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Submittal Deadline: October 2, 2006

EQB MONITOR

ENVIRONMENTAL ASSESSMENT WORKSHEETS

EAW Comment Deadline: October 25, 2006

Project Title: Data Park Expansion –Minnetonka, MN

Description: UnitedHealth Group is proposing a redevelopment of 9701 Data Park Drive, which will consist of two office buildings totaling 650,000 square feet and two parking structures which will park approximately 3,600 vehicles. The project will be constructed in at least two phases.

RGU: City of Minnetonka

Contact Person:
Ron Rankin
City of Minnetonka
14600 Minnetonka Blvd.
Minnetonka, MN 55345
Phone: 952-939-8282
Fax: 952-939-8244
rrankin@eminnetonka.com

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: Ronneby Quarry

Description: Construction of a granite quarry within Sections 17 and 20 of Granite Ledge Township (T38N, R28W) of Benton County. The proposed quarry will encompass approximately 135 acres of a 380-acre site. Site activities include excavation, blasting, crushing, screening, washing, stockpiling, hauling, and sale of product.

RGU: Benton County

Contact Person:
Chelle Benson, AICP
Director, Department of Development
531 Dewey Street, PO Box 129
Foley, MN 56329
Phone: 320-968-5065

Project Title: VeraSun Welcome, LLC, Ethanol Facility

Description: VeraSun Energy Corporation proposes to construct a dry mill, corn-to-ethanol production facility (VeraSun Welcome, LLC) near Welcome, in Martin County. The maximum production capacity will be 118 million gallons of undenatured ethanol per year. The facility would also produce 320,000 tons per year of Dried Distiller's Grains with Solubles and up to 190,000 tons per year of Wet Distillers Grains with Solubles for use as animal feed. Thermal oxidizers will control air emissions from grain drying. A copy of the Environmental Assessment Worksheet will be posted on the Minnesota Pollution Control Agency Web site, at the following: http://www.pca.state.mn.us/news/eaw/index.html.

RGU: Minnesota Pollution Control Agency

Contact Person:
Barbara Jean Conti, Project Manager
Environmental Review and Operations Section
Regional Division
Minnesota Pollution Control Agency
520 Lafayette Road No.
St. Paul, MN 55155
Phone: 651-296-6703

Project Title: Duluth Historic District Renaissance Project

Description: This project will rehabilitate two significant structures within Duluth's new historic district. It will remove one substandard structure and utilize that land and adjacent blighted vacant lots to construct new infill housing. The project represents sustainable development and historic preservation on a blighted block of the downtown.

RGU: City of Duluth

Contact Person:
Robert Bruce, Director of Planning & Development
411 E 1st St., Room 402
Duluth, MN 55802
Phone: 218-730-5580
Fax: 218-730-5904
bbruce@ci.duluth.mn.us

Project Title: Wal-Mart Supercenter

Description: The proposed development consists of a 210,000 square foot retail center with 25,500 square feet of outdoor sales area including a garden center and seasonal sales area, and three lots reserved for future commercial development on 26.3 acres. Associated public utility and infrastructure improvements are proposed to serve the site.

RGU: City of Grand Rapids

Contact Person:
Rob Mattei, Community Development Director
420 No. Pokegama Ave.
Grand Rapids, MN 55744
Phone: 218-326-7622
Fax: 218-326-7621

Project Title: County State Aid Highway (CSAH) 42/11/34 Improvements

Description: County State Aid Highway (CSAH) 42 (from south of Le Homme Dieu Drive to CR 120), CSAH 11 (from CSAH 42 to 700' north of CSAH 34), and CASH 34 (from CSAH 11 to 1200' west) are proposed to be reconstructed. The existing two-lane rural roadway will be reconstructed to meet State Aid standards and local traffic needs. Phase I construction is proposed to be on CSAH 42 from South Le Homme View Drive to 1300' north of CSAH 11 intersection and CSAH 11 from CSAH 42 to the Carlos-Darling Bridge, for a total length of approximately 1.2 miles in 2007. Located in Douglas County, Minnesota.

RGU: Douglas County

Contact Person:
David M. Robley, County Engineer
PO Box 398
Alexandria, MN 56308
Phone: 320-763-6001
Fax: 320-763-7955

DRAFT EA AVAILABLE

Project Title: Mankato Regional Airport for runway expansion 15-33

Description: The City of Mankato proposes to extend runway 15-33 at the Mankato Regional Airport. The proposed project is to expand runway 15-33 and parallel taxiway 1,200 feet to the northwest. The proposed project would lengthen the runway and taxiway from 5,400 feet to 6,000 feet. The runway would be 100 feet wide and the taxiway 50 feet wide.

The City of Mankato and the Federal Aviation Administration solicit your input on this environment document. The Mankato Regional EA review has followed the guidelines of the National Environmental Policy Act, and the document discusses the social, economic, and environmental consequences of the proposed action.

Copies of the document may be found at www.ci.mankato.mn.us, Mankato City Hall; Blue Earth County Library; Region 9 Development Commission offices; and the Mankato Regional Airport, North Star Aviation.

Public comment period runs from September 9 to October 19, 2006. Comments should be sent to George Rosati or Tom Jenson

RGU: City of Mankato

Contact Person:
George Rosati
City of Mankato
10 Civic Center Plaza

Tom Jensen, FAA
6020 28th Ave. So., Room 102
Minneapolis, MN 55450

DRAFT EIS AVAILABLE

Project Title: Olmsted County Waste-to-Energy Facility

Description: The Minnesota Pollution Control Agency (MPCA) has prepared a Draft Environmental Impact Statement (EIS) on the proposal to expand the Olmsted County Waste-to-Energy Facility, located in Rochester, Minnesota. Olmsted County Public Works is proposing to install one new municipal waste combustor (MWC) with a proposed capacity of 200 tons per day, doubling the existing capacity.

The proposed project also involves an additional steam turbine generator with a five-megawatt gross rating. The proposed MWC Unit 3 would operate in a cogeneration mode, simultaneously producing steam for district

heating/cooling and electrical power. A new condenser and cooling tower will be installed to serve as the related heat sink. New "balance-of-plant" auxiliary equipment will be installed to serve the proposed MWC Unit 3, including new boiler feed pumps, new condensate pumps, and a new de-aerating feed tank.

The Draft EIS contains a human health risk assessment that was conducted to evaluate health impacts from the proposed expansion of the OWEF, an alternative analysis, and an evaluation of the economic and social impacts.

The public comment period on the Draft EIS will end October 31, 2006. The MPCA will host a public hearing from 6-8 p.m. on Tuesday, October 17, to discuss the draft EIS for the OWEF. The hearing will be held in the Olmsted County Government Center board room, 151 4th St. SE, Rochester.

The event will include an open house from 6-6:30 p.m., followed by a formal presentation at 6:30. A question and answer session is scheduled after the presentation. A court reporter will be on hand to prepare a written record of the proceedings. Written comments will also be accepted at the hearing. All comments made in connection with the Draft EIS during the hearing and throughout the public notice period become part of the public record.

Timely comments on the Draft EIS will be responded to in a written response document that will, along with any needed revisions, be incorporated into the Final EIS. The Final EIS will be publicly distributed and then brought to the MPCA Citizens' Board (Board) for a decision on the adequacy of the EIS. All persons on the project mailing list will be notified in advance of the Board adequacy decision meeting.

A copy of the Draft EIS will be posted on the Minnesota Pollution Control Agency Web site at: http://www.pca.state.mn.us/news/eaw/index.html.

RGU: Minnesota Pollution Control Agency

Contact Person:
Denise Leezer, Project Manager
Environmental Review and Operations Section
Regional Division
Minnesota Pollution Control Agency
520 Lafayette Road No.
St. Paul, MN 55155
Phone: 651-297-8236

PETITION 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.

- Pope County, Flolos Sunny Hill residential project

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, Citizen Petition for EAW for Flolos Sunny Hill, Petition Withdrawn
- Douglas County Board of Commissioners, Van Zee Elk Lake, Denied
- Itasca County, Pet Crematory, Lake Jessie Township, Ordered

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*.

- Pequot Lakes City Council, RV Resort Village at the Preserve, September 5, 2006 (June 5, 2006)
- City of Litchfield, Jewett Creek Crossing, July 17, 2006 (April 24, 2006)
- City of Litchfield, Nature's Edge, July 17, 2006 (April 24, 2006)
- Douglas County Board of Commissioners, The Woods at Miltona, September 12, 2006 (July 31, 2006)
- Washington County Board of Commissioners, Disabled Veteran's Rest Camp, September 5, 2006 (June 19, 2006)
- Minnesota Pollution Control Agency, Hancock Wastewater Treatment Facility Improvement Project, September 8, 2006 (July 31, 2006)
- Washington County, Washington County State Aid Highway (CSAH) 13 in the City of Woodbury, September 5, 2006 (July 3, 2006)
- Benton County, CSAH 29/8 Connector Project, August 1, 2006 (June 19, 2006)
- County Board of Commissioners, Vesterra Gravel Mine, September 5, 2006 (June 19, 2006)

AUAR AVAILABLE

Project Title: Northwest Carver AUAR

Description: The Northwest Carver AUAR area consists of 520 acres in Dahlgren Township, Carver County. The area is west of CSAH 11 and south of TH 212. The township has authorized the City of Carver to act as the RGU for the AUAR. Proposed land uses include residential and commercial uses.

RGU: City of Carver

Contact Person:
Cindy Olness, AICP
Collaborative Planning, LLC
17215 33rd Ave. No.
Plymouth, MN 55447
Phone: 763-473-0569
Fax: 763-473-0659

cmolness@comcast.net

Project Title: Southwest Carver AUAR

Description: The Southwest Carver AUAR area consists of 1716 acres in Dahlgren Township, Carver County, west of the city of Carver. The township has authorized the city to act as the RGU for this AUAR. Proposed land uses include residential and small areas of commercial and public uses.

RGU: City of Carver

Contact Person:
Cindy Olness, AICP
Collaborative Planning, LLC
17215 33rd Ave. No.
Plymouth, MN 55447
Phone: 763-473-0569
Fax: 763-473-0659
cmolness@comcast.net

NOTICES

Notice of Proposed Transmission Line And Public Information Meeting

In the Matter of the Application for a Certificate of Need and a Route Permit for a 115 Kilovolt High Voltage Transmission Line from Appleton to Canby, Minnesota

MPUC Docket Number E017/CN-06-677(CN) & E017/TL-06-1265(Route)

PLEASE TAKE NOTICE that the Minnesota Department of Commerce (DOC) will conduct a public information meeting at the time and location listed below on the proposed project. The purpose of the meeting is to provide information to the public about the proposed transmission line project and to identify issues and route alternatives to study in an Environmental Assessment (EA) to be prepared by the Department. The EA will consider issues relating both to the need for the Project, including size, type, timing, voltage and system configurations, and also to issues related to routing, such as construction impacts, environmental features, use of existing rights-of-way, and impacts on homeowners.

Public Information Meeting Date

Date	Place	Conduct
October 4, 2006	Dawson City Hall 675 Chestnut Dawson, Minnesota	An open house will start at 4:30 pm A brief presentation will begin at 5:30 pm.

The public information meeting will follow an open-house format, with a brief presentation commencing at 5:30 pm. The public is invited to review the applications and proposed route, learn more about the Public Utilities Commission (PUC) process and ask questions. The public may propose additional routes to be considered for the new transmission line and propose issues to be addressed in the EA. The DOC will accept written comments on the project and the scope of the EA until October 13, 2006. Comments should be mailed or e-mailed to Sharon Ferguson, Docket Manager, at 85 7th Place East, Suite 500, St. Paul, Minnesota, 55101-2198 or sharon.ferguson@state.mn.us.

Upon completion of the Environmental Assessment the PUC will conduct a public hearing on the project. Separate notice will be given regarding the time and place of that hearing.

Project Description

Otter Tail Power Company is proposing to construct a 115 kV transmission line along the same route that is presently occupied by a 41.6 kV line. A map showing the proposed route for the line is included with the enclosed Executive Summary. The project involves replacing the power poles between the Dawson substation and the Appleton substation, a distance of approximately 21 miles, replacing one mile of poles west of Dawson near the intersection of highways 212 and 75, routing the line into the Canby substation, and energizing the line to 115 kilovolt operation. The Dawson substation will be expanded slightly, and while work will be required at other substations, these substations will not be expanded in size.

The company will require a right-of-way of 40 feet where the line parallels a road or highway and 80 feet where the line does not. Otter Tail Power already has easements with landowners along the existing route, but the company intends to negotiate new easements where new poles have to be installed.

Project Contacts and Information

For more information about the process, the project or to place your name on the project mailing list, contact the DOC project manager, Jeffrey Haase (Tel: 651-297-5648 or jeffrey.haase@state.mn.us) or Deborah Pile, (Tel: 651-297-2375 or deborah.pile@state.mn.us) Department of Commerce, 85 7th Place East, Suite 500, St. Paul, Minnesota 55101-2198. 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.

Persons interested in receiving notices and other announcements about the project should contact Mr. Haase at the above address and phone number or register their names and addresses with the Commission electronically through the Project Docket webpage at:

http://energyfacilities.puc.state.mn.us/Docket.html?Id=18663

Copies of the Application and other relevant documents, including Minnesota Rules governing the process, are available through the Project Docket webpage listed above and at:

http://energyfacilities.puc.state.mn.us/TransmissionLines.html

General project information may also be obtained by writing to Mr. Al Koeckeritz, Project Manager, at Otter Tail Power Company, 215 South Cascade Street, Fergus Falls, Minnesota 56538, or by emailing akoeckeritz@otpco.com.

A paper copy of the Application is also available at the city halls in Canby, Dawson, and Appleton.

NOTICE OF ROUTE PERMIT FOR GREAT RIVER ENERGY RDO 115 kV TRANSMISSION PROJECT

RE: PUC issues a Route Permit to Great River Energy and the Itasca-Mantrap Cooperative Electrical Association for a 115 kilovolt High Voltage Transmission Line in Hubbard County. (PUC Docket No. ET2/TL-06-468)

The Minnesota Public Utilities Commission has taken action to designate a route and issue a route permit for the proposed 115 kV high voltage transmission line from the RDO Substation to the GRE "HP" 115 kV transmission line in Hubbard County. The Commission issued its Order and the route permit on September 8, 2006.

The Order authorizes a route permit for the proposed 2.5 mile transmission line. The route will begin at the RDO Substation in Straight River Township Section 12 and follow GRE's existing 34.5 kV ROW east along 150th Street approximately one-half mile until the existing line turns south. The route will follow the existing line alignment as close as practicable southward approximately one mile to Minnesota Trunk Highway 87. GRE may acquire additional ROW width in this segment not to exceed 100 feet total. The route will cross from the north side to the south side of TH 87 near the half section line in Straight River Township Sections 12 and 13. Upon crossing TH 87, the route turns east and runs generally parallel to TH 87 for approximately one mile to the GRE "HP" 115 kV transmission line in Hubbard Township Section 18. GRE is permitted to acquire up to 100 feet of new ROW in this segment. GRE shall place transmission line structures no more than 10 feet outside of the TH 87 clear zone or ROW from the point the line crosses TH 87 to the point it meets the existing GRE 34.5 kV ROW east of 159th Avenue. East of 159th Avenue, GRE shall place structures as close as practicable to existing structures. The line in this segment will be double-circuit 115 kV and 34.5 kV.

The route permit for the project contains conditions for site preparation, construction, cleanup, restoration, electrical performance standards, and other restrictions. The route permit and other information about this project may be reviewed on the PUC website:

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

If you have any questions about this project or would like more information, please contact: Adam M. Sokolski, Department of Commerce, Energy Facility Permitting, 85 7th Place East, Suite 500, St. Paul, Minnesota 55101-2198; telephone 651-296-2096; TTY 1-800-657-3794; fax 651-297-7891; or e-mail adam.sokolski@state.mn.us.

NOTICE OF PUBLIC MEETINGS AND PUBLIC HEARINGS

BEFORE THE

MINNESOTA PUBLIC UTILITIES COMMISSION

In the Matter of the Application of Otter Tail Power Company and Others for Certification of Transmission Facilities in Western Minnesota; OAH 12-2500-17037-2; MPUC Docket No. CN-05-619, and

In the Matter of the Application to the Minnesota Public Utilities Commission for a Route Permit for the Big Stone Transmission Project in Western Minnesota; OAH 12-2500-17038-2; MPUC Docket No. TR-05-1275

Topics of this notice

This notice provides the dates, starting times and locations for the public information meetings and public hearings for two matters over which the Minnesota Public Utilities Commission (PUC) has jurisdiction. These two matters include: 1) The application by Otter Tail Power and six additional companies (Applicants), for a Certificate of Need for a High Voltage Transmission Line (HVTL) known as the Big Stone Transmission Project and 2) an application for an HVTL Route Permit for the project.

The overall purpose of the proceeding for the Certificate of Need (CN) is to determine whether the proposed transmission line is needed and in the public interest. The purpose of the Route Permit is to assess and determine the location of the HVTL, considering the impact that the proposed project will have on people and the environment.

This notice also provides a description of the issues to be considered at the public hearings and the procedural requirements of the Office of Administrative Hearings for public hearings on large energy facilities.

If you have an interest in this project, please read this notice and contact the appropriate person identified in this notice if you have any questions.

General Information Regarding The Project

The Applicants are proposing to construct two new high voltage transmission lines in Western Minnesota. The new transmission lines will serve two purposes: 1) provide an outlet for power to be generated at a proposed new 600 megawatt unit to be constructed at the Big Stone Power Plant in South Dakota, and 2) increase the transmission capacity and improve reliability of the electric transmission system in the Buffalo Ridge area in Minnesota and South Dakota.

One new transmission line would run from the Big Stone Substation to the Morris Substation near Morris, Minnesota, a total of approximately 48 miles, about 43 miles of which are in Minnesota. The other transmission line would run from Big Stone Substation to the Granite Falls Substation in Granite Falls, Minnesota, a distance of approximately 90 miles, 54 miles of which would be in Minnesota. The Morris line would be constructed at 230 kilovolts (kV). The Granite Falls line would be constructed at 345 kV but operated initially at 230 kV. In addition, modification of several substations and existing transmission facilities will also

be required as part of the Project. Also, in its Certificate of Need Application the Applicants identified an alternative to the Morris line – a 230 kV line to the Willmar Substation at Willmar, Minnesota. This line would be approximately 80 miles long.

The Applicants have identified both a preferred route for each transmission line and at least one alternative route. Two different border crossings have been identified for the Granite Falls line.

Authority And Statement Of Issues To Be Decided

The Minnesota Public Utilities Commission is authorized by Minn. Statute 216B.243, subd. 2, to issue a Certificate of Need for a large energy facility if the applicant can prove there is a need for the project. A Certificate of Need is a state permit issued upon a determination that construction of an energy facility is in the public interest.

The Minnesota Public Utilities Commission is authorized by Minn. Statute 116C.57, subd. 2, to designate routes and issue routing permits for designated routes. When the PUC designates a route, it issues a permit for the construction of a high voltage transmission line specifying the design, routing, right-of-way preparation, and facility construction it deems necessary, along with any other appropriate conditions.

The PUC is required by Minn. Statutes 116C.57, subd. 2d, and 216B.243, subd. 4, to hold public hearings and by Minn. Rule 4400.1700, subp 8, to hold public information meetings on the Draft Environmental Impact Statement (DEIS).

Public Information Meetings

Prior to the formal hearings, the Minnesota Department of Commerce (DOC) will conduct informal public information meetings at the times and locations listed below. The purpose of the meetings is to provide background information on the proposed Big Stone Transmission Project, the Certificate of Need process, the Route Permit process and the hearing process. At the information meetings, DOC representatives will explain how the public may participate in each of the processes and answer questions.

DOC will also receive comments and answer questions about the DEIS at the public information meetings. Comments on the DEIS can be submitted to DOC until October 31, 2006. Substantive comments received by that date will be addressed and incorporated into a final EIS that will be completed and available on December 1, 2006. At the conclusion of each Public Information Meeting, which is expected to last approximately 30 minutes, the public hearing will begin.

Public Hearing

An Administrative Law Judge (ALJ) from the Minnesota Office of Administrative Hearings will hold public hearings for the PUC to establish a complete and accurate record regarding the two Big Stone Transmission Project proceedings (Certificate of Need and Route Permit) that require PUC approval. Any person who would like to comment on the Certificate of Need or the routes proposed by the Applicants can do so at any of the scheduled public hearings or in writing to the ALJ (see below).

Administrative Law Judge

Steve M. Mihalchick and Barbara L. Neilson will preside at the hearings. Judge Mihalchick's and Judge Neilson's address is Office of Administrative Hearings, 100 Washington Square, Suite 1700, Minneapolis, MN 55401-2138, Fax: 612-349-2665. Judge Mihalchick can be reached at 612-349-2544 or steve.mihalchick@state.mn.us. Judge Neilson can be reached at 612-341-7604 or barbara.neilson@state.mn.us.

Information Meeting and Public Hearing Schedule

City	Information Meeting and Public Hearing	Date and Time*
Benson	DS Lageson's Country Inn & Suites 300 14th St. S.	October 9, 2006 1 p.m. & 6 p.m.
Morris	UM, Science Auditorium, Room 2950 Science Bldg. 600 E 4 St.	October 10, 2006 1 p.m. & 6 p.m.
Ortonville	Matador Supper Club 778 US Hwy. 75	October 11, 2006 1 p.m. & 6 p.m.
Canby	Canby Community Center, City Hall 110 Oscar Avenue North	October 12, 2006 1 p.m. & 6 p.m.
Granite Falls	Kilowatt Center Room 107 600 Kilowatt Dr.	October 13, 2006 1 p.m. & 6 p.m.
St. Paul	MPUC Large Hearing Room 121 7th Place E, Ste 300	October 16, 2006 1 p.m. & 6 p.m.
	Evidentiary Hearing	
St. Paul	MPUC Hearing Rooms 121 7th Place E, Ste 300	December 5-15, 2006, 9 a.m.

*NOTE: Each hearing session will continue until all persons have had the opportunity to present evidence and question witnesses. If needed, the hearing may be recessed and continued by the ALJ, and additional hearing dates may be established by the ALJ in accordance with Minnesota Rules 1405.1400 to 1405.2300.

Conduct Of Hearing

The ALJ will conduct the public hearings in accordance with the Office of Administrative Hearings process (Minnesota Rules Chapter 1400) and in accordance with PUC's energy facility permitting process (Minnesota Rules Chapter 1405). Copies of the rules are available to review online at http://www.revisor.leg.state.mn.us/arule/1400.html and will be available at the public meetings and hearings. Copies may also be obtained from the Department of Commerce as described below.

At the start of each hearing session, the ALJ will explain the procedural rules for the hearing, including the following: a) all persons may present evidence and argument with respect to issues and may question witnesses; b) all persons may be represented by legal counsel, but such representation is not required; and c) the rules of evidence.

Questioning of witnesses is allowed, and will be conducted in a sequence determined by the ALJ.

A person will be allowed to participate without the necessity of intervening as a party. Participation includes: a) offering direct testimony with or without benefit of oath or affirmation and without the necessity of prefiling testimony; b) offering direct testimony or other material in written form at or following the hearing; and c) questioning witnesses. Any person who wishes to question a witness but does not want to ask the questions

may submit questions in writing to the ALJ, who will then ask the questions of the witness. Questions may be submitted during the hearing or may be sent to the ALJ in advance of the hearing.

For more information about participation as a member of the public, contact the PUC's or DOC's Public Advisor (see below).

Parties

As of September 7, 2006, the following are the official parties to one or both of the proceedings and their attorneys:

The Applicants (Otter Tail Power Company, Central Minnesota Municipal Power Agency (MPA), Great River Energy, Heartland Consumers Power District, Montana- Dakota Utilities Co., Southern Minnesota MPA, and Western Minnesota MPA, as represented by Missouri River Energy Services). Todd Guerrero, Lindquist & Vennum, PLLP, 4200 IDS Center, 80 South 8th Street, Minneapolis, MN 55402-2274.

Joint Intervenors (Izaak Walton League of America-Midwest Office, Fresh Energy, Union of Concerned Scientists, Wind on the Wires, and Minnesota Center for Environmental Advocacy). Elizabeth Goodpaster, Minnesota Center for Environmental Advocacy, 26 East Exchange Street, Suite 206, Saint Paul, MN 55101-1667.

Minnesota Department of Commerce. Julia Anderson (for Certificate of Need only), Minnesota Attorney General's Office, 1400 Bremer Tower, 445 Minnesota Street, St. Paul, MN 55101-2127.
South Dakota Governor's Office of Economic Development. John Drawz, Fredrikson & Byron, PA, 200 South Sixth Street, Suite 4000, Minneapolis, MN 55402-1425.

FPL Energy, LLC. John DiDonato, FPL Energy, LLC, Mail Stop FEW/JB, 700 Universe Blvd., Juno Beach, FL 33408.

Excelsior Energy, Inc. Thomas Osteraas, Excelsior Energy, Inc., 11100 Wayzata Blvd., Suite 305, Minnetonka, MN 55305.

Ron Gustafson and Linda Castagneri. Carol Overland (issues related to the Mesaba Project that are raised by Excelsior Energy only), Overland Law Office, 402 Washington Street S., Northfield, MN 55057-2467

Midwest ISO. Christopher K. Sandburg, Lockridge Grindal Nauen PLLP, 100 Washington Ave S, Suite 2200, Minneapolis, MN 55401.

Availability Of Witnesses And Representatives

Representatives for the Applicants will be available to answer questions concerning the need for the transmission and the proposed route at each hearing. Several witnesses for the Applicants will only be available at the evidentiary hearing in St. Paul.

Most witnesses for the Intervenors will be available only at the evidentiary hearing.

Representatives from the Department of Commerce on the Certificate of Need will be available at each hearing. Witnesses for the Department will be available at the evidentiary hearing. Representatives from the Department of Commerce on the route permit will be available at each hearing and at the evidentiary hearing.

Public Comment Period Deadlines

Written comments from the public must be received by the Administrative Law Judge (see address above) by October 31, 2006.

Inquiries, Project Contacts

Public advisors from the DOC and PUC staff have been appointed to assist and advise persons interested in taking part in the proceedings and will provide on request documents identified in this notice. However, the public advisors are not authorized to give legal advice. For more information or to request an accommodation, contact one of the persons listed below.

Department of Commerce. The Commission has designated DOC staff member David Birkholz (Tel: 651-296-2878 or david.birkholz@state.mn.us) as project manager and Deborah Pile (Tel: 651-297-2375 or deborah.pile@state.mn.us) as the public advisor for the transmission route permit proceeding. You may contact them at: Department of Commerce, 85 7th Place East, Suite 500, Saint Paul, MN 55101-2198. Other contact information: Toll-Free: 1-800-657-3794, Fax: 651-297-7891 or TTY: Minnesota Relay Services, 1-800-627-3529, and ask for the DOC.

Public Utilities Commission. The Commission has designated Bret Eknes (Tel: 651- 201-2236 or bret.eknes@state.mn.us) of the PUC staff as its public advisor for the CN proceeding. He may be contacted in writing at: Minnesota Public Utilities Commission, 121 7th Place E., Suite 350, Saint Paul, MN 55101-2147.

Project Mailing Lists

If you would like to have your name added to the PUC route permit proceeding mailing list for the Big Stone Transmission Project (PUC Docket E017/TR-05-1275), you may register at: http://energyfacilities.puc.state.mn.us/Docket.html?Id=18215 or contact the DOC staff at the address above.

The PUC maintains a separate service list for the Certificate of Need proceeding. To be placed on that list (PUC Docket E017/CN-05-619) mail, fax, or email Robin Benson at Minnesota Public Utilities Commission, 121 7th Place E., Suite 350, Saint Paul, MN 55101-2147, Fax: 651-297-7073 or robin.benson@state.mn.us.

Project Information Available

Information regarding the PUC proceedings on the Big Stone Transmission Project is available on the following websites, including applications, project information and the Draft EIS. Information on the route permit proceeding is available at: http://energyfacilities.puc.state.mn.us/Docket.html?Id=18215. Information on the route and CN is also on eDockets at: https://www.edockets.state.mn.us/EFiling/search.jsp. Enter 05-1275 for information on the route proceedings or 05-619 for information on the certificate of need proceedings. Enter 05-1275 for information on the route proceedings or 05-619 for information on the certificate of need proceedings.

A copy of the Draft EIS is available at the following local libraries:

Benson Public Library
200 13th St. S.
Benson, MN 56215

Canby Public Library
110 Oscar Ave.
Canby, MN 56220

Chippewa County Public Library
224 South First Street
Montevideo, MN 56265

Granite Falls Public Library
155 7th Ave.
Granite Falls, MN 56241

Madison Public Library
401 6th Ave.
Madison, MN 56256

Morris Public Library
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STATE OF MINNESOTA

OFFICE OF ADMINISTRATIVE HEARINGS

FOR THE DEPARTMENT OF NATURAL RESOURCES

In the Matter of the Appeal of Limited Permit No. 2006-0134 of Thomas Kurak

NOTICE AND ORDER FOR HEARING

TO: Thomas Kurak, 15001 Sunfish Lake Boulevard, Ramsey, Minnesota 55303; and his attorney Thomas P. Malone, Barna, Guzy, & Steffen, Ltd., 400 Northtown Financial Plaza, 200 Coon Rapids Boulevard, Minneapolis, Minnesota 55433-5894.

THOMAS KURAK IS HEREBY NOTIFIED that the Department of Natural Resources ("DNR") has initiated this action as a result of Thomas Kurak's appeal of DNR's Limited Permit No. 2006-0134, authorizing the limited placement of riprap along the shoreline of Lake Minnetonka, Hennepin County, Minnesota. This matter is brought pursuant to Minn. Stat. § 103G.311, subd. 5 (2004).

IT IS HEREBY ORDERED that a contested case hearing will be held on October 9, 2006, at 9:30 a.m., at the Office of Administrative Hearings, 100 Washington Avenue South, Suite 1700, Minneapolis, Minnesota 55401.

The Chief Administrative Law Judge, Office of Administrative Hearings, has assigned this matter to Raymond R. Krause, Chief Administrative Law Judge, Office of Administrative Hearings, 100 Washington Avenue South, Suite 1700, Minneapolis, MN 55401-2138, telephone (612) 341-7600.

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. R. 1400.5010 - 1400.8500 (2005), and Minn. Stat. § 103G.301 - .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 rules generally provide for the procedural rights of the parties, including rights to advance notice of witnesses and evidence, rights to present evidence and cross-examination, and rights 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, Minnesota, 55101-2127, (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 pre-trial 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.

ALLEGATIONS

1. Thomas Kurak ("Kurak" or "Respondent") owns real property on Phelps Bay, Lake Minnetonka, located in Shorewood, Minnesota. By public waters permit application dated July 18, 2005, Kurak applied to DNR for a public waters permit to install approximately 335 feet of riprap along the shoreline of Lake Minnetonka at his real property.

2. After a site investigation and review of Kurak's public water permit application, DNR determined that the installation of riprap along the majority of the identified shoreline was inconsistent with applicable Minnesota statutes and rules. In particular, there was little evidence of shoreline erosion requiring riprap protection, and Kurak indicated that he wished to place the riprap to improve the esthetics of the shoreline. Consequently, by letter dated October 12, 2005, DNR issued Limited Permit No. 2006-0134 to Kurak for the placement of natural rock riprap on the shoreline of Lake Minnetonka for a total of 32 feet in the location of two dock access points identified by Kurak to prevent the possibility of future erosion due to dock use. DNR's denial of the remainder of permit application is supported by reasons including, but not limited to, the following:

A. The proposed riprap installation is prohibited by Minn. R. 6115.0215, subp. 4.E (2005), which limits placement of riprap in public waters to areas where there is a "demonstrated need to prevent erosion or to restore eroded shoreline …." Kurak had failed to demonstrate a need for riprap along 335 feet of shoreline as little erosion was evident.

B. The proposed riprap installation is prohibited by Minn. R. 6115.0216, subp. 2 (2005), which requires evidence of "continued erosion" before a permit for riprap is authorized. DNR's site investigation did not reveal "continued erosion" warranting the placement of 335 feet of riprap shore protection.

C. The proposed riprap installation does not comply with Minn. R. 6115.0190, subp. 5.E or 6115.0215, subp. 5.A (2005) because it does not represent the minimal impact solution to a specific need with respect to all other reasonable alternatives. Little erosion was identified at the site. Consequently, the minimal impact solution is to maintain the shoreline in its natural condition or, in the alternative, address minor erosion concerns with less intrusive alternatives, such as vegetative plantings, use of biologs, and placement of biodegradable erosion fabric. *See also* Minn. R. 6115.0215, subp. 1C (2005) (DNR goal is to "encourage the use of natural materials for shoreline zone protection and restoration").

D. The proposed riprap installation does not comply with Minn. R. 6115.0190, subp. 5.A or 6115.0215, subp. 5.C (2005), which state that a permitted project may "not exceed more than a minimum encroachment, change, or damage to the environment, particularly the ecology of the waters." *See also* Minn. R. 6115.0190, subp. 1.A (2005) (DNR goal is to minimize encroachment and damage to environment). The 335 feet of shoreline does not evidence erosion of a level justifying the placement of riprap erosion protection along the entire length.

E. Minnesota Rule 6115.0215, subpart 3.A (2005) prohibits issuance of a public waters work permit that is "detrimental to significant fish and wildlife habitat." The proposed riprap installation would negatively impact and degrade near-shore and shoreline habitats for fish populations and water-dependant wildlife and, therefore, does not meet this criteria. *See also* Minn. R. 6115.0215, subp. 1.A (2005) (DNR goal is to "improve and protect fish and wildlife habitat and the diversity of the habitat").

3. Pursuant to Minn. Stat. § 103G.311 (2004), Kurak appealed DNR's Limited Permit No. 2006-0134.

ISSUES

Whether the proposed installation of riprap is consistent with the applicable Minnesota statutes and rules, specifically Minn. R. 6115.0190, 6115.0215, and 6115.0216 (2005).

The relevant laws and rules include, but need not be limited to, Minn. Stat. §§ 103A.201, 103G.245, 103G.311, 103G.315 (2004) and Minn. R. 6115.0170-.0250 (2005).

ADDITIONAL NOTICE

1. The Respondent's failure to appear at the hearing may result in a finding that the Respondent is in default, that the DNR'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 DNR'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 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 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. Pursuant to Minn. R. 1400.5100, subp. 3a and 1400.5500 (2005), filing may be accomplished by mail, delivery, 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 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).

August 30, 2006. Gene Merriam, Commissioner