



June 21, 2004

EQB Monitor

ENVIRONMENTAL ASSESSMENT WORKSHEETS

Comments due on July 21, 2004

Rice Wastewater Treatment Facility

Description: The city of Rice is proposing to expand its municipal wastewater treatment ponds. The existing WWTF can treat 83,000 gallons per day (gpd). The new WWTF will treat approximately 166,000 gpd in dry weather and 185,000 gpd in wet weather.

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: Cathy Jensen, Project Manager, Operations and Environmental Review Section, Regional Environmental Management Division, Minnesota Pollution Control Agency, 520 Lafayette Road N., St. Paul, Minnesota 55155; 651-297-8676.

SoyMor Cooperative Biodiesel Production Facility

Description: SoyMor Cooperative, a cooperative of southern Minnesota and northern Iowa farmers, is proposing to build a biodiesel production facility in Glenville, Minnesota. The facility will be capable of producing 25 million gallons of biodiesel per year. Biodiesel is an alternative fuel

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/>

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for use in diesel engines and is produced from soybean oil.

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, Operations and Environmental Review Section, Regional Environmental Management Division, Minnesota Pollution Control Agency, 520 Lafayette Road N., St. Paul, Minnesota 55155; 651-296-6703.

Han-Mar, Inc., Swine Breeding #4 Project

Description: Han-Mar, Inc., proposed to construct three hog barns in Section 8, Nashville Township, Martin County, with a capacity of 4,879 sows (1,952 animal units). The entire project will consist of two gestation barns and one farrowing barn, for a total of three livestock units. Manure will be collected in concrete pits beneath the barns and removed once per year, in the fall. It will then be applied by injection to area fields as fertilizer.

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: Jim Sullivan, Project Manager, Operations and Environmental Review Section, Regional Environmental Management Division, Minnesota Pollution Control Agency, 520 Lafayette Road N., St. Paul, Minnesota 55155; 651-297-1788.

Inspiration

Description: Inspiration is a 242.4-acre conservancy community proposed to include 253 single-family homes and 75 condominiums/senior housing units. The design preserves 162.3 acres of open space, some of which will be restored to native habitats and protected by existing and proposed perpetual easements.

RGU: City of Bayport

Contact: Michael McGuire, City Administrator, 294 North Third Street, Bayport, Minnesota 55003, 651-439-2530 Fax: 651-439-7188.

Mulberry Meadows Subdivision

Description: Mulberry Meadows is a residential development of 25.5 acres in Brockway Township, Stearns County, Minnesota, consisting of 43 residential lots with a centralized sewage treatment system. It is located on the west side of County Road 1 approximately 2 miles east of St. Stephen.

RGU: Stearns County

Contact: Don Adams, Director, Environmental Services, Admin. Center, 705 Courthouse Sq., St. Cloud, Minnesota 56303; 320-656-3613 Fax: 320-656-6484.

Deerfield Estates Residential Subdivision

Description: Deerfield Estates is a proposed residential development located in Section 14 Eckles Township, Beltrami County, Minnesota. Converting 93.5 acres of Agriculture Land into 48 residential dwelling sites.

RGU: Beltrami County

Contact: William Patnaude, Director, Beltrami County Environmental Services, 619 Beltrami Ave. N.W., Suite 200, Bemidji, Minnesota 56601; 218-333-4158.

Swan Lake Residential Development

Description: Single family residential development in Durand Township, Beltrami County, Minnesota. Consisting of thirty three (33) residential single family building sites on approximately 132 acres of former agricultural land. Property is located on Lake George 4-175, a Natural Environment Lake.

RGU: Beltrami County

Contact: William Patnaude, Director, Beltrami County Environmental Services, 619 Beltrami Ave. N.W., Suite 200, Bemidji, Minnesota 56601; 218-333-4158.

Woodland Shores

Description: Woodland Shores is a 157-lot single family residential subdivision on 80 acres in section 3, Township 118N, Range 26, City of Waverly, Wright County, Minnesota. Located south of CASH 12 between county road 110 and county road 8, each lot will be served by city sewer and water and public roadways.

RGU: City of Waverly

Contact: Bradley C. DeWolf, City Engineer, Bolton & Menk, Inc., 2040 Highway 12 East, Willmar, MN 56201; 320-231-3956 Fax: 320-231-9710.

Heritage Village

Description: The current project consists of 271 new mixed use residential units on 103.6 acres. There is a possibility of an additional 230 units on the adjacent 99.7 acres. Ultimate possible project total could be 501 units on 203 acres. The property is currently being used for agricultural purposes. Municipal utilities will be extended to service the site. Construction will commence as soon as possible in spring 2004.

RGU: City of Princeton

Contact: Mark Karnowski, City Administrator, 705 Second St. No., Princeton, Minnesota 55371; 763-389-2040 Fax: 763-389-0993, Email: mark@princetonmn.org.

River Park

Description: It is proposed to develop 225 acres of agricultural land into a 720 unit residential development – 366 single-family residences and 354 townhouse units. The property is located northeast of the Elk River Urban Service District, MN in Sections 25 and 36 of Township 33N, Range 22W.

RGU: City of Elk River

Contact: Stephen Rohlf, Building and Environmental Administrator, 13065 Orono Parkway, Elk River, Minnesota 55330; 763-635-1061, Fax: 763-635-1090, Email: srohlf@ci.elk-river.mn.us.

Trunk Highway 14 in North Mankato

Description: The Minnesota Department has prepared an Environmental Assessment (EA) for a project that involves the reconstruction of approximately 2.7 miles of Highway 14 as a four-lane, divided highway. The project extends west from County Road (CR) 6 in Belgrade Township to near Lookout Drive in North Mankato. An interchange will be constructed at CR 41. Construction of the interchange will require reconstruction of approximately 0.3 miles of CR 41 to the southwest of Highway 14 and new construction of approximately 0.3 miles of CR 41 to the northeast of Highway 14. Existing Highway 14 will become a frontage road between CR 6 and CR 41. The at-grade intersection at CR 6 will be modified. The EA documents the purpose, and need of the project along with the anticipated social, economic, and environmental impacts.

An Open House and Hearing will be held on Thursday, July 8, 2004, from 4:30 to 7:00 p.m. at the North Mankato Fire Station No. 2 located at 1825 Howard Drive. Detailed layouts showing approximate construction limits, buildings, homes, access points, intersections and similar data will be available. Staff from Mn/DOT District 7 and its consultant will be on hand to provide specific information and individual assistance. Right of Way specialists will be present to provide

guidance and information regarding right-of-way and building purchasing procedures.

The comment period will begin June 21, 2004 and will continue through July 23, 2004. Written comments should be directed to: Peter Harff, Project Engineer, Mn/DOT District 7, 501 South Victory Drive, Mankato, MN 56001-5302. He may be reached by telephone at 507-389-6877, Email: peter.harff@dot.state.mn.us.

Copies of the EA are available for public viewing during business hours at the following locations:

- Minnesota Department of Transportation - District 7 Office, 501 South Victory Drive, Mankato
- North Mankato Taylor Library, 1001 Belgrade Avenue, North Mankato,
- City of North Mankato, 1001 Belgrade Avenue, North Mankato
- Nicollet County Government Center, 501 South Minnesota Avenue, St. Peter

The EA is available in alternative formats to individuals with disabilities by calling the Project Engineer at the phone number listed above, or to individuals who are hearing or speech impaired by calling the Minnesota Relay Service at 1-800-627-3529. Individuals with a disability who need a reasonable accommodation to participate in this event please contact the Project Engineer at the phone number listed above or through the Minnesota Relay Service at 1-800-627-3529 by June 21, 2004.

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.

- RV/Campground Project on Eagle Lake, Becker County
- Roth Gravel Pit, Aitkin County

EIS NEED DECISIONS

The responsible governmental unit has determined the following projects do not require preparation of an EIS. The dates given are, respectively, the date of the determination and the date of the EAW notice was published in the EQB Monitor.

- Swanson's Meadow, Sherburne County, May 20, 2004 (March 29, 2004)
- Reconstruction of Minnesota Trunk Highway 23, Benton County, June 9, 2004 (September 29, 2003).
- Riverlinks, Cold Spring City Council, May 11, 2004 (March 15, 2004)

- Watkins Wastewater Treatment Facility Expansion, Minnesota Pollution Control Agency, June 3, 2004 (March 15, 2004)
- Fieldstone, Rochester Common Council, June 7, 2004 (April 12, 2004)
- Graham Woods, Rochester Common Council, June 7, 2004 (April 26, 2004)

FINAL EIS AVAILABLE

FINAL ENVIRONMENTAL IMPACT STATEMENT, FINAL GENERAL CONFORMITY DETERMINATION, AND SECTION 4(F) EVALUATION

PROPOSED EXPANSION OF FLYING CLOUD AIRPORT

The Metropolitan Airports Commission (MAC) proposes to extend the primary runway 10R/28L from 3,900 to 5,000 feet, extend the parallel runway 10L/28R from 3,600 to 3,900 feet, develop a new south building area on the airport, acquire land and make other related improvements at Flying Cloud Airport (FCM).

The Federal Aviation Administration (FAA) and the MAC have jointly prepared a Final EIS (FEIS) and Section 4(f) Evaluation for the proposed expansion of FCM. A Draft Environmental Impact Statement (DEIS) for the proposed expansion was distributed on January 7, 2000 for review and comment. A public hearing was held on February 9, 2000 and the comment period ended on February 21, 2000. As a result of these comments there were changes to the alternatives presented in the DEIS and new information was also obtained that changed the analysis of some of the environmental impacts presented in the DEIS. A Supplement DEIS (SDEIS) was prepared and distributed on August 8, 2001 for review and comment. The SDEIS presented the substantive changes to the DEIS and was subject to the same distribution and filing requirements as the DEIS. It was also distributed to those persons and agencies that made substantive comments on the DEIS. A public hearing was held on September 19, 2001 and the extended comment period ended on October 23, 2002.

The FEIS includes a Final General Conformity Determination on carbon monoxide emissions from the proposed action. This determination of general conformity with the Minnesota State Implementation Plan (SIP) is for public and agency review and comment, in accordance with 40 CFR Part 51, Subpart W and Section 176(c) of the Clean Air Act Amendments of 1990. FAA has demonstrated that the planned development at FCM conforms to the goals of the SIP and meets the requirements of the General Conformity Rule. This action is based on the results of the air quality impact analysis conducted in the Environmental Impact Statement for this project and from comments received on the Draft General Conformity Determination.

The FEIS also includes a Section 4(f) Evaluation on the effects that would result from the FAA action of approving the proposed expansion of Flying Cloud Airport (FCM) on Section 4(f) properties in the affected environment. This evaluation is for public and agency review and comment, in accordance with Section 4(f) of the 1966 Department of Transportation Act. The FAA has determined that the proposed expansion would have an adverse effect on one Section 4(f) property — a historic district of hangars and buildings at FCM that has been determined eligible for listing on the National Register of Historic Places (NRHP) by the State Historic Preservation Officer (SHPO).

The FAA is responsible for assuring the FEIS, Final General Conformity Determination and Section 4(f) Evaluation comply with all applicable federal requirements and the MAC is responsible for assuring the FEIS complies with all applicable state requirements. The Minnesota Environmental Quality Board (EQB) will make the determination of adequacy on the Final EIS for the state, while the FAA findings on the federal actions will be made in its Record of Decision.

The FEIS is available for review at the following locations: Eden Prairie Public Library, 479 Prairie Center Drive; Oxboro Public Library, 8801 Portland Avenue South; Chanhassen Public Library, 690 Coulter Drive; and the City Halls of Bloomington, Chanhassen, Eden Prairie and Shakopee. Copies of the document are also available on request.

Written comments on the FEIS, Final General Conformity Determination and Section 4(f) Evaluation will be accepted until the close of business on August 17, 2004 and should be sent to Bridget Rief or Glen Orcutt.

- Ms. Bridget Rief, Metropolitan Airports Commission, 6040 – 28th Avenue South, Minneapolis, MN 55450; 612-725-8371, Fax: 612-794-4407, E-mail: brief@mspmac.org
- Mr. Glen Orcutt, Federal Aviation Administration, 6020 – 28th Avenue South, Suite 102, Minneapolis, MN 55450; 612-713-4354, Fax: 612-713-4364, E-mail: glen.orcutt@faa.gov

NOTICE

Minnesota Environmental Quality Board

Decisions on Faribault Energy Park Project: Environmental Impact Statement Adequacy; Site Designation and Site Permit; HVTL Route Designation and HVTL Route Permit; and Partial Exemption Decision and Pipeline Route Designation and Pipeline Routing Permit.

At a meeting on May 20, 2004, the Minnesota Environmental Quality Board determined that the Environmental Impact Statement for the Faribault Energy Park generating plant was

adequate. The Board also designated a site and issued a Site Permit for the proposed 250-megawatt, combined cycle, dual fuel-fired power plant. The site is located in the southwest quarter of the northeast quarter of Section 13, Township 110 north, Range 21 west, in Rice County, Minnesota.

The Board issued an order granting a partial exemption from pipeline route selection procedures and the issuance of a pipeline routing permit to Faribault Energy Park for the proposed construction of a 10.75-inch, approximately 1,000 feet long, natural gas pipeline and associated facilities to deliver natural gas from the Northern Natural Gas pipeline to the Faribault Energy Park generating plant.

The Board also designated a route and issued a Route Permit for the proposed two 115 kV transmission lines connecting the Faribault Energy Park generating plant to the existing Xcel Energy transmission line.

If you have any questions about this project or would like more information, please contact the MEQB project manager: Bill Storm, 300 Centennial Bldg., 658 Cedar St., St. Paul, MN 55155. Tel: 651-296-9535; e-mail: bill.storm@state.mn.us

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

In the matter of Permit Application No. 2004 1048 of Larry R. Jacobson.

NOTICE AND ORDER FOR HEARING

TO: Larry R. Jacobson and his attorney, Mark Olson, Olson Law Office, 3605 East Cliff Road, Burnsville, MN 55337.

LARRY R. JACOBSON IS HEREBY NOTIFIED that the Minnesota Department of Natural Resources (“Department”) has initiated this action pursuant to Larry R. Jacobson’s appeal of the Department’s decision to deny Permit Application No. 2004 1048.

IT IS HEREBY ORDERED that a contested case hearing will be held on July 13 and 14, 2004, beginning at 9 a.m. each day at the Commissioner’s Board Room, Cass County Courthouse Annex, 303 Minnesota Avenue, Walker, MN 56484.

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

The hearing will be conducted pursuant to the contested case procedures set out in chapter 14 of Minnesota Statutes, the Rules of the Office of Administrative Hearings, Minn. Rules

1400.5010 .8500 (2003), and Minn. Stat. §§ 103G.251, .311, and .315 (2002). 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, David P. Iverson, Assistant Attorney General, Suite 900, 445 Minnesota Street, St. Paul, Minnesota 55101 2127, (651) 296-0687, may be contacted to discuss discovery or informal disposition of this matter.

ALLEGATIONS

1. On July 21, 2003, Larry R. Jacobson (hereinafter referred to as "Respondent") submitted a public waters permit application to the Department to construct an offshore harbor having a length of 235 feet along the shore and extending 85 feet into the lake. The proposed harbor would be completely enclosed by two L shaped breakwaters, except for a 33 foot wide opening along the lakewood side of the harbor for a boat entrances. Respondent further proposed a docking system for the mooring of 44 boats. This project is proposed to be located in Steamboat Bay of Leech Lake, off of Respondent's property located in Government Lot 1, Section 21, Township 143 North, Range 31 West, Cass County, Minnesota. Respondent operates a commercial business, Hiawatha Beach Resort, at the site. Respondent contended that the installation of the breakwaters was necessary to prevent ice damage to his existing permanent docks.

2. After investigation and review of Respondent's public water permit application, the Department determined that the proposed dock construction was exempt from a permit by Minnesota Rules part 6115.0210, subp. 4.A (2003). The Department also determined that the installation of two offshore breakwaters was inconsistent with applicable Minnesota statutes and rules and denied that portion of the application. The Department's denial is supported by reasons including, but not limited to, the following:

A. The proposed offshore breakwaters does not comply with Minn. R. 6115.0211, subp. 4.A (2003), which allows offshore breakwaters only where alternative docks or inland facilities are infeasible. Boats have commonly moored at seasonal docks and boatlifts in the immediate area of the proposed project without protection from breakwaters and, in fact, have been similarly docked at Hiawatha Beach Resort without incurring significant wind, wave, or ice damage. As Respondent proposes the breakwaters to protect existing permanent docks from ice damage, an alternative would be to continue to use the aeration system presently employed to limit such damage. Respondent could also install a seasonal or floating dock system that could be removed during the winter months. In addition, Respondent has an inland harbor at the property that could be used to moor watercraft, protecting any dock system from wind, wave, or ice damage.

B. The breakwaters proposal does not comply with Minn. R. 6115.0211, subp. 4.B(1) (2003), which limits breakwaters to those waters where "prevalent wind, wave, or current conditions along the shoreline are of a magnitude and frequency that preclude the use and maintenance of docks to moor watercraft." Respondent is not proposing the construction of the breakwaters to address wind, wave, or current conditions but rather to address ice damage occurring to his permanent docks. Even if the breakwaters was proposed to address wind, wave, or current conditions, the project location is on Steamboat Bay where open water exposure is generally limited to a fetch of four miles or less, except for a narrow opening to the south southeast where the effective fetch is 5.44 miles. The wave height resulting from this fetch is not considered severe enough to preclude the use of a docking facility without the protection of a breakwaters. In addition, shallow water depths and extensive stands of wild rice and bulrush throughout the bay help dissipate wave action.

C. Minn. R. 6115.0210, subp. 1 (2003) states that it is the Department's goal to limit structures in public waters in order to "preserve the natural character of public waters and their shorelines" and to "provide a balance between the protection and utilization of public waters." The construction of Respondent's proposed breakwaters would have a detrimental aesthetic impact on the natural character of the public water with the placement of a 235 foot rock breakwaters running parallel to the natural shoreline, accompanied by two 85 foot rock breakwaters legs running perpendicular from the shoreline to the offshore breakwaters. In addition, the structure would likely obstruct littoral drift (movement of sediments along the shoreline), possibly causing erosion down drift of the Respondent's property. Last, this proposal is unnecessary for utilization of the public waters by boats moored at Respondent's property as the construction is meant to minimize winter damage to the permanent dock structure, and seasonal docks or boatlifts are a reasonable alternative.

D. Minn. R. 6115.0210, subp. 5 (2003) requires that permitted projects "represent the minimal impact solution to a specific need with respect to all other reasonable alternatives" and that the project must "not exceed more than a minimum encroachment, change, or damage to the environment, particularly if the ecology of the waters." The breakwaters proposal does not provide the minimal impact solution to Respondent's ice damage complaint as various other alternatives, including seasonal docks, boatlifts, aeration systems, and an inland harbor, are available to him. In addition, as stated above, the proposed breakwaters would likely obstruct littoral drift and could cause shoreline erosion down drift of Respondent's property.

3. Pursuant to Minn. Stat. § 103G.311 (2002), Respondent appealed the Department's decision.

ISSUE

Whether Respondent's application to install breakwaters in Leech Lake is consistent with the applicable Minnesota statutes and rules, specifically Minnesota Rules 6115.0210 and 6115.0211 (2003).

The relevant laws and rules include, but need not be limited to, Minn. Stat. §§ 103A.201, 103G.245, .311, .315 (2002), and Minn. R. 6115.0210 .0211 (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 (2002).
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 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).

Gene Merriam Commissioner

Administrative Hearings at 100 Washington Avenue South, Suite 1700, Minneapolis, Minnesota 55401, or may call (612) 341-7610 (voice) or (612) 341-7346 (TTY).

Mark Holsten Deputy Commissioner

OAH File No. 2-2000-15925-2, STATE OF MINNESOTA, OFFICE OF ADMINISTRATIVE HEARINGS, FOR THE MINNESOTA DEPARTMENT OF NATURAL RESOURCES

In the matter of Permit Application No. 2004 1048 of Larry R. Jacobson.

NOTICE AND ORDER FOR HEARING

TO: Larry R. Jacobson and his attorney, Mark Olson, Olson Law Office, 3605 East Cliff Road, Burnsville, MN 55337.

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; 651-296-6157

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

- David P. Iverson, Assistant Attorney General, 445 Minnesota Street, Suite 900, St. Paul, MN 55101-2127; 651-296-0687.

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 File No. 2-2000-15925-2, STATE OF MINNESOTA, OFFICE OF ADMINISTRATIVE HEARINGS, FOR THE MINNESOTA DEPARTMENT OF NATURAL, RESOURCES

In the matter of Permit Application No. 2004 1048 of Larry R. Jacobson.

NOTICE AND ORDER FOR HEARING

TO: Larry R. Jacobson and his attorney, Mark Olson, Olson Law Office, 3605 East Cliff Road, Burnsville, MN 55337.

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.

STATE OF MINNESOTA, COUNTY OF RAMSEY

In the matter of Permit Application No. 2004 1048 of Larry R. Jacobson.

AFFIDAVIT OF SERVICE BY U.S. MAIL

KAY L. SCHERLE, being first duly sworn, hereby deposes and says that on the ___ day of June, 2004, at the City of St. Paul, county and state aforementioned, she served the attached Notice and Order for Hearing and Notices of Appearance, Docket No. 2-2000-15925-2, by depositing in the United States mail at said City of St. Paul, a true and correct copy thereof, properly enveloped, with first class postage prepaid and addressed to the individuals named below.

- Kent Lokkesmoe, Director, DNR Division of Waters, 500 Lafayette Road, Box 32, St. Paul, MN 55155 4032;

- Larry Kramka, Regional Hydrologist, DNR Waters, 2115 Birchmont Beach Road NE, Bemidji, MN 56601
- Gene Merriam, Commissioner, Department of Natural Resources, 500 Lafayette Road, Box 37, St. Paul, MN 55155 4037
- Kirk English, Area Hydrologist, DNR Waters, 2115 Birchmont Beach Road NE, Bemidji, MN 56601
- U.S. Corps of Engineers, General Regulatory Branch, Army Corps of Engineers Center, 190 Fifth Street East, St. Paul, MN 55101 1638
- Cass County Auditor, Cass County Courthouse, Walker, MN 56484
- Sheryl Corrigan, Commissioner, Minnesota Pollution Control Agency, Attn: Assessment and Planning Section, 520 Lafayette Road, St. Paul, MN 55155
- Cass County Zoning Administrator, P.O. Box 310, Walker, MN 56484-0310
- Minnesota Planning, Office of Strategic & Long Range Planning, 3rd Floor, Centennial Office Building, 658 Cedar Street, St. Paul, MN 55155
- Paul Swenson, Regional Director, Department of Natural Resources, 2115 Birchmont Beach Road NE, Bemidji, MN 56601
- Ron Anderson, DNR Division of Waters, PW Permits Unit, 500 Lafayette Road, Box 32, St. Paul, MN 55155 4032
- Raymond R. Krause, Administrative Law Judge, Office of Administrative Hearings, 100 Washington Square, Suite 1700, Minneapolis, MN 55401-2138
- Larry Jacobson, Hiawatha Beach Resort, 10904 Steamboat Loop NW, Walker, MN 56484
- Linda Husby, Cass County Courthouse, Walker, MN 56484
- Mark Olson, Olson Law Office, 3605 East Cliff Road, Burnsville, MN 55337
- The Walker Pilot-Independent, 408 West Minnesota Avenue, P.O. Box 190, Walker, MN 56484
- Cass SWCD, 300 Minnesota Avenue, P.O. Box 3000, Walker, MN 56484
- EQB Monitor, 300 Centennial Office Building, 658 Cedar Street, St. Paul, MN 55155

Notifications of Release of Genetically Engineered Organisms

File Number	Company	Crop	Project	County
04-NO-051	Monsanto	Alfalfa	Herbicide Tolerance	Swift, Blue Earth



Environmental Quality Board

Department of Administration

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Vol. 28 No. 13

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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>