



Environmental Assessment Worksheets

Comments due on March 20, 2002

New Interchange TH 169 and County Road 33 (S.P. 7106-66)

Description: Construction of a new interchange at Minnesota Trunk Highway 169 and Sherburne County Road 33, located approximately 3.75 miles north of TH 10 and the Mississippi River, within the City of Elk River. Construction will consist of a bridge over TH 169, realignment of CR 33 ramps, and frontage roads.

RGU: Minnesota Department of Transportation

Contact: Gerald Larson, Environmental Services Coordinator, Mn/DOT, 395 John Ireland Blvd., Mail Stop 620, St. Paul, MN 55155; 651-284-3775

Oak Ridge Preserve

Description: Oak Ridge Plat is a proposed 38 lot, single-family residential development that sits on 446 acres. 22 lots will be on the 113-acre Bass Lake (77-24) which is classified as a Natural Environmental lake. The remainder of the development will occur as non-riparian lots that range in size from 11.09 acres up to

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 www.mnplan.state.mn.us

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Next issue: March 4, 2002
Submittal deadline: February 25, 2002

40 acres. A public road will be built to service these lots. Property owners will be responsible for their own wells and septic systems.

RGU: Todd County

Contact: Todd Schultz, Administrator, 215 First Avenue S., Long Prairie, MN; 320-732-4420

Somerby Golf Community

Description: A phased residential and golf course development to include approximately 600 housing units including single-family homes, duplex townhome units, four and six unit condominiums, and two three story multi-unit apartment buildings on 400 acres in Kalmar Township, Olmsted County, Minnesota. The site is located partially within and north of the existing city of Byron boundaries. The entire development will be annexed to the city of Byron.

RGU: City of Byron

Contact: Jerry Henricks, City Administrator, 11 Fourth Street NW., Byron, MN 55902; 507-775-2550

Island Station

Description: Prairie Gen L.P. proposes to construct a 49-megawatt electrical power generating station at 436 Shepard Road, St. Paul, MN. The site is presently zoned I-2 Industrial which allows a power plant. Island Station will consist of one natural gas, dual fuel, simple-cycle combustion turbine. The primary fuel is natural gas and the secondary fuel is fuel oil. The proposed project also includes a transmission line, natural gas connections and other associated facilities. The environmental assessment worksheet is available from the EQB for review. The EAW will also be available on the EQB website at: www.mnplan.state.mn.us/eqb/EnergyFacilities/pwrplntproj.html#eaw

RGU: Minnesota Environmental Quality Board

Contact: John Hynes, Minnesota Environmental Quality Board, 300 Centennial Office Building, 658 Cedar St., St. Paul, MN 55155; 651-296-2871

Kjell Mattson Proposed Feedlot Expansion

Description: Kjell Mattson is proposing to construct and operate a third 51 foot 2 inch x 318 foot total confinement hog barn at his existing feedlot located within the Northeast ¼ of Section 14, Mansfield Township, Freeborn County. Upon completion, the proposed barn would house an additional 2,100 finishing hogs (630 animal units), which would bring the total number of hogs raised at this feedlot to 6,300 hogs (1,890 animal units). Similar in design to the two existing barns, the proposed barn would have an eight-foot deep concrete manure storage pit beneath it. All manure generated at the feedlot would be removed and injected into cropland once per year.

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: Kevin Molloy, Project Manager, Operations and Environmental Review Section, Regional Management Division, Minnesota Pollution Control Agency, 520 Lafayette Road, St. Paul, MN, 55155; 651-296-7376

Cemstone Products Co. Ready Mix Plant – East Bethel

Description: the proposed project entails construction and operation of a ready mix concrete manufacturing and distribution facility on approximately 9 acres of a 37-acre vacant parcel located east of Highway 65 in East Bethel. Activities will include bulk delivery of aggregate, cement, and concrete admixtures, and distribution of cement and ready mix to project sites.

RGU: City of East Bethel

Contact: Dale Powers, Planning/Zoning Offer, 2241 221st Avenue NE, East Bethel, MN, 55011; phone 763-433-9569; fax 763-434-9578

Mounds View/ Highway 10 Regional Pond Project

Description: the Rice Creek Watershed District proposes to construct a “structured wetland system” to detain and treat runoff from a portion of the watershed that has not had such measures in place. The system would replace part of a degraded floodplain forest located between Greenfield Park and Highway 10 in Mounds View.

RGU: Rice Creek Watershed District

Contact: Bonnie Torpe, Administrative Assistant, 3585 N. Lexington Ave., Suite 330, St. Paul, MN 55126-8056; phone 651-766-4194; fax 651-766-4196

Petitions Filed

The following petitions have been filed with the EQB requesting preparation of an EAW. The EQB has assigned the indicated units of government to review the petition and decide on the need for an EAW.

- Highway 49 project, Ramsey County
- Wood View Acres Fourth Addition, McLeod County

EIS Need Decisions

The responsible governmental units have 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*.

- Minnesota Pollution Control Agency, Duluth/ North Shore Sewer Project, January 23, 2002 (August 20, 2001)
- City of Maple Grove, Upsher-Smith Corporate Campus, February 4, 2002 (November 26, 2001)
- City of Woodbury, City Walk, January 23, 2002 (November 12, 2001)

EIS Adequacy Decision

Best Buy Campus

On January 22, 2002, the city of Richfield determined that the Supplemental EIS for the Best Buy Campus project to be adequate.

Notice of Availability of Draft EIS and Correction of Public Hearing Date

FHWA-MN-EIS-02-01-D Draft Environmental Impact Statement/Draft Section 4(f) for Trunk Highway 169 Corridor in Crow Wing and Mille Lac Counties, Minnesota.

S.P. 1804-50 (TH 169) [Assoc. S.P. 4813-16 & S.P. 4814-47 (TH 167)] From Jct. TH 169/TH 27 N. of the City of Onamia to the Intersection of TH 18 and TH 6 NW of the City of Garrison.

By letter dated January 31, 2002, the Minnesota Department of Transportation (Mn/DOT) distributed the Draft Environmental Impact Statement/Draft Section 4(f) Evaluation for the proposed construction of a four-lane limited access highway on TH 169 from the intersection of TH 169 and TH 27 north of the City of Onamia to the intersection of TH 18 and TH 6 northwest of the City of Garrison in Crow Wing and Mille Lacs Counties, Minnesota.

The public hearing date has been changed to Monday, March 4, 2002 at the Onamia Elementary School Gymnasium, 35465 – 125th Avenue, Onamia, Minnesota from 5 to 8:30 p.m. to avoid conflict with DFL Precinct Caucuses.

Comments will be accepted through March 25, 2002 and will be considered for inclusion in the final EIS. Comments may be directed to: James Hallgren, P.E., Project Manager, Mn/DOT, District 3, 1991 Industrial Park Road, Baxter, MN 56425; 218-828-2773; e-mail: james.hallgren@dot.state.mn.us

Notice of Availability

Notice of Application for Special Local Need Registration

Pursuant to Minnesota Statutes 18B.27 (2000), the Minnesota Department of Agriculture (MDA) is certified to issue Special Local Need (SLN) registrations.

Applicant: Syngenta, Greensboro, NC 27419

Project Location: Any area of Minnesota where hybrid poplars are grown.

Project Description: This SLN registration would allow the use of Warrior T for the control of insects in hybrid poplar.

This notice is being published by the MDA. The department is not considering holding public hearings on this proposed SLN registration. Comments can be submitted to and additional information obtained from: John C. Sierk, Pesticide Regulatory Consultant, Minnesota Department of Agriculture, Agronomy and Plant Protection Division, 90 West Plato Boulevard, St. Paul, MN 55107-2094.

Comment deadline is March 20, 2002.

Notice of Availability

Request for proposal for preparation of an EIS for the United States Steel-Minntac Water Inventory Reduction Project in Mountain Iron, Minnesota.

The Minnesota Pollution Control Agency seeks the services of a professional consultant to assist in preparing an EIS for the United States Steel-Minntac Water Inventory Reduction Project at Mountain Iron in St. Louis County, MN. U.S. Steel-Minntac is proposing to release excess water from its tailings basin, which is gained from precipitation. If permitted, this project will increase the time that Minntac can safely use the tailings basin for permitted disposal of fine tailings. The proposed discharges would be to the Dark River watershed on the west side of the basin, and to the Sandy River watershed on the east side of the basin. The proposed discharges would be located near current seepage points that flow into the Dark and Sandy Rivers. An engineered siphon system would actively

move water from the interior of the basin and over the dike. Siphon discharge would be to the Dark and/or Sandy River watersheds at a rate of approximately 5,000 gallons per minute; approximately 2.6 billion gallons per year.

The MPCA seeks the services of a consultant with expertise in preparing environmental review documents, (metal mining, metallurgical and mineral processing, tailings basin, geotechnical dam safety, industrial wastewater treatment) engineering, (aquatic) ecology, hydrology, water quality analysis, wildlife biology, state and federal regulatory processes, and socioeconomics. The consultant must conduct necessary data collection and analysis, and prepare draft and final EISs that fulfill the requirements of the Minnesota Rules part 5510.0200-4410-6500.

The full Request for Proposal contains detailed information about the proposed mining project and proposal content requirements. Call or write for the full request, which will be sent free of charge to interested vendors. MPCA staff will hold a pre-proposal information meeting on Thursday, February 28, 2002 from 9 to 10 a.m. at the MPCA offices in St. Paul.

Please contact John Elling, Project Manager, Operations and Environmental Review Section, Regional Environmental Management Division, MPCA, 520 Lafayette Rd. N., St. Paul, MN 55155; 651-296-8011.

Minnesota Public Utilities Commission-Notice of Certificate of Need Application

Hutchinson Utilities Commission Application for a Certificate of Need to Construct a Large Natural Gas Pipeline

Editor's note: the following notice is a summary of a notice printed in its entirety in the February 11, 2002 issue of the State Register, to which the reader is referred for additional information in this matter.

On December 13, 2001, the Hutchinson Utilities Commission (Hutchinson) submitted its application for a certificate of need to the Public Utilities Commission. Hutchinson proposes to construct, own and operate an 89-mile long natural gas pipeline between Trimont,

Minnesota and Hutchinson, Minnesota. The project will connect with the Northern Border Pipeline Company in Martin County, Minnesota and provide an alternative to the Northern Natural Gas Company Pipeline. The pipeline will be used to transport natural gas to the City of New Ulm, New Ulm's electric generating facilities, the City of Hutchinson and Hutchinson Utilities Commission's electric generating facilities. The proposed pipeline is a "large energy facility" as defined in Minn. Stat. 216B.2421, subd. 2(4). Therefore, Hutchinson must receive a certificate of need from the Public Utilities Commission prior to construction under the provisions of Minn. Stat. 216B.243.

The proposed pipeline will be designed for a capacity of 60,000 Mcf/day through 46 miles of 16-inch diameter pipe (from Trimont to New Ulm) and 40,000 Mcf/day through 43 miles of 12-inch diameter pipe (from New Ulm to Hutchinson). The cost of this project has been estimated to be approximately 26 million dollars. Hutchinson proposes to begin construction in May, 2003 and have the pipeline in service by November, 2003.

Upon review of the company's filing, and on the basis of the record, the Public Utilities Commission will accept Hutchinson's filing as substantially complete as of the date Hutchinson submits the feasibility study requested from Northern Natural Gas Company and a cost comparison by Hutchinson of Hutchinson's proposed pipeline and Northern's proposal. The Public Utilities Commission clarifies that its assessment of the completeness of the filing does not prejudice the merits of Hutchinson's application, which will be thoroughly examined in the course of this docket.

Minn. Stat. 216B.243, subd. 4 encourages public participation in certificate of need proceedings. The statute requires at least one hearing to obtain public opinion on the application and requires the Public Utilities Commission to designate an employee to facilitate citizen participation in the hearing process. The Commission finds that it cannot satisfactorily resolve all issues raised by the Hutchinson's application on the basis of its filing and the single public hearing required under the statute. The Commission will therefore refer the matter to the Office of Administrative Hearings for contested case proceedings.

The Public Utilities Commission has designated statistical analyst Robert Harding to facilitate and coordinate public participation in this proceeding. He

may be reached by telephone at 651-296-7125 and by fax at 651-297-7073. His address is 121 Seventh Place East, Suite 350, St. Paul, MN 55101-2147.

Members of the public need not become formal parties to participate in the hearing process. They are encouraged to attend the public hearing(s) and to submit testimony and exhibits. Persons who cannot attend the public hearing(s) and wish to comment may submit written comments to the Administrative Law Judge. The Public Utilities Commission will require Hutchinson to publish notice of the public and evidentiary hearings in relevant newspapers to encourage public participation.

Hearings in this matter will be conducted in accordance with the Administrative Procedure Act, Minn. Stat. 14.57-14.62; the rules of the Office of Administrative Hearings, Minn. Rules, parts 1400.5100 to 1400.8400; and, to the extent that they are not superseded by those rules, the Commission's Rules of Practice and Procedure, Minn. Rules, parts 7829.0100 to 7829.3200. Copies of these rules and statutes may be purchased from the Minnesota Bookstore, Department of Administration, 117 University Avenue, St. Paul, MN 55155; 651-297-3000. These rules and statutes also appear on the State of Minnesota's website at www.revisor.leg.state.mn.us.

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 State Bar Association. The Administrative Law Judge assigned to this case is Kenneth A. Nickolai. His address and telephone number are as follows: Office of Administrative Hearings, Suite 1700, 100 Washington Square, Minneapolis, MN 55401-2138; 612-341-7604.

In these proceedings, parties may be represented by counsel, may appear on their own behalf, or may be represented by another person of their choice, unless otherwise prohibited as the unauthorized practice of law. They have the right to present evidence, conduct cross-examination, and make written and oral argument. Under Minn. Rules, part 1400.7000, they may obtain subpoenas to compel the attendance of witnesses and the production of documents.

Parties should bring to the hearing all documents, records, and witnesses necessary to support their positions. The current parties to this case are the Hutchinson Utilities Commission and the Minnesota

Department of Commerce. Other persons wishing to become formal parties shall promptly file petitions to intervene with the Administrative Law Judge. They shall serve copies of such petitions on all current parties and on the Commission. Minn. Rules, part 1400.6200. Any questions regarding discovery under Minn. Rules, parts 1400.6700 to 1400.6800 or informal disposition under Minn. Rules, part 1400.5900 should be directed to Robert Harding, Public Utilities Rates Analyst, Minnesota Public Utilities Commission, 121 Seventh Place East, Suite 350, St. Paul, MN 55101-2147; 651-296-7125; or Jim Alexander, Assistant Attorney General, 1100 NCL Tower, 445 Minnesota Street, St. Paul, MN 55101, 651-282-9965.

The times, dates, and places of public and evidentiary hearings in this matter will be set by order of the Administrative Law Judge after consultation with the Commission and intervening parties. Any party intending to appear at the hearing must file a notice of appearance with the Administrative Law Judge within 20 days of the date of this Notice and Order for Hearing. A sample notice of appearance form is available from the Public Utilities Commission.

Prehearing Conference. A prehearing conference will be held in this case on Monday, March 4, 2002, at 1:30 p.m. in the Small Hearing Room of the Public Utilities Commission, 121 Seventh Place East, Suite 350, St. Paul, MN 55101. Persons participating in the prehearing conference should be prepared to discuss time frames, scheduling, discovery procedures, and similar issues. Potential parties are invited to attend the pre-hearing conference and to file their petitions to intervene as soon as possible.

Minnesota Public Utilities Commission Notice of Certificate of Need Application

Xcel Energy Application for Certificates of Need for Four Large High Voltage Transmission Line Projects in Southwestern Minnesota

Editor's note: the following notice is a summary of a notice printed in its entirety in the State Register, to which the reader is referred for additional information in this matter.

On Friday, December 28, 2001, Northern States Power Company d/b/a Xcel Energy (Xcel or the Company) filed an application under Minn. Stat. 216B.243 and Minnesota Rules, Chapter 7849, for certificates of need to construct four high voltage transmission line projects in southwestern Minnesota. On January 24, 2002, the company made a supplementary filing providing additional information. The Public Utilities Commission will accept the application as substantially complete as of January 24, 2002, the date of the company's supplementary filing.

Referral for Contested Case Proceedings. The Commission has jurisdiction over applications for certificates of need for large energy facilities, including the high voltage transmission line projects at issue, under Minn. Stat. 216B.2421 and 216B.243. The statute requires the Commission to hold at least one public hearing under the Administrative Procedure Act before acting on this or any other application for a certificate of need. Minn. Stat. 216B.243, subd. 4. The Commission finds that it cannot determine, on the basis of the record before it, whether the company should be granted the certificates of need it seeks. That determination turns on specific facts that are best developed in formal evidentiary proceedings. The Commission will therefore refer the matter to the Office of Administrative Hearings for contested case proceedings.

Minn. Stat. 216B.243, subd. 4 encourages public participation in certificate of need proceedings. The statute requires at least one hearing to obtain public opinion on the application and requires the Public Utilities Commission to designate an employee to facilitate citizen participation in the hearing process. The Commission has designated statistical analyst David L. Jacobson to facilitate and coordinate public participation in this proceeding. He may be reached by phone at 651-297-4562, by FAX at 651-297-7073 or by mail at Suite 350, 121 Seventh Place East, St. Paul, MN 55101-2147.

Members of the public need not become formal parties to participate in the hearing process. They are encouraged to attend the public hearing(s) and to submit testimony and exhibits. Persons who cannot attend the public hearing(s) and wish to comment may submit written comments to the Administrative Law Judge. The Public Utilities Commission will require Xcel to publish notice of the public and evidentiary hearings in relevant newspapers to encourage public participation.

Hearings in this matter will be conducted in accordance with the Administrative Procedure Act, Minn. Stat. 14.57-14.62; the rules of the Office of Administrative Hearings, Minn. Rules, parts 1400.5100 to 1400.8400; and, to the extent that they are not superseded by those rules, the Commission's Rules of Practice and Procedure, Minn. Rules, parts 7829.0100 to 7829.3200. Copies of these rules and statutes may be purchased from the Minnesota Bookstore, Department of Administration, 117 University Avenue, St. Paul, MN 55155; 651-297-3000. These rules and statutes also appear on the State of Minnesota's website at www.revisor.leg.state.mn.us.

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 State Bar Association. The Administrative Law Judge assigned to this case is Beverly Jones Heydinger. Her address and telephone number are as follows: Office of Administrative Hearings, Suite 1700, 100 Washington Square, Minneapolis, MN 55401-2138; 612-341-7606.

In these proceedings, parties may be represented by counsel, may appear on their own behalf, or may be represented by another person of their choice, unless otherwise prohibited as the unauthorized practice of law. They have the right to present evidence, conduct cross-examination, and make written and oral argument. Under Minn. Rules, part 1400.7000, they may obtain subpoenas to compel the attendance of witnesses and the production of documents.

Parties should bring to the hearing all documents, records, and witnesses necessary to support their positions. The current parties to this case are the Company and the Minnesota Department of Commerce. Other persons wishing to become formal parties shall promptly file petitions to intervene with the Administrative Law Judge. They shall serve copies of such petitions on all current parties and on the Commission. Minn. Rules, part 1400.6200.

Any questions regarding discovery under Minn. Rules, parts 1400.6700 to 1400.6800 or informal disposition under Minn. Rules, part 1400.5900 should be directed to David L. Jacobson, Statistical Analyst, Minnesota Public Utilities Commission, 121 Seventh Place East, Suite 350, St. Paul, MN 55101-2147; 651-297-4562; or James Alexander, Assistant Attorney General, 1100

NCL Tower, 445 Minnesota Street, St. Paul, MN
55101; 651-282-9965.

The times, dates, and places of public and evidentiary hearings in this matter will be set by order of the Administrative Law Judge after consultation with the Commission and intervening parties. Any party intending to appear at the hearing must file a notice of appearance with the Administrative Law Judge within 20 days of the date of this Notice and Order for Hearing. A sample notice of appearance form is available from the Public Utilities Commission.

Under Minn. Stat. 216B.243, subd. 5, the Commission is required to act on this application within six months of the date it was substantially complete. That date was January 24, 2002. The Commission asks the Office of Administrative Hearings to conduct contested case proceedings in light of these time constraints. Parties should note the six-month statutory time frame at the outset and be prepared for the expedited hearing schedule that time frame requires.

Prehearing Conference. A prehearing conference will be held in this case on Friday, March 1, 2002 at 1:30 p.m. in the Large Hearing Room, Public Utilities Commission, 121 Seventh Place East, Suite 350, St. Paul, MN 55101. Persons participating in the prehearing conference should be prepared to discuss time frames, scheduling, discovery procedures, and similar issues. Potential parties are invited to attend the pre-hearing conference and to file their petitions to intervene as soon as possible.

Notifications of Release of Genetically Engineered Organisms

File Number	Company	Crop	Project	County
02-NO-009	Monsanto	Corn	Herbicide tolerance	Steele, Renville
02-NO-010	Monsanto	Corn	Insect resistance	Cottonwood
02-NO-011	Monsanto	Corn	Insect resistance	Freeborn (2), Brown, Rice, Martin, Steele, Goodhue, Faribault
02-NO-012	Monsanto	Corn	Insect resistance	Steele, Renville
02-NO-013	Monsanto	Corn	Insect resistance	Steele, Renville
02-NO-014	Monsanto	Corn	Insect resistance	Brown, Goodhue (2)
02-NO-015	Monsanto	Corn	Insect resistance	Steele, Renville
02-NO-016	Monsanto	Corn	Insect resistance and herbicide tolerance	Goodhue (2)
02-NO-018	Monsanto	Corn	Insect resistance and herbicide tolerance	Steele (2), Renville
02-NO-019	Monsanto	Corn	Insect resistance and herbicide tolerance	Steel Renville
02-NO-020	Monsanto	Corn	Herbicide tolerance	Goodhue (2)
02-NO-021	Monsanto	Wheat	Herbicide tolerance	Polk
02-NO-022	Monsanto	Corn	Insect resistance and herbicide tolerance	Freeborn (2)

For more information contact Mary Hanks, Minnesota Department of Agriculture, 90 W. Plato Blvd., St. Paul, MN 55107, 651-296-1277