



July 18, 2005



ENVIRONMENTAL ASSESSMENT WORKSHEETS

Comments due on August 17, 2005

Steele County West Beltline

Description: The preferred alternative consists of constructing a new, 10-ton, two-lane, collector, rural roadway connecting SW 18th Street and existing US Highway 14 West on the west side of Owatonna including an overpass of the DM&E Railroad.

The 30-day comment period will begin on July 18, 2005 and end on August 17, 2005. A Public Hearing will be held at 7:15pm on August 9, 2005 at the Steele County Boardroom located at 630 Florence Avenue, Owatonna, Minnesota.

Copies of the Environmental Assessment Worksheet (EAW) have been sent to agencies listed on the current MEQB distribution list. The EAW will be available for viewing at the following locations:

- Steele County Highway Department, Steele County Annex, 635 Florence Avenue, Owatonna, Minnesota 55060
- Owatonna Public Library, 105 North Elm Avenue, Owatonna, Minnesota 55060

RGU: Steele County

Contact: Gary Bruggeman, Steele County Engineer, Steele County Annex, 635 Florence Avenue, PO Box 890, Owatonna, Minnesota 55060; 507-444-7670, Fax: 507-444-7684, Email: gary.bruggeman@co.steele.mn.us.

Dayton-Hassan Extension of the Elm Creek Interceptor

Description: The Metropolitan Council Environmental Services proposes to construct the Dayton-Hassan Extension of the Elm Creek Interceptor to extend sanitary service to portions of Maple Grove, Corcoran, and Dayton (Project). The Project will consist of the construction of between 17,500 to 19,500 feet of 42-inch and 36-inch sanitary sewer pipe to handle an average daily wastewater flow of 9.13 million gallons per day.

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>.

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 also posted on the Environmental Quality Board home page at <http://www.eqb.state.mn.us/>

Vol. 29, No. 15

Next issue: August 1, 2005

Submittal deadline: July 25, 2005

EQB Monitor

RGU: Minnesota Pollution Control Agency

Contact: Debra Moynihan, Project Manager, Environmental Review and Operations Section, Regional Division, Minnesota Pollution Control Agency, 520 Lafayette Road North, Saint Paul, Minnesota 55155; 651-296-8420.

Prairie Winds Estates

Description: Prairie Winds Estates is a single-family residential development of 25 lots including 18 lake lots and 7 back lots. The development is located on Barrett Lake which is a general development lake in Grant County.

RGU: Grant County

Contact: Greg Lillemon, Administrator, Office of Land Management Grant County, 18 Division Street, P.O. Box 1014, Elbow Lake, Minnesota 56531; 218-685-4967.

Jason Phillips Development

Description: A suburban residential development to include approximately 96 housing units of single-family homes on approximately 270 acres in Wilson Township, Winona County, Minnesota. The entire development site was recently annexed into the City of Winona.

RGU: City of Winona

Contact: Mark Moeller, City Planner, 207 Lafayette Street, Winona, Minnesota 55987-0378; 507-457-8250, Fax: 507-457-8212.

HPDC (Hunts Point) Property Residential Development

Description: This 302 acre development is proposed in Home Brook Township and will include 27 large lot single family units on 144 acres in the first phase of the project and up to an additional 37 units in two future phases of the project. All proposed lots will be serviced by individual water wells and individual septic systems.

RGU: Cass County

Contact: Paul Fairbanks, ESD Planner, Cass County Courthouse, P.O. Box 3000, Walker, Minnesota 56484; 218-547-7287, Fax: 218-547-2440.

Scenic Hills

Description: Scenic Hills Project, located in parts of Section 26, 34, and 35 of Becker Township, Sherburne County is a 77 lot, single-family residential development on 358± acres along the Snake River. Individual wells and septic systems will be required on each lot (minimum lot size of 2.5 acres). The development will involve the construction of approximately 17, 100 lineal feet of road. The project will be completed in 2 phases.

RGU: Sherburne County

Contact: Jon Sevald, County Planner, 13880 Hwy 10, Elk River, Minnesota 55330; 763-241-2902, Fax: 763-241-2910.

ENVIRONMENTAL ASSESSMENT AVAILABLE

Yankee Doodle 115 kV Substation

Description: Dakota Electric Association is planning to rebuild a 115 kV substation in the City of Eagan, Dakota County, Minnesota.

The new 115 kV substation will replace the existing 69 kV substation on the same site and connect to an existing Xcel Energy 115 kV transmission line. The transmission line will require some minor modification.

The new facility will meet the growing electrical demand and improve the service and reliability of electric facilities in the area.

A copy of the Environmental Assessment for the project is available at Eagan City Hall from 8:00 a.m. to 4:30 p.m. Comments may be submitted in writing to: Community Development Office, Sheila Cartney, 3830 Pilot Knob Road, Eagan, Minnesota 55122-1897

RGU: City of Eagan

Contact: Sheila Cartney, Community Development Office, 3830 Pilot Knob Road, Eagan, Minnesota 55122-1897; 651-675-5696, Fax: 651-675-5694.

SCOPING EAW/DRAFT SCOPING DECISION DOCUMENT

Minnesota Steel Industries Taconite Mine, Concentrator, Pellet Plant, Direct Reduction Iron Plant, and Steel Mill

Minnesota Steel Industries, LLC (Minnesota Steel) proposes to reactivate the former Butler Taconite mine and tailings basin near Nashwauk, and construct a new crusher, concentrator, pellet plant, direct reduced iron plant, and steel mill including electric arc furnaces, ladle furnaces, thin slab casters, and rolling mill to produce sheet steel.

The DNR and the U.S. Army Corps of Engineers are going to prepare of a joint Environmental Impact Statement (EIS) that would satisfy both state and federal environmental review requirements for the project. The DNR and U.S. Army Corps of Engineers invite comments on the proposed EIS scope during the 30-day scoping period that concludes Wednesday, August 17, 2005 at 4:30 PM. Comments should address the accuracy and completeness of information presented, and suggest issues for investigation in the EIS. The DNR will hold a public scoping meeting on Wednesday, August 10, beginning at 6:30 PM, at the Nashwauk High School in Nashwauk, Minnesota.

The Scoping EAW/Draft Scoping Decision Document can be viewed on the DNR's website at www.dnr.state.mn.us/input/environmentalreview/minnsteel/index.html.

Please address any comments to the contact below, or send an email to Environmental.Review@dnr.state.mn.us with "Minnesota Steel" in the subject line. If using the email address, please include your name and mailing address.

RGU: Minnesota Department of Natural Resources

Contact: Randall Doneen, Principal Planner, Environmental Policy and Review Unit, 500 Lafayette Road, Box 25, St. Paul, Minnesota 55155-4025; 651-297-3355, Fax: 651-297-1500.

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.

- Gierke Feedlot Project, Pope County

EAW NEED DECISIONS

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

- Seneca Foods Corporation Spray Irrigation Facility, Minnesota Pollution Control Agency, Denied
- Breezy Point International Project, City of Breezy Point, Denied

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.

- City of Brooklyn Park, Oxbow Creek West EAW, June 27, 2005 (April 26, 2005)
- Oronoco City Council, Riverwood Hills Development Phases IV – IX, May 16, 2005 (March 28, 2005)
- Minnesota Pollution Control Agency, Laurentian Energy Authority Renewable Energy Project, June 29, 2005 (April 25, 2005)
- Minnesota Pollution Control Agency, South Corcoran Sanitary Sewer Extension, June 28, 2005 (February 28, 2005)
- Wright County Board, Annandale Rock Products Gravel Mining Project, July 7, 2005 (April 25, 2005)
- Rush City Council, Rush Creek Estates Development, June 13, 2005 (April 11, 2005)

DRAFT AUAR AVAILABLE

Cottage Grove East Ravine AUAR

Description: The Cottage Grove East Ravine AUAR is based on a master planning project that evaluated land use and development patterns for an area of roughly 3,800 acres in a future MUSA expansion area as identified in the City's Comprehensive Plan. The planning area is generally bound by Highway 61 on the south, Keats Avenue on the west, the municipal boundary on the north and Kimbro Avenue on the east. The AUAR evaluates a base scenario consistent with the Comprehensive Plan and an alternative development scenario derived through the East Ravine Pre-Design master planning process. The project includes residential (roughly 6,550 units) and commercial development (roughly 850,000 square feet) and includes associated public infrastructure improvements including sanitary sewer, storm sewer, public water supply and roadway/traffic improvements to serve the development. The project is expected to occur over a 20 or more year time frame.

Copies of the Draft AUAR are available for review at Cottage Grove City Hall, 7516 – 80th Street South; Cottage Grove, Minnesota 55016. All written comments should be submitted to Mr. Blin on or before August 17th 2005.

RGU: City of Cottage Grove

Contact: Howard Blin, Director of Community Development, City of Cottage Grove, 7516 – 80th Street South; Cottage Grove, Minnesota 55016; 651-458-2824, Email: hblin@cottage-grove.org.

EIS

Gopher Football Stadium Environmental Impact Statement

Description: The University of Minnesota intends to prepare an Environmental Impact Statement (EIS) for a proposed 50,000 seat open-air outdoor football stadium on the East Bank of the Twin Cities campus. The plan is to locate the stadium on the existing Huron Boulevard parking complex, in close proximity to Mariucci Arena and the Williams Arena/Sports Pavilion complex. The project consists of stadium construction, transportation and parking improvements, infrastructure and utility improvements, and landscaping.

The University of Minnesota Board of Regents has approved the Final Scoping Decision Document for the Gopher Football Stadium Environmental Impact Statement (EIS). This decision followed the EIS scoping process, which included preparation and public review of the Scoping Environmental Assessment Worksheet (EAW) and Draft Scoping Decision Document (Draft

SDD) under the environmental review rules established by the Minnesota Environmental Quality Board (EQB). A notice was published in the March 28, 2005 issue of the EQB Monitor informing the public of the availability of and public comment period for the Scoping EAW and Draft SDD. The 30-day public comment period began on March 28, 2005 and concluded on April 27, 2005 during which a Public Scoping Meeting was held on April 13, 2005. Public comments were received during the comment period and at the Public Scoping Meeting.

In addition to describing the project purpose, the Final SDD identifies two project alternatives that will be evaluated in the EIS; the No-Build Alternative and the Build Alternative. The No-Build Alternative will evaluate the scenario that the U of M football team will remain at the Hubert H. Humphrey Metrodome. The Build Alternative will evaluate the construction of the proposed stadium on the East Bank campus of the University of Minnesota.

The Final SDD defines the subjects that will be evaluated in the EIS and identifies those subjects that were adequately addressed in the Scoping EAW and will not require additional evaluation in the EIS. Major EIS subjects that will be addressed include project effects of traffic and parking, site contamination investigations and remediation, construction impacts, community and business related impacts and cumulative effects of the proposed stadium in conjunction with the eight potential future developments specifically identified in the SDD. Additional EIS study subjects are described in the Final SDD.

As a result of public comments and additional information, some amendments were made to the Draft SDD prior to publication of the Final Scoping Decision Document (Final SDD). The amendments included adding the following subjects to be evaluated in further detail in the EIS:

- Effects of project related vehicle air emissions
- Odors, Noise, and Dust – Associated with Construction

The Final SDD also includes information supporting the Regents' approval of the Final Scoping Decision Document, including copies of and responses to comments provided during the Public Scoping Period and information from the Public Scoping Meeting. The Final Scoping Decision Document and Response to Comments are available on the University of Minnesota website at <http://www.umn.edu/stadium>.

RGU: Regents of the University of Minnesota

Contact: Brian Swanson, University Project Coordinator, Office of Budget and Finance, 335 Morrill Hall, 100 Church Street SE, Minneapolis, Minnesota 55455, 612-625-.6665.

FINAL EIS

Sand and Gravel Mining and Accessory Uses Final Related Actions Environmental Impact State (FEIS), Empire Township, Dakota County, Minnesota

Description: Empire Township Board of Supervisors, RGU for the Sand and Gravel Mining and Accessory Uses Final Related Actions Environmental Impact Statement (FEIS), authorized publication and distribution of the FEIS for comment at their June 28, 2005 Regular Town Board Meeting. Copies of the FEIS will be forwarded to all parties on the distribution list. A press release on the FEIS availability will also be forwarded to the Township's official newspaper.

RGU: Empire Township

Contact: Dean R. Johnson, Planner, Resource Strategies, Corporation, 14001 Ridgedale Drive, Suite 300, Minnetonka, Minnesota 55305; 952-513-9548, Fax: 952-513-9549.

NOTICE

STATE OF MINNESOTA, OFFICE OF ADMINISTRATIVE HEARINGS FOR MINNESOTA DEPARTMENT OF
NATURAL RESOURCES

In the Matter of Determining the Ordinary High Water
Level of Public Waters Wetland No. 70-325W

**NOTICE AND ORDER
FOR HEARING**

TO: R & F Properties, LLC, and Barsness Const. & Exc., and their attorney, Mark Thieroff, Siegel, Brill, Greupner,
Duffy & Foster, P.A., 1300 Washington Square, 100 Washington Avenue South, Minneapolis, Minnesota 55401.

R & F PROPERTIES, LLC, AND BARSNESS CONST. & EXC. ARE HEREBY NOTIFIED that the Minnesota Department of Natural Resources has initiated this action to determine the ordinary high water level of Public Waters Wetland No. 70-325W located in Scott County, Minnesota.

IT IS HEREBY ORDERED that a contested case hearing will be held on August 16 and 17, 2005, at the Shakopee Police Station, 475 Gorman Street, Shakopee, MN 55379. The hearing is scheduled to begin at 9:30 a.m. on August 16, 2005, in the Training/Community Room.

The Chief Administrative Law Judge, Office of Administrative Hearings, has assigned this matter to Beverly Heydinger, Administrative Law Judge, Office of Administrative Hearings, 100 Washington Avenue South, Suite 1700, Minneapolis, MN 55401-2138, telephone (612) 341-7606.

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. 1400.5100 - 1400.8500, and Minn. Stat. §§ 103G.255 and .401. 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, Dulcie M. Brand, Assistant Attorney General, 445 Minnesota Street, Suite 900, St. Paul, MN 55101-2127; (651) 296-0696 may be contacted to discuss discovery or informal disposition of this matter.

ALLEGATIONS

1. Mr. Thomas Ryan, through his company R&F Properties, LLC, is the owner of the property in Scott County on which at least a portion of Public Waters Wetland No. 70-325W ("Wetland 325W") is located.
2. Mr. Ryan had water and sewer lines installed on this property in the spring of 2001. During this installation, portions of an existing agricultural drain tile system was damaged. Mr. Ryan had the damage repaired. This repair work led to the partial drainage of Wetland 325W.
3. The Minnesota Department of Natural Resources ("DNR") issued a Public Waters Cease and Desist Order to Mr. Ryan on September 6, 2001, under Minn. Stat. § 103G.245. The Cease and Desist Order ordered Mr. Ryan to "stop all work, conduct no further work, and take immediate corrective action to stabilize the site from imminent erosion or restore water flow if ordered. . . ."
4. DNR conducted a field survey of the property on November 6, 2001. It determined that the ordinary high water level of Wetland 325W is 1126.4 feet and that the perforated standpipe that had been installed and the drain tile that had been repaired artificially lowered the water level of Wetland 325W.
5. DNR issued a public water restoration order to Mr. Ryan on January 22, 2002, under Minn. Stat. § 103G.2372. The restoration order directed Mr. Ryan to remove the existing standpipe and to disable the existing drain tile system. The drain tile

was to be packed with clay or other suitable materials to render the drain tile inoperable to the degree it existed prior to the unauthorized repair. This work was to be completed by May 14, 2002.

6. Mr. Ryan requested formal review of the restoration order by the Commissioner of DNR under Minn. R. 6115.0255. The Commissioner delegated the review to the Director of the Division of Waters, Kent Lokkesmoe. After DNR conducted its full review, it determined that it would accept a public waters permit application from Mr. Ryan for establishing the outlet elevation for Wetland 325W in lieu of enforcing the restoration order, provided that the application was received by May 22, 2002.

7. On May 16, 2003, DNR issued Limited DNR Public Waters Permit No. 2002-6115 to Mr. Ryan authorizing the construction of a water level control structure with a runout elevation of 1124.9 feet. Under the terms of the permit, the installation was to be completed by September 1, 2003. The permit was extended on two occasions and the current completion date is September 1, 2005. This permit has not been appealed.

8. R & F Properties, LLC and Barsness Const. & Exc., the entities that own or possess the property on which Wetland 325W is located, have requested that DNR initiate a proceeding to establish the ordinary high water level of Wetland 325W. The definition of ordinary high water level is provided in Minn. Stat. § 103G.005, subd. 14 (2004).

ISSUE

Is the ordinary high water level of Wetland 325W 1126.4 feet as determined by DNR?

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 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 Minn. Stat. § 14.60, subd. 2.

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

MINNESOTA DEPARTMENT OF NATURAL RESOURCES
Gene Merriam, Commissioner of the Department of Natural Resources

STATE OF MINNESOTA, OFFICE OF ADMINISTRATIVE HEARINGS
FOR DEPARTMENT OF NATURAL RESOURCES

In the Matter of Determining the Ordinary High Water Level of Public Waters Wetland No. 70-325W.

NOTICE OF APPEARANCE

TO: Beverly Heydinger, Administrative Law Judge, Office of Administrative Hearings 100 Washington Avenue South, Suite 1700, Minneapolis, Minnesota 55401-2138:

PLEASE TAKE NOTICE that the party named below will appear at the hearing in this matter.

Name, Address, and Telephone Number of Party:

Minnesota Department of Natural Resources
500 Lafayette Road
St. Paul, MN 55155
651-296-6157

Party's Attorney, Office Address, and Telephone Number:

Dulcie M. Brand
Assistant Attorney General
445 Minnesota Street, Suite 900
St. Paul, MN 55101-2127

651-296-0696

Dated: _____	_____ DULCIE M. BRAND
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NOTICE: This Notice must be served upon the attorney for the agency and any other known party. After an attorney has filed a notice of appearance, withdrawal is effective only if a notice of withdrawal is promptly served on all parties and filed with the judge. The notice of withdrawal must include the address and telephone number of the party. Withdrawal of counsel does not create any right to a continuance. Minn. R. 1400.5700.



Minnesota Environmental Quality Board

Department of Administration

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Vol. 29 No. 15

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

Phone: 800-657-3794 or 651-296-2603
Fax: 651-296-3698
E-mail: mailto:eqb.monitor@state.mn.us
