE TAKE NOTICE that the Minnesota Department of Commerce (DOC) will hold public information meetings/open houses at the places and times identified below, concerning the application submitted by CenterPoint Energy Resources Corp (formerly Minnegasco), doing business as CenterPoint Energy Minnesota Gas for a pipeline routing permit to construct a 16.3-mile natural gas pipeline originating at the Northern Natural Gas (Northern Natural) Town Border Station (TBS) located in the city of Andover in Anoka County and terminating at the Xcel Energy Riverside Power Plant located in Northeast Minneapolis in Hennepin County.

OPEN HOUSE & PUBLIC INFORMATION MEETING SCHEDULE

Hennepin County-May 23, 2006	Anoka County - May 24, 2006
RiverVillage East	Springbrook Nature Center
2919 Randolph Street NE	6431 University Ave., NE
Minneapolis, MN	Fridley, MN 55432
Afternoon Session	Afternoon session
2:00-3:00 p.m. Open House	2:00-3:00 p.m. Open House
3:00 p.m. Public Meeting	3:00 p.m. Public Meeting
Evening Session	Evening session
6:00-7:00 p.m. Open House	6:00-7:00 p.m. Open House
7:00 p.m. Public Meeting	7:00 p.m. Public Meeting

Staff of the Minnesota Department of Commerce (DOC) will conduct the public meetings and review the state’s pipeline permitting process and how they public may be involved. In conjunction with the DOC information meetings, CenterPoint Energy will hold an open house prior to each public meeting to answer questions and provide the public with information about the project.

Please note that the authority for pipeline routing permits was transferred to the Minnesota Public Utilities Commission from the Minnesota Environmental Quality Board on July 1, 2005, and responsibility for conducting the public review process was assigned to the DOC.

Project Description

The proposed pipeline will have an outside diameter of 20-inches and an operating pressure of 550 pounds per square inch (psi). The pipeline will be buried underground and primarily within existing rights-of-way in the cities of: Andover, Coon Rapids and Fridley (Anoka County); and Minneapolis (Hennepin County). CenterPoint Energy plans to have the pipeline in service by December 2008.

Project Location

The proposed 16.3-mile natural gas pipeline will begin at a new Northern Natural Gas Company (Northern Natural) Town Border Station located adjacent to an existing Northern Natural facility in the city of Andover near the intersection of 148th Street and Prairie Road. The pipeline will traverse north approximately 200 feet to 148th Street. The pipeline will then go west along the 148th Street



May 8, 2006



right-of-way for approximately 2,500 feet. The pipeline will continue west for approximately 600 feet until reaching the Burlington Northern Santa Fe Railroad right-of-way. The pipeline will then traverse south generally outside but adjacent to the railroad right-of-way for approximately 11.4 miles. Next, the pipeline will go west approximately 600 feet to the intersection of Island Park Drive NE and East River Road. The pipeline will continue south along the East River Road for approximately 4.1 miles until reaching Xcel Energy's Riverside Power Plant facility on the east shore of the Mississippi River approximately 4 miles north of downtown Minneapolis (Hennepin County). See accompanying map.

PUC Pipeline Routing Permit Requirements

The PUC is reviewing this project pursuant to the requirements of the Pipeline Routing Rules (Minnesota Rules, Chapter 4415). This set of rules contains two different types of review procedures for a pipeline routing permit. CenterPoint Energy is seeking review under the shorter of the two review processes contained in the rules, referred to as a partial exemption from pipeline route selection procedures. Both review procedures require the applicant to submit the same information; however, the shorter process does not require the applicant to identify an alternative route and does not require a contested case hearing.

The Department of Commerce (DOC) will hold public information meetings to provide information on the permitting process and to receive information to assist the PUC in determining whether to grant or deny the partial exemption application. The public information meetings are scheduled for the times and places listed above. Representatives from other governmental agencies may be present to discuss their oversight of the project. A more detailed explanation of the proposed project is contained in the application for a partial exemption from pipeline route selection procedures filed with the PUC. Copies of CenterPoint Energy's application pipeline routing rules and the pipeline routing act will be available at the information meetings/open houses and on the PUC website listed below.

In deciding whether to grant or deny the partial exemption, the PUC shall consider comments that are filed with the DOC, the record of the public information meetings, and the information contained in the application relevant to the criteria for a partial exemption. Any person may file comments with the PUC stating reasons why the PUC should grant or deny the partial exemption. **All comments should be submitted to the PUC by June 14, 2006.** If the PUC grants the partial exemption application, it will also issue a pipeline routing permit. If the partial exemption is denied, the applicant may request that the PUC continue processing its application under full pipeline route selection procedures.

Public Comments

The public has until 4:30 p.m. on June 14, 2006, to submit written or fax (651-297-1959) comments on this project. **Please include the following docket number (G008/GP-06-426).** Comments should be directed to Sharon Ferguson, Department of Commerce, 85 7th Place East, Suite 500, St. Paul, MN 55101-2198.

DOC Project Contacts

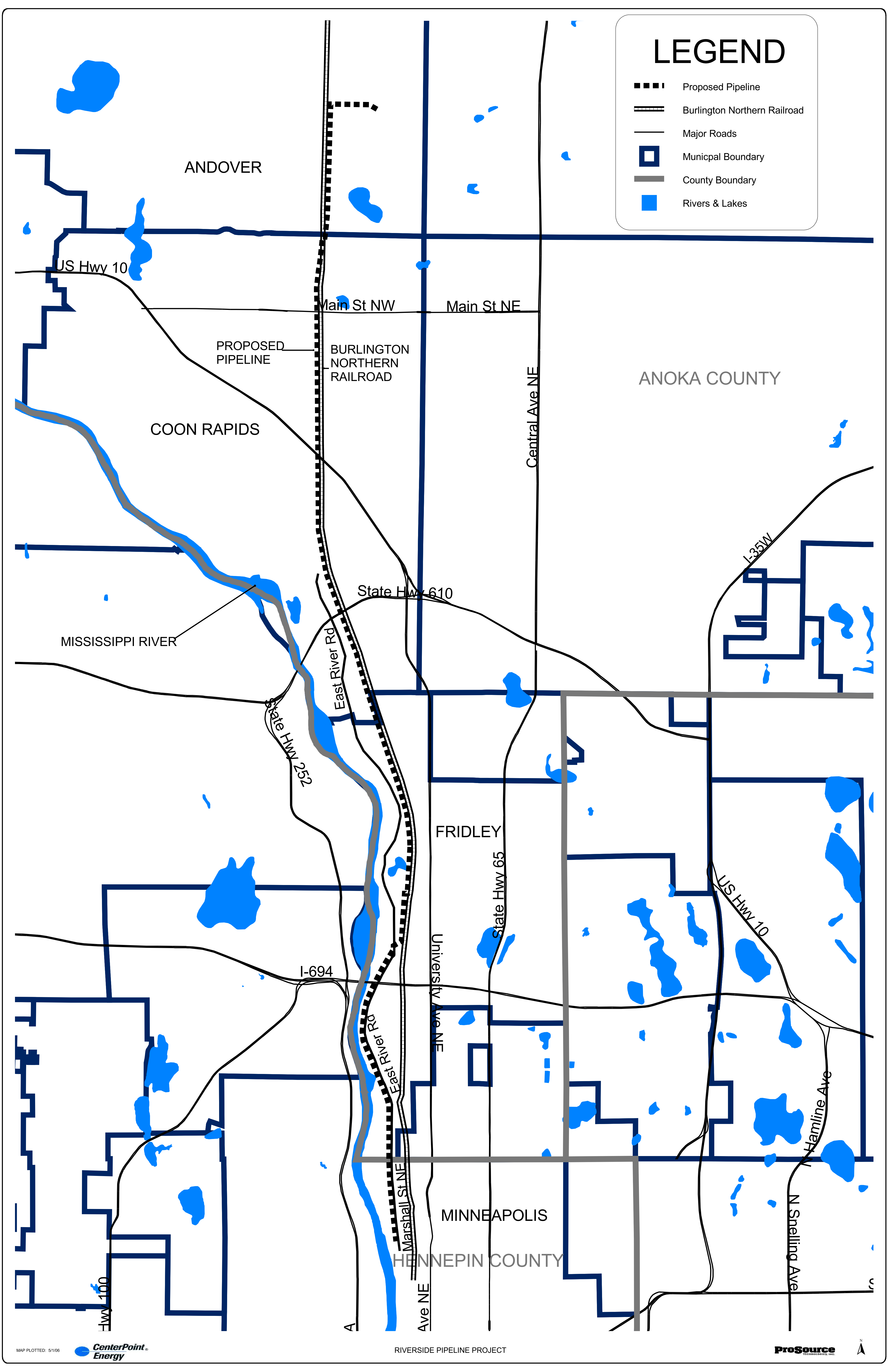
To ask questions or seek further information about this proposed project from the DOC, please contact Larry Hartman (Tel: 651-296-5089 or larry.hartman@state.mn.us) or Jeffrey Haase (Tel: 651-297-6548 or jeffrey.haase@state.mn.us).

Project Information

For electronic access to all public documents in this proceeding see the PUC website at: <http://energyfacilities.puc.state.mn.us/Docket.html?Id=18522> or eDockets (06-426) at: <http://www.edockets.state.mn.us>. If you would like to have your name added to the mailing list for this project you may register online at the project website listed above or contact the DOC staff at the address above.

LEGEND

- Proposed Pipeline
- Burlington Northern Railroad
- Major Roads
- Municipal Boundary
- County Boundary
- Rivers & Lakes



ANDOVER

ANOKA COUNTY

FRIDLEY

MINNEAPOLIS

HENNEPIN COUNTY

US Hwy 10

Main St NW

Main St NE

PROPOSED PIPELINE

BURLINGTON NORTHERN RAILROAD

COON RAPIDS

MISSISSIPPI RIVER

State Hwy 610

State Hwy 252

I-694

University Ave NE

State Hwy 65

US Hwy 10

I-35W

Hamline Ave

N Snelling Ave

Hwy 100

Ave NE



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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>
