



August 1, 2005



## ENVIRONMENTAL ASSESSMENT WORKSHEETS

*Comments due on August 31, 2005*

### **Stream Restoration of Tributary #1 to Miller Creek**

Description: The Jewel proposes to restore a 660' reach of Tributary #1 to Miller Creek. Proposed restoration activities will include: channel realignment; reconstruction of channel dimensions, pattern and profile; and reconnection to the floodplain. The project goal is a more stable system and better habitat for cold-water species including trout.

RGU: Wabasha County

Contact: Tracy Pooler, Planning and Zoning Officer, 625 Jefferson Avenue, Wabasha, Minnesota 55981; 651-565-3062, Fax: 651-565-3159, Email: [tpooler@co.wabasha.mn.us](mailto:tpooler@co.wabasha.mn.us)

### **DRP Development**

Description: The DRP Development is proposing to convert 185 acres of predominantly agricultural land into a residential development of approximately 389 unattached units near the City of Eagle Lake, MN. This development will be constructed in phases and will include the construction of roads, lots, and public infrastructure. The site will be annexed into the City and all lots will utilize city water and sewer.

The DRP Development is generally located in the SE ¼ of Section 18 & the NE ¼ of Section 19, Township 108 North, Range 25 West (Le Ray Township). Copies of the EAW are available for review during regular business hours at:

- \* **Eagle Lake City Hall, 101 Plainview Street, Eagle Lake, MN 8am-5pm Monday thru Friday**
- \* **MN Valley Regional Library Reference Department, 100 E Main Street, PO Box 3446, Mankato, Minnesota 56002**

A copy of the EAW will also be posted on the I&S Engineers & Architects, Inc. website: <http://www.is-ea.com>. Comments must be received by 4:30 pm, Wednesday, August 31st, 2005 and can be directed to:

RGU: City of Eagle Lake

Contact: Brad Potter, City Administrator, 101 Plainview Street, Eagle Lake, Minnesota, 56024; 507-257-3218, Email: [eaglelk@myclearwave.net](mailto:eaglelk@myclearwave.net)

### **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. 16

Next issue: August 15, 2005

Submittal deadline: August 8, 2005

### **Elford-Fullerton Sanitary Relief Sewer Installation**

**Description:** The City of Rochester plans to install 9,900 linear feet of 66-inch relief sanitary sewer to address inadequate capacity issues within its existing sewer service areas. This new line will supplement the existing 48-inch Elford-Fullerton sewer and will provide for infill development and additional protection against surcharge from peak wet weather flows.

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:** Eric Kilberg, Project Manager, Environmental Review and Operations Section, Regional Division, Minnesota Pollution Control Agency, 520 Lafayette Road N., St. Paul, Minnesota 55155; 651-296-8643.

### **MCES Riverview Siphon Improvements Project**

**Description:** MCES is proposing to modify and expand its Riverview Siphon system in St. Paul. The siphon system collects wastewater from St. Paul and West St. Paul. The proposal is add an additional siphon barrel (pipe), modify the existing headbox to better facilitate operations and maintenance, and install a cured-in-place liner in existing pipes. The proposed ultimate capacity of the expanded siphon system would increase to an average flow of 6.55 million gallons per day from 4.57 mgd.

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:** Barbara Jean Conti, Project Manager, Environmental Review and Operations Section, Regional Division, Minnesota Pollution Control Agency, 520 Lafayette Road N., St. Paul, Minnesota 55155; 651 296-6703.

### **Sandy Rivers Brethren Hutterian**

**Description:** Sandy Rivers Hutterian currently operates a wean-to-finish swine operation with a capacity of 3,000 head (150 au) of nursery pigs, 2,000 head (600 au) of finishing swine and 250 head (0.75 au) of broiler chickens in Section 20 of Charlestown Township, Redwood County. The proposer would expand their existing operation by 2,000 head (600 au) of finishing swine.

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:** Lynne Kolze, Project Manager, Environmental Review and Operations Section, Regional Division, Minnesota Pollution Control Agency, 520 Lafayette Road N., St. Paul, Minnesota 55155, 651 282-5992.

### **Ahrendt Brothers Feedlot Facility**

**Description:** The Ahrendt Brothers are proposing to expand their existing 900 head (900 animal unit) beef cattle operation located in Section 14, Mound Township in Rock County by 900 head, for a total of 1,800 head or 1,800 animal units of cattle. Cattle manure will be scraped and surface applied when field conditions support the weight of the tractor and spreader. Manure will be incorporated within 24 hours when applied within 300 feet of sensitive areas. Manure in non-sensitive areas will be incorporated as soon as field conditions allow incorporation. A 100 foot setback will be observed at all lakes, rivers, streams or intermittent streams. In addition, a grassed buffer at least 16.5 feet wide will be maintained along all lakes, rivers, streams or intermittent streams in areas designated to receive manure. If conditions do not allow applications, cattle manure will be stored on clay-based soils until field conditions permit application.

**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: Randall Hukriede, Project Manager, Environmental Review and Operations Section, Regional Division, Minnesota Pollution Control Agency, 520 Lafayette Road N., St. Paul, Minnesota 55155; 218-828-6076.**

North Branch Market Place

**Description: North Branch Market Place will include up to 255,000 square feet of commercial development on 43 acres of land. Development will include a mix of commercial businesses with surface parking lots and stormwater ponds. The project is located in the northwest quadrant of Interstate Highway 35 and State Highway 95.**

**The 30-day comment period will begin on August 1, 2005 and end on August 31, 2005. Copies of the Environmental Assessment Worksheet (EAW) have been sent to agencies listed on the current EQB distribution list.**

**RGU: City of North Branch**

**Contact: Al Cottingham, Planning Director, City of North Branch 6408 Elm Street, P.O. Box 910, North Branch, Minnesota 55056; 651-674-8113, Email: [alanc@ci.north-branch.mn.us](mailto:alanc@ci.north-branch.mn.us)**

Pine Run Motorsports Park

Pine Run Motorsports Park includes a 3.3-mile road course, ¼ mile drag strip, a go-kart track, an area for snowmobile grass drag racing, snowmobile snow-cross track and supporting infrastructure (concessions buildings, clubhouse, garages, parking lots, pit area/paddock, access roads, stormwater management facilities, wastewater facility, camping area, wells, fuel storage area, fencing, etc.). Events at the facility will range from club practice races with 100 or less persons on site to nationally sanctioned race events that could draw up to 15,000 spectators. The proposed project is to be located on a 540-acre parcel in Section 5, Township 39 North, Range 22 West (Pokegama Township), Pine County, approximately one mile north of Henriette, Minnesota.

**RGU: Pine County Board of Commissioners**

**Contact: Robert Pulford, Zoning Administrator, Pine County Planning, Zoning and Solid Waste Department, 1610 Highway 23 North, Sandstone, MN 55072, (320) 245-6707; [bbpulfor@co.pine.mn.us](mailto:bbpulfor@co.pine.mn.us)**

**The complete EAW and Exhibits can be viewed at: [www.pinecounty.org](http://www.pinecounty.org)**

City of Lakes Condominiums

The project is redevelopment of the former Abbott Hospital site at 110 East 18th Street in the Stevens Square Historic District of Minneapolis. The original hospital building, but not the adjoining 1919 addition on First Avenue, will be converted into 12 apartments. The later additions along 18th St. and Stevens Ave. will be demolished and replaced by a four story building containing 83 apartments. The 1919 addition on First Avenue will be demolished and its site will become part of the Phase Two development. The second phase of the project will be a, 23 story, 199 unit, apartment building located on the present surface parking area at First Ave and 17th St./I 94.

RGU: City of Minneapolis

Contact: J. Michael Orange, Principal Planner, 350 S. 5<sup>th</sup> St.; Minneapolis, MN 55415; 612-673-2347; fax 612-673-2728; email [michael.orange@ci.minneapolis.mn.us](mailto:michael.orange@ci.minneapolis.mn.us)

#### Burgen Sunrise Residential Development-Alexandria Township

Please note that the project area will be annexed into the City of Alexandria on January 1, 2006 as part of Phase II of a four-phase orderly annexation agreement between the City of Alexandria and Alexandria Township. The RGU for the project is the City of Alexandria/Alexandria Township Joint Planning Board, a body created to administer the City of Alexandria zoning ordinance in the Orderly Annexation Area (OAA) until properties within the OAA become part of the City of Alexandria.

The project is a residential development with 96 single-family homes constructed within a 101-acre parcel on the west side of Lake Burgen. **The original EAW was rescinded and a supplemental EAW ordered which must provide information on wetlands, the location of bulrushes near the proposed public beach, and information on conservation easements and centralized docking facilities.**

RGU: City of Alexandria/Alexandria Township Joint Planning Board

Contact: Mike Weber, Alexandria City Planner, 704 Broadway, Alexandria, MN 56308; ph (320)763-6678; fax (320) 763-3511; mweber@rea-alp.com

#### ENVIRONMENTAL ASSESSMENT

##### **Hancock 115 kV Substation**

###### Description:

Agralite Electric Cooperative (AEC) is planning to construct and own a new 115 kV substation in Moore Township near the City of Hancock, Stevens County, Minnesota.

The substation will be constructed directly adjacent to an existing Great River Energy 115 kV transmission line; therefore no new transmission line is required for the project.

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

###### RGU:

Stevens County -- a copy of the Environmental Assessment for the project is available at the Stevens County Coordinators Office.

###### Contact:

Comments may be submitted in writing to:

Stevens County Coordinator

400 Colorado Avenue

PO Box 530

Morris MN 56267

Phone: 320 589 7417

Fax: 320 589 2036

## **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.

- **Homes@Bassett Creek, City of Minneapolis**
- **development of Little Whitefish Lake, Crow Wing County**
- **Arden Hills Office Park, City of Arden Hills**
- **Development in the Sunrise River watershed, North Branch**

## **EAW NEED DECISIONS**

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

- **Arden Hills Office Park, City of Arden Hills, denied**
- **Ryan Contracting, City of Prior Lake, 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.

- **Trunk Highway 65 and Trunk Highway 242/County State Aid Highway 14 Corridor Improvements, Minnesota Department of Transportation, July 18, 2005 (April 11, 2005).**
- **Minnesota Trunk Highway 7 in Hutchinson, July 25, 2005 (November 22, 2004).**
- **Granite Falls Municipal Airport Runway Extension, Granite Falls City Council, July 19, 2005 (June 6, 2005).**
- **Buffalo Bituminous Gravel Mining Project, Wright County Board of Commissioners, July 18, 2005 (May 9, 2005).**
- **Country Hills Estates Subdivision, Mower County Board of Commissioners, July 12, 2005 (June 6, 2005).**
- **WBAN Subdivision, Mower County Board of Commissioners, July 12, 2005 (June 6, 2005).**
- **Majestic Oaks, Carlton County Board of Commissioners, July 19, 2005 (May 23, 2005).**
- **Miller Farms Mineral Extraction Project, Castle Rock Township, July 12, 2005 (May 23, 2005).**
- **Dayton-Champlin Interceptor, MPCA, July 11, 2005 (February 28, 2005).**

- Stonemill Farms, Future Phases, City of Woodbury, July 13, 2005 (May 23, 2005).
- Heritage Village development, Princeton City Council, July 26, 2005 (June 6, 2005)

## EIS PREPARATION NOTICES

### **Application for a Certificate of Need for an independent spent-fuel storage installation (ISFSI) at the Monticello Nuclear Generating Plant.**

The Minnesota Department of Commerce (the Department) is preparing an Environmental Impact Statement (EIS) on an Xcel Energy proposal to construct and operate a “dry cask” storage facility for spent nuclear fuel at its Monticello Generating Plant. The formal name for the proposed spent-fuel storage facility is an Independent Spent Fuel Storage Facility Installation (ISFSI). Xcel Energy is requesting approval for an ISFSI because the Monticello Generating Plant will run out of storage capacity for spent nuclear fuel by 2010, the same year the plant’s federal operating license expires.

**Minnesota Approval Processes.** At the state level, the Minnesota Public Utilities Commission (PUC) must issue a certificate of need before an ISFSI can be constructed. In addition, before the PUC can decide whether to grant the certificate of need, the Department must prepare an Environmental Impact Statement (EIS). Minn. Stat. §116C.83. (The Minnesota Environmental Quality Board was responsible for this EIS, but recent legislation shifted responsibility to the Department of Commerce as of July 1, 2005.)

**EIS Scoping Process.** On January 18, 2005, Xcel Energy submitted its Certificate of Need Application ("Application") for the Monticello ISFSI to the PUC. In March, 2005, the EQB staff prepared a draft EIS scoping decision document and the scoping environmental assessment worksheet, which was mailed and e-mailed to the project contact list and posted on the EQB web site. Comments on the draft EIS scope were due by April 13, 2005. On April 4, 2005, the EQB held a public EIS scoping meeting at the Monticello Community Center. On June 16, 2005, the EQB issued the final EIS scoping decision. The Scoping Decision identifies those project alternatives and issues that will be addressed in the EIS and presents a tentative schedule for EIS completion.

**Federal License Renewal Process.** On March 16, 2005, Xcel Energy applied to the federal Nuclear Regulatory Commission (NRC) for a twenty year license renewal for the Monticello Generating Plant. The NRC license renewal process includes a generic and supplemental federal EIS. Information about the NRC license renewal process, including the Monticello license renewal application, is available at:

<http://www.nrc.gov/reactors/operating/licensing/renewal/applications.html>

**Summary of Scoping Decision:** The state EIS will include an analysis of the following major issues: (1) the environmental and economic impacts of continued operation of the Monticello Generating Plant until 2030 (2) a summary of radiological health and safety impacts of the ISFSI and continued plant operation, (3) the potential impacts of long-term onsite storage (up to 200 years) of the additional spent fuel generated at Monticello during the re-licensing period, (4) impacts on groundwater and surface water due to normal operation and the potential for impacts due to flooding, and (5) an analysis of the feasibility and impacts of generation alternatives to continued operation of the Monticello Generating Plant from 2010 to 2030. The generation alternatives analysis will include the definition and analysis of one or more distributed renewable

generation alternatives. The EIS scoping decision is available at:

<http://www.eqb.state.mn.us/pdf/FileRegister/04-87-CON-Monticello/Final%20Monticello%20EIS%20Scope.pdf>

EIS Schedule. The tentative EIS preparation schedule includes Draft EIS publication in September 2005, Final EIS publication following the contested case hearing in November 2005, and determination of EIS adequacy in December 2005.

RGU: Minnesota Department of Commerce.

RGU Contact: John Wachtler, 85 7<sup>th</sup> Place East, Suite 500, St. Paul, MN 5501-2198;

[john.wachtler@state.mn.us](mailto:john.wachtler@state.mn.us); 651-296- 2096; fax 651-297-7891.

### **3 Bays on Vermilion**

Description: St. Louis County intends to prepare an EIS for 3 Bays on Vermilion, a residential subdivision. On April 21, 2005, The St. Louis County Planning Commission adopted a Final Scoping Decision Document for an EIS on the proposal by U.S. Steel to plat approximately 1400 acres on Lake Vermilion.

The project stretches from the Soudan Underground Mine State Park to Armstrong Bay, the easternmost portion of Lake Vermilion. The property is mostly wooded and almost entirely undeveloped. The preparation of the EIS is mandatory pursuant to Minnesota Rule 4410.4400, subp. 14 (A), as there will be more than 100 residential units in an unsewered area. St. Louis County is the Responsible Government Unit for this EIS.

St. Louis County prepared a Scoping Environmental Assessment Worksheet (SEAW) for the project.

The Notice of Availability of the SEAW and draft Scoping Document was published in the EQB Monitor on February 14, 2005. A public scoping meeting was held on Thursday, March 17, 2005 in the Council Chambers of the Biwabik City Hall.

The SEAW and the Final Scoping Decision Document are available on the County's web site at the following: <http://www.co.st.louis.mn.us/planning/3BaysonVermilion.htm>

Contact: Scott J. Smith, Physical Division Manager, St. Louis County Planning Department, Missabe Building Suite 100, 227 W 1st Street, Duluth, MN, 55802; (218) 725-5005; [smiths@co.st.louis.mn.us](mailto:smiths@co.st.louis.mn.us).

### **DRAFT AUAR AVAILABLE**

The North Highway 101 Otsego Draft Alternative Urban Areawide Review (AUAR) is a comprehensive review of potential environmental impacts associated with a development scenario based on the City of Otsego's Comprehensive Plan. The scenario includes a mix of the commercial and office/warehouse uses. The AUAR area encompasses approximately 240 acres and is generally located in the eastern portion of the City of Otsego west of TH 101, north/east of CSAH 42 and south of CSAH 39.

Contact: Judy Hudson, City Clerk/Zoning Administrator  
City of Otsego  
8899 Nashua Avenue NE  
Otsego, MN 55330  
phone: 763.441.4414

fax: 763.441.8823

e-mail: [cityhall@ci.otsego.mn.us](mailto:cityhall@ci.otsego.mn.us)

## AUAR UPDATE ADOPTED

**At their meeting of Monday, June 6, 2005, the Maple Grove City Council adopted Resolution No.05-096 (attached) designating and approving the Update of the Maple Grove Gravel Mining Area Alternative Urban Area wide Review and Mitigation Plan dated November 8, 2004 (the "GMA AUAR Update"), and the Responses to Comments on and Amendments to the Update of the Maple Grove Gravel Mining Area AUAR and Mitigation Plan dated June 6, 2005 (the AUAR Update Responses And Amendment) (also attached) as the "Revised Environmental Analysis Document and Plan For Mitigation" in accordance with Minnesota Environmental Quality Board Rules 4410.3610, Subd. 5.**

The GMA AUAR Update was distributed by the City of Maple Grove (the "City") on November 8, 2004, with the voluntarily extended objection and comment period ending on December 8, 2004. Comments were received from the Metropolitan Council, the Minnesota Department of Natural Resources, the Minnesota Department of **Transportation**, and the Minnesota Pollution Control **Agency**. **No objections were received.**

After reviewing the comments, responses were prepared and amendments were made to the text of the GMA AUAR Update. These were compiled in the AUAR Update Responses And Amendments and distributed to the City Council for its review and action. As noted above, the City Council approved the combined documents on June 6, 2005. The City will distribute this letter, the Resolution and the AUAR Update Responses And Amendments to parties on the EAW Mailing List.

It is our understanding this concludes the review process for this GMA AUAR Update in accordance with relevant sections of the Minnesota Environmental Quality Board Rules.

## NOTICES

### **Reclamation Projects Planned For Lakes - DNR Division Of Fish & Wildlife**

The DNR Division of Fish & Wildlife is planning one lake and up to thirty walleye rearing pond reclamation projects this fall. The projects involve the application of rotenone or antimycin, federal and state registered pesticides, to eliminate or reduce less desirable fish species. Following treatment ponds will be stocked with walleye fry. Endangered or threatened species are not present in any of the lakes or ponds. Project goals include improved fish habitat, expanded angling opportunities, and increased walleye fingerling production. Specifics regarding the projects are as follows:

Silver Lake, Ramsey County. This lake contains a persistently stunted bluegill population. Antimycin has been shown to be selective for small bluegill at low concentrations and will be used to decrease the abundance of small bluegill in Silver Lake. The desired result is that remaining bluegill improve in both size and quality, adding to angler satisfaction. Distribution will be done by boat during September after lake temperatures have decreased to approximately 65 degrees. Lakewide target concentration is 1 ppb. Comments or questions on this project

should be addressed to David McCormack, Assistant Regional Fisheries Supervisor, 1200 Warner Road, St. Paul, MN 55106.

Walleye rearing pond reclamations. Up to thirty ponds are proposed to be treated in the fall or winter for the purpose of removing existing bullhead or other unwanted fish populations. This alteration will allow the ponds to be used for raising walleye fingerlings, which will later be stocked into local fishing lakes. Rotenone will be used with a target concentration of 3.5 ppm.

Lake Name	County	Township	Range	Section
Hannan (DOW 27-52)	Hennepin	117N	21W	7
Tarnhill (DOW 27-1066)	Hennepin	27N	24W	18,19
Idelwild (DOW 27-74)	Hennepin	116N	22W	14
Cowley (DOW 27-169)	Hennepin	120N	23W	16,21
Sylvan (DOW 27-171)	Hennepin	120N	23W	20
Henry (DOW 27-175)	Hennepin	120N	23W	28,29,32,33
Schwappauft (DOW 27-194)	Hennepin	119N	24W	14
Cedar Manor (DOW 27-713)	Hennepin	117N	21W	7
Ancel Glen (DOW 27-1068)	Hennepin	27N	24W	19
Heritage Hills (DOW 27-1069)	Hennepin	27N	24W	19
Unnamed (DOW 70-55)	Scott	114N	22W	4
Keup's (DOW 70-79)	Scott	115N	22W	28
Sweetbrier (DOW 70-294)	Scott	113N	21W	4
Lynch (DOW 18-347)	Crow Wing	136N	28W	9
Helle (DOW 61-105)	Pope	124N	38W	26
Towers (DOW 47-142)	Meeker	118N	29W	3
West Hanson (DOW 47-136)	Meeker	119N	31W	17
Long (DOW 47-66)	Meeker	118N	30W	23,24
Sham (DOW 42-13)	Lyon	113N	40W	3
Brenner (DOW 34-339)	Kandiyohi	122N	36W	7
Bullhead (DOW 83-33)	Watonwan	106N	31W	28
Case (Upper) (DOW 83-10)	Watonwan	106N	30W	12
Chandler (DOW 32-8)	Jackson	101N	35W	19
Long (DOW 73-105)	Stearns	124N	30W	14
Praught (DOW 86-7)	Wright	121N	23W	33
Otsego (DOW 86-8)	Wright	121N	23W	33
Stony (DOW 49-84)	Morrison	127N	31W	19,30
Bunker Pond (DOW 77-101)	Todd	127N	33W	16
Maple Marsh (DOW 82-40)	Washington	31N	20W	19
Bay Hill Pond (DOW 82-510)	Washington	30N	21W	5

For general information about any of these projects, contact Mike Halverson, Fisheries Habitat and Development Consultant, Box 12, 500 Lafayette Road, St. Paul, MN 55155.

**Notice Of Plans To Issue State Industrial Minerals Leases**

Notice is hereby given that the Minnesota Department of Natural Resources, Division of Lands and Minerals, is planning to issue eight state mineral leases to explore for, mine and remove

industrial minerals in Beltrami and Koochiching counties in accordance with Minnesota Rules, part 6125.8000, the industrial minerals rules, issued under authority of Minnesota Statutes, sections 93.08 through 93.12, and 93.25. The industrial minerals covered by the leases are diamonds, dimension stone, gemstones, graphite, and quartz.

The areas located in Beltrami County to be covered by the industrial minerals leases are as follows:

- **Southwest Quarter (SW1/4) in Section Two (2); Southeast Quarter of Southeast Quarter (SE1/4-SE1/4) in Section Three (3); Northeast Quarter (NE1/4) in Section Ten (10);**
- **Northwest Quarter (NW1/4) in Section Eleven (11); all in Township One hundred fifty-eight (158) North, Range Thirty-eight (38) West.**
- **Lot Six (6), Lot Seven (7), East Half of Southwest Quarter (E1/2-SW1/4), and Southeast Quarter (SE1/4) in Section Six (6); Northeast Quarter (NE1/4), East Half of Northwest Quarter (E1/2-NW1/4), Lot One (1), and Lot Two (2) in Section Seven (7); all in Township One hundred fifty-eight (158) North, Range Thirty-eight (38) West.**
- **Southwest Quarter (SW1/4) in Section Five (5); Northwest Quarter (NW1/4) in Section Eight (8); all in Township One hundred fifty-eight (158) North, Range Thirty-eight (38) West.**
- **West Half of Southeast Quarter (W1/2-SE1/4) and Southeast Quarter of Southeast Quarter (SE1/4-SE1/4) in Section Twenty (20); Northwest Quarter (NW1/4) in Section Twenty-eight (28); Northeast Quarter (NE1/4) in Section Twenty-nine (29); all in Township One hundred fifty-six (156) North, Range Thirty-six (36) West.**
- **South Half of Northeast Quarter (S1/2-NE1/4), South Half of Southwest Quarter (S1/2-SW1/4), and Southeast Quarter (SE1/4) in Section Four (4); Southeast Quarter of Northeast Quarter (SE1/4-NE1/4) and East Half of Southeast Quarter (E1/2-SE1/4) in Section Five (5); all in Township One hundred fifty-five (155) North, Range Thirty-six (36) West.**
- **The areas located in Koochiching County to be covered by industrial minerals leases are as follows:**
- **Section Twenty-five (25), Township One hundred fifty-nine (159) North, Range Twenty-seven (27) West.**
- **Section Thirty-six (36), Township One hundred fifty-nine (159) North, Range Twenty-seven (27) West.**
- **Northeast Quarter (NE1/4), East Half of Northwest Quarter (E1/2-NW1/4), Lot One (1), Lot Two (2), Lot Three (3), Lot Four (4), East Half of Southwest Quarter (E1/2-SW1/4), and North Half of Southeast Quarter (N1/2-SE1/4), all in Section Thirty (30), Township One hundred fifty-nine (159) North, Range Twenty-six (26) West.**

The applicant for the leases is Rock Fish Quarries, Inc., 151 Good Counsel Drive, Mankato, Minnesota 56001. The effective date of the leases is September 8, 2005, contingent upon State Executive Council approval.

For more information, contact Vicki Hubred, Department of Natural Resources, Division of Lands and Minerals, 1525 Third Avenue East, Hibbing, Minnesota 55746; telephone 218-262-6767, TTY: 1-800-657-3929.

**Minnesota Department of Commerce  
Notice of Public Information Meeting  
August 15, 2005, 7:30 p.m.**

**Jeffers Senior Citizen Center  
Jeffers, Minnesota**

**Draft Site Permit Available For  
Jeffers Wind Energy Center  
In Cottonwood County**

**MPUC Docket No. E6465/WS-05-1220  
&  
EQB Docket Number 05-96-LWECS-SW**

**PLEASE TAKE NOTICE** that a public information meeting will be held on the application by Summit Wind, LLC, to build up to a 60 megawatt (MW) large wind energy conversion system (LWECS). The public meeting will take place at 7:30 p.m., on **Monday, August 15, 2005**, at the Jeffers Senior Citizen Center.

Staff of the Minnesota Department of Commerce (MDOC) will conduct the meeting and describe the state's wind energy site permitting process. Please note that the authority for wind 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 MDOC. Representatives of the applicant (Summit Wind) will be at the meeting to describe the proposed project and answer questions.

### **Project Description**

The Jeffers Wind Energy Center (Project) is a Large Wind Energy Conversion System of approximately 60 MW and will be built in two phases, with consideration given to further development in the future. Phase I will consist of four Clipper Wind 2.5 megawatt (MW) wind turbines and Phase II will consist of 28 Vestas 1.8 MW wind turbine generators, or an equivalent wind turbine model. Both phases will require a 34.5 kV electrical collection system to deliver power from each turbine to the Storden Junction Substation, located in section 28 of Storden Township. The Clipper Wind turbines will be mounted on 80-meter (262 feet)-high freestanding tubular towers. The rotor diameter of each Clipper Wind turbine is 93 meters (305 feet). The Vestas turbine will be mounted on 78-meter (256 feet)-high freestanding tubular towers. The rotor diameter is 80 meters (262 feet). Project associated facilities will also include a power collection system, pad mounted step-up transformers and access roads.

### **Proposed Site Location**

The proposed project site is located approximately 2 miles to the southwest of the City of Jeffers in Cottonwood County, and is composed of Sections 22, 23, 24, 25, 26, 27, 35 and 36 in Storden

Township; Section 1 in Amo Township; Sections 19, 30, and 31 in Amboy Township; and Section 6 in Dale Township.

### **MPUC Site Permit Review Process**

Summit Wind, LLC filed a site permit application for the 60 MW LWECS project on June 17, 2005, which the EQB Chair accepted on June 28, 2005. The MDOC is now reviewing the Summit Wind, LLC site permit application under the Wind Siting Act (Minnesota Statutes, sections 116C.691 - 116C.697) and the MPUC Wind Permitting Rules (Minnesota Rules, Chapter 4401). Upon completion of the review requirements, the MDOC will present the record of this matter to the MPUC for a final decision.

### **Public Comments**

The site permit application, Draft Site Permit and the agency rules guiding the review process are available on the MPUC websites at:

<http://energyfacilities.puc.state.mn.us/Docket.html?Id=17481>

Interested persons may comment on the site permit application and Draft Site Permit at the public meeting or may submit written comments by 4:30 p.m. on **August 31, 2005**. Comments must be submitted to: **Larry Hartman, Minnesota Department of Commerce, 85 7<sup>th</sup> Place East, Suite 500, St. Paul, MN 55101-2198; Tel: 651-296-5089 or 1-800-657-3794; Fax 651-297-7891; e-mail: [larry.hartman@state.mn.us](mailto:larry.hartman@state.mn.us)**

### **Project Contacts**

David Birkholz, with the DOC staff, has been appointed as the public advisor to assist and advise citizens on how to participate in the site permit process. He can be contacted at: Tel: 651-296-2878 or e-mail: [david.birkholz@state.mn.us](mailto:david.birkholz@state.mn.us) and the mailing address above.

Questions about the Summit Wind application can also be directed to the applicant by contacting Patrick Pelstring at 952-361-5445 or [patrick@tributecapital.com](mailto:patrick@tributecapital.com) or Joel Schittone at 608-831-4444 or [joel.schittone@rmtinc.com](mailto:joel.schittone@rmtinc.com)

## Hearing Request

Any person may request a contested case hearing in this matter. All contested case hearing requests must be filed with Larry Hartman (address above) in writing by 4:30 p.m. on **Wednesday, August 31, 2005**. The person requesting the public hearing must list the issues to be addressed in the hearing and the reasons why a hearing is required to resolve those issues. The MPUC shall order a contested case hearing if it finds that a material issue of fact has been raised and that the holding of the hearing will aid the MPUC in making a final decision on the site permit application.

## Project Background Information

Copies of the Summit Wind site permit application have been distributed to affected landowners, and township, county and state officials. Copies of the application and Draft Site Permit are available for review at the Auditor's Offices in Cottonwood County and the city offices in Jeffers. All project documents will be available on the MPUC Web site at: <http://energyfacilities.puc.state.mn.us/Docket.html?Id=17481>

OAH Docket No. 12-2000-16732-2

## STATE OF MINNESOTA

### OFFICE OF ADMINISTRATIVE HEARINGS FOR THE MINNESOTA DEPARTMENT OF NATURAL RESOURCES

In the matter of the Permit Application  
No. 86-6226 of American Iron.

### NOTICE AND ORDER FOR PREHEARING CONFERENCE

TO: American Iron & Supply Company and its attorney, Elizabeth H. Schmiesing, Faegre & Benson, 220 Wells Fargo Center, 90 South Seventh Street, Minneapolis, MN 55402-3901.

AMERICAN IRON & SUPPLY COMPANY (“American Iron”) IS HEREBY

NOTIFIED that the Minnesota Department of Natural Resources (“Department”) has initiated this action pursuant to American Iron’s appeal of the Department’s decision to deny Permit Application No. 2004-1082. This matter is brought pursuant to Minn. Stat. § 103G.311, subd. 5 (2004).

IT IS HEREBY ORDERED that a prehearing conference will be held on August 8, 2005, at 1:30 p.m. in Hearing Room 3 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 Steve M. Mihalchick, Administrative Law Judge, Office of Administrative Hearings, 100 Washington Avenue South, Suite 1700, Minneapolis, MN 55401-2138, telephone (612) 349-2544.

The prehearing conference 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 1400.5010 - 1400.8500 (2003), 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](http://www.revisor.leg.state.mn.us). Copies of the rules are also available at [www.oah.state.mn.us](http://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 purpose of the prehearing conference include simplifying and narrowing the issues, establishing a discovery and motion schedule, establishing hearing dates and locations, and exploring the possibilities for resolving the issues without the necessity of a hearing.

The attorney for the Department, David P. Iverson, 445 Minnesota Street, #900, St. Paul, Minnesota 55101-2127, and telephone: (651) 296-0697, may be contacted to discuss discovery or informal disposition of this matter.

After the hearing in this matter, the record and the Administrative Law Judge's recommendations will be forwarded to the Commissioner of Natural Resources to make a final decision. Department staff involved in the pretrial conference and subsequent hearing will not

participate in the Commissioner's deliberations in this matter. In addition, the Commissioner will be advised by an attorney other than David P. Iverson.

## **ALLEGATIONS**

1. American Iron is a commercial metal recycling facility with real property located in the City of Minneapolis, Minnesota, on the west bank of the Mississippi River. In the early to mid-1980s, American Iron sunk two barges along the shore of the Mississippi River at its property and filled the barges with fill material to create two loading docks for the purpose of mooring watercraft used in its business.

2. As a wharf defined in Minn. R. 6115.0170, subp. 43 (2003), the sunken barges were subject to the public waters permit jurisdiction of the Department. *See* Minn. Stat. § 103G.245, subd. 1 (2004). However, no public waters permit had been obtained for this construction. On April 26, 1989, the Department issued an after-the-fact permit, Permit No. 86-6226, authorizing American Iron to "retain two sunken barges measuring 200 feet by 35 feet each set 175 feet apart and secured to the shoreline."

3. By application dated February 3, 2005, American Iron applied to the Department to perform repair work on the sunken barge loading docks. Due to deterioration, the metal sidings of the barges have begun to delaminate and, in locations, bow outward into the river. In addition, erosion has occurred around and under the barges due to river currents. Consequently, American Iron requested authorization to insert new sheet metal reinforcing material (sheet pilings) into the river bottom adjacent to the face and sides of the barges and to dredge accumulated silt on the riverward side of the barge docks.

4. After investigation and review of American Iron's public waters permit application, the Department approved the request for maintenance dredging in the amount of

600 cubic yards of material. However, the Department denied the request for repair of the sunken barge loading docks, finding the request inconsistent with applicable Minnesota Statutes and Rules.

5. The Department's denial of the American Iron's permit application is supported by reasons including, but not limited to, the following:

A. Minnesota Rule part 6115.0210, subp. 1 (2003) states that "[i]t is the goal of the department to limit the occupation of public waters by offshore navigational facilities, retaining walls and other structures in order to: (A.) preserve the natural character of the public waters and their shorelands; (B.) provide a balance between protection and utilization of public waters; and (C.) encourage the removal of existing structures which do not serve the public interest from the beds of public waters at the earliest practicable date." The Department determined that the request to repair the sunken barge loading docks would be inconsistent with the natural character of the river by perpetuating wharves extending channelward into the river from the natural shoreline. The Department also determined that it was in the public's interest to phase out the sunken barge loading docks when their use is no longer viable and that issuance of a permit for repairs would be inconsistent with this interest.

B. Minnesota Rule 6115.0210, subp. 5 (2003) lists criteria that must be met prior to the issuance of a permit for any structure or mooring facility placed in public waters. Among other criteria, the proposed project "must represent the minimal impact solution to a specific need with respect to all other reasonable alternatives" and "must not exceed more than a minimum encroachment, change, or damage to the environment, particularly the ecology of the waters." Minn. R. 6115.0120, subp. 5.A and B (2003).

The Department determined that there were other alternatives available for barge docking at the American Iron site that would minimize the environmental impact as well as on the structures' encroachment into public waters. These alternatives include use of floating barges tied to the shoreline, construction of a bulkheaded shoreline, or an inland mooring slip.

C. Minnesota Rule 6115.0211, subp. 3 (2003) states that the order of preference for permitted wharves is: (1) bulkheaded shorelines; (2) inland slips with bulkheaded sidewalls; and (3) wharves projecting into public waters. The Department determined that a bulkheaded shoreline and an inland slip are possible alternatives to the proposed project.

D. Minnesota Rule 6115.0211, subp. 3 (2003) also states a wharf shall be approved if, among other conditions, the structure "does not extend further waterward than any existing wharves in the area or beyond any established harbor line, whichever is less" and "is of the minimum practicable size." Minn. R. 6115.0211, subp. 3.C and D (2003). The Department determined that American Iron had not shown that it satisfied these requirements because no other similar structures exist in this area of the Mississippi River and other less intrusive alternatives exist, including a bulkheaded shoreline or an inland harbor.

6. Pursuant to Minn. Stat. § 103G.311 (2004), American Iron appealed the Department's decision.

## **ISSUES**

1. Whether the Department's denial of American Iron's permit application is consistent with applicable Minnesota Statutes and Rules.

The relevant statutes and rules include, but need not be limited to, Minn. Stat. §§ 103A.201, 103G.245, .311, .315 (2004) and Minn. R. 6115.0210-.0212 (2003).

**ADDITIONAL NOTICE**

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

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

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

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

5. Persons attending the hearing should bring all evidence bearing on the case, including any records or other documents. Be advised that if data that is not public is admitted

into the record, it may become public data unless an objection is made and relief is requested under 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 (2003). 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](http://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](http://www.oah.state.mn.us) or by calling (612) 341-7600. Pursuant to Minn. R. 1400.5100, subp. 3a and 1400.5500 (2003), 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 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).

Dated this \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

MINNESOTA DEPARTMENT OF NATURAL  
RESOURCES

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Gene Merriam  
Commissioner

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

In the matter of the Permit Application  
No. 86-6226 of American Iron.

**NOTICE OF APPEARANCE**

TO: Steve M. Mihalchick, Administrative Law Judge, Suite 1700, 100 Washington Square,  
100 Washington Avenue South, 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, Minnesota 55107  
651-772-7900

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

David P. Iverson  
Assistant Attorney General  
445 Minnesota Street, Suite 900  
St. Paul, MN 55101-2127  
651-296-0697

Signature of Party/Attorney:

\_\_\_\_\_  
David P. Iverson

Dated: \_\_\_\_\_.

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.

OAH Docket No. \_\_\_\_\_

**STATE OF MINNESOTA**

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

In the matter of the Permit Application  
No. 86-6226 of American Iron.

**NOTICE OF APPEARANCE**

TO: Steve M. Mihalchick, Administrative Law Judge, Suite 1700, 100 Washington Square,  
100 Washington Avenue South, 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:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Signature of Party/Attorney:

\_\_\_\_\_

Dated: \_\_\_\_\_

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.



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1200 Warner Road  
St. Paul, MN 55106

Ron Anderson  
DNR, Division of Waters  
Water Management Section  
500 Lafayette Road, Box 32  
St. Paul, MN 55155-4032

Mark Newbury, Environmental Specialist  
Atlas Land Company / American Iron  
2800 Pacific Street North  
Minneapolis, MN 55411-1694

Elizabeth Schmiesing, Attorney  
Faegre & Benson  
220 Wells Fargo Center  
90 South Seventh Street  
Minneapolis, MN 55402-3901

Steve M. Mihalchick  
Administrative Law Judge  
Office of Administrative Hearings  
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300 Centennial Building  
658 Cedar Street  
St. Paul, MN 55155-1388

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KAY L. SCHERLE

Subscribed and sworn to before me this  
\_\_\_\_\_ day of July, 2005.

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Notary Public

AG: #1446125-v1



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Department of Administration

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