



June 7, 2004

ENVIRONMENTAL ASSESSMENT WORKSHEETS

Comments due on July 7, 2004

Regent Square Residential Development

Description: Regent Square is the redevelopment of a 16.2 acre institutional (middle school) site to new residential owner-occupied housing that includes ten single family homes with attached garages, 146 townhomes with underground parking, and a 60-unit senior cooperative with underground parking and some surface parking.

RGU: City of Robbinsdale

Contact: William S. Deblon, Community Development Coordinator, 4100 Lakeview Avenue North, Robbinsdale, Minnesota 55422; 763-531-1266 Fax 763-537-7344 Email: bdeblon@ci.robbinsdale.mn.us

Stony Brook Acres

Description: The proposed development will be located approximately three miles south of Pequot Lakes and two miles west of TH # 371 in Section 32 of Loon Lake Township of Cass County, Minnesota. The site contains 93 acres; the proposed development will consist of 27 single family residential lots each containing at least 2.5 acres.

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. 28, No. 12

Next issue: June 21, 2004
Submittal deadline: June 14, 2004

RGU: Cass County

Contact: Paul Z. Fairbanks, Director, Cass County Environmental Services Department, Cass County Courthouse, PO Box 3000, Walker MN 56484; 218-547-7241 Email: paul.fairbanks@co.cass.mn.us.

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.

- Annandale Rock Products project, Wright County Planning and Zoning
- Dar Es Salaam Residential Development, Watonwan County

EAW NEED DECISIONS

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

- Douglas County Board of Commissioners, Lake Mary Villas, Ordered the EAW
- Cass Count Planning Commission, Southern Shores, Denied
- St. Cloud City Council, Coyote Creek Development, Denied
- Itasca County Board, Horseshoe Lake Development, Denied
- Minneapolis Park and Recreation Board, Crown Hydro Development, Project 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.

- Bayview Village Development, Cass County Planning, May 25, 2004 (April 12, 2004)
- Rochester Water Reclamation Plant Expansion and Trunk Sewer Extensions, Minnesota Pollution Control Agency, May 25, 2004 (March 1, 2004)
- Mayer Wastewater Treatment Facility Improvements, Minnesota Pollution Control Agency, May 26, 2004 (March 29, 2004)
- Pebble Creek Development, Rochester Common Council, May 17, 2004 (March 29, 2004)
- Tim Harmening Swine Feedlot Expansion Project, , Minnesota Pollution Control Agency, May 17, 2004 (March 29, 2004)
- Industries West Plat 4, Waite Park City Council, May 17, 2004 (March 29, 2004)
- Improvements to Minnesota Interstate Highway 94 in Ramsey and Washington Counties, Mn DOT Description, May 20, 2004 (February 2, 2004)

EIS NEED DECISIONS, ORDERED

- Meyers Gravel Pit Project, Itasca County Zoning Solid Waste, May 18, 2004 (March 29, 2004)

FINAL AUAR ADOPTED

Rivers Edge Final AUAR and Mitigation Plan Adopted

Description: The City of St. Paul Park adopted the Rivers Edge Final AUAR and Mitigation Plan on May 17, 2004. The document contains a comprehensive environmental review and analysis of three development scenarios and the potential environmental impacts of development within the Rivers Edge AUAR area. The Mitigation Plan will become a component of the action plan to ensure that the City avoids, minimizes, or mitigates potential environmental impacts from development within the AUAR area.

During the Final AUAR review period, the City received an objection to the document from the Minnesota Department of Natural Resources (DNR). The City addressed the DNR objection by responding to questions raised in the objection and proposing revisions to the final document. The revisions clarified the intent of mitigation measures regarding restoration plans, the minimum bluffline setback, water conservation, storm water management system components, blasting regulations, and view analysis requirements.

Test revisions clarified the analysis of watercraft usage and migratory birds. The DNR accepted the City's response and withdrew its objection.

The final AUAR and Mitigation Plan, as amended to address the DNR objection, will be posted on the internet at the following address: <http://www.dsuplan.com/case-studies/CurrentProjects.htm>. Questions regarding the document may be directed to: Barry Sittlow, City Administrator, City of St. Paul Park, 651-459-9785 or bsittlow@comcast.net.

VARIANCE REQUEST WITHDRAWN

The City of Rochester is hereby withdrawing the referenced Variance Application to begin preliminary grading and excavation for the proposed expansion of the Rochester Water Reclamation Plant (RWRP). On May 25, 2004 the Minnesota Pollution Control Agency (MPCA) Citizen's Board approved the Findings of Fact, Conclusions of Law, and Order and Authorization to Issue a Negative Declaration on the Need for an Environmental Impact Statement for the RWRP Expansion – Trunk Sewer Extension Environmental Assessment Worksheet (EAW). As a result, the City can proceed with obtaining the necessary permits to begin preliminary grading and excavation without the Variance.

If you have any questions or need additional information, please contact Barb Huberty at 507-529-4907 or Email: bhuberty@ci.rochester.mn.us.

NOTICES

Route Permit issued for Great River Energy Plymouth - Maple Grove Transmission Lines

On May 20, 2002, the Minnesota Environmental Quality Board adopted Findings of Fact, Conclusions, and Order issuing a Route Permit to Great River Energy for its proposed 115 kilovolt high voltage transmission line (HVTL) in Plymouth and Maple Grove Hennepin County.

Great River Energy will construct and operate 115 kilovolt electric transmission line to connect seven existing electric substations in Plymouth and Maple Grove. The new HVTL is approximately 14 miles in length. Ten miles of the proposed new line is an upgrade of an existing 40-year-old 69 kV line. Four miles will be new 115 kV line. Additional environmental information and technical details on the project and public participation can be examined at the EQB website <http://www.eqb.state.mn.us/Docket.html?Id=3892>.

If you have any questions about this project or would like more information, please contact the MEQB project manager:

George Johnson, 300 Centennial Office Building, 658 Cedar Street, St. Paul, MN 55155. Tel: 651-296-2888; email: george.johnson@state.mn.us

Notice of Intent to Hold State Metallic Minerals Lease Sale, State Lands to be Offered for Metallic Minerals Exploration

The Minnesota Department of Natural Resources announces that plans are being developed to hold the state's twenty-seventh sale of metallic minerals exploration and mining leases. The sale is tentatively scheduled for September 2004. The lease sale plans are being announced at this time in order to give mining companies, public interest groups and all other interested parties additional time to review the areas under consideration.

The purpose of Minnesota's metallic minerals rules (Minnesota Rules, parts 6125.0100 - .0700) is to promote and regulate the exploration for, mining and removal of metallic minerals on state-owned and state-administered lands. These rules, and the leases issued under these rules, authorize exploration and development of these minerals and impose certain requirements on the lessee. The requirements include: the payment of rentals that increase with the passage of time, the payment of royalty for all ore mined and removed, the submission of data and other reports, and the addressing of environmental considerations. In addition, the state lessee must comply with all applicable regulatory laws.

The areas under consideration for the lease sale cover portions of Itasca, Kanabec, Lake, Mille Lacs and Saint Louis Counties. Some of the lands being considered have been offered in previous metallic minerals lease sales, but based upon the interest shown by industry, new geologic data, and exploration techniques developed during the past few years, it is felt that within these lands there is significant potential for the discovery of mineral resources. Certain new lands of interest are also being considered for the lease sale.

The exact time and place of the lease sale will be announced by legal notice at least thirty (30) days prior to the sale. Mining unit books, listing the state lands to be offered at the lease sale, will be available for inspection or purchase at that time.

A map showing the general areas under consideration may be obtained from the Division of Lands and Minerals, Box 45, 500 Lafayette Road, Saint Paul, MN 55155-4045, telephone 651-296-4807.

State Of Minnesota, Office Of Administrative Hearings For The Minnesota Department of Natural Resources

In the matter of Permit Application No. 2004 1082 of Frank Spartz.

Notice And Order For Hearing

TO: Frank Spartz and his attorney, William G. Peterson,

Peterson Law Office, P.A., Suite 800, 3601 Minnesota Drive, Bloomington, MN 55435.

FRANK SPARTZ IS HEREBY NOTIFIED that the Minnesota Department of Natural Resources ("Department") has initiated this action pursuant to Frank Spartz's appeal of the Department's decision to deny Permit Application No. 2004 1082.

IT IS HEREBY ORDERED that a contested case hearing will be held on June 23 and 24, 2004, beginning at 9 a.m. each day at the Commissioner's Board Room, Cass County Courthouse Annex, 303 Minnesota Avenue, Walker, MN 56484.

The Chief Administrative Law Judge, Office of Administrative Hearings, has assigned this matter to Bruce Johnson, Administrative Law Judge, Office of Administrative Hearings, 100 Washington Avenue South, Suite 1700, Minneapolis, MN 55401 2138, telephone (612) 341-7607.

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, Jennifer L. DeKarske, Assistant Attorney General, 445 Minnesota Street, #900; St. Paul, Minnesota 55101 2127, (651) 296-0692, may be contacted to discuss discovery or informal disposition of this matter.

ALLEGATIONS

1. In December, 2002, Frank Spartz ("Spartz") applied to the Cass County Environmental Services Department ("County") for a shoreline alteration permit to install natural rock riprap along 410 feet of shoreline at his property on Wabedo Lake, located in Lot 2, Block 1, Kirk's Wabedo Park, Section 26, Township 140 North, Range 28 West, Cass County, Minnesota. The County denied Spartz's application because it found no evidence of active erosion along the shoreline.
2. Despite the County's denial of the shoreland alteration permit, Spartz installed the riprap on December 26 and 27, 2002. Spartz installed the riprap both above and below the ordinary high water level.
3. Department staff inspected the site on April 29, 2003, and subsequently cited Spartz for working in public waters without a public waters permit.
4. On October 13, 2003, Spartz submitted a public waters permit application to the Department for the riprap installation. Spartz indicated that the installation of riprap was necessary to prevent shoreline erosion.

5. After investigation and review of Spartz's public water permit application, the Department determined that the installation of riprap was inconsistent with the applicable Minnesota statutes and rules and denied the application. The Department's denial of the permit is supported by reasons including, but not limited to, the following:

A. The riprap installation negatively impacted emergent aquatic vegetation and unnecessarily degraded near-shore and shoreland critical habitats for fish populations and water-dependent wildlife and, therefore, does not meet the goal of the State's public water program to limit the placement of fill material into public waters in order to "minimize encroachment, change, or damage to the environment," as set forth in Minn. R. 6115.0190, subp. 1(A) (2003).

B. The riprap installation does not comply with Minn. R. 6115.0190, subp. 5(A) (2003) because it exceeds more than a minimum encroachment, change, or damage to the environment. Upland vegetation adjacent to the shoreline consisting of a variety of trees, shrubs, and grasses, dense strands of emergent aquatic vegetation, and the natural lakebed material provide sufficient shoreline stabilization and erosion protection such that no encroachment was necessary.

C. The riprap installation does not comply with Minn. R. 6115.0190, subp. 5(D) (2003) because erosion protection of this site has not been deemed necessary. Both the Department and the County conducted site inspections on Spartz's property and did not observe any erosion problem.

D. The riprap installation does not comply with Minn. R. 6115.0190, subp. 5(E) and 6115.0215, subp. 5(A) (2003) because it does not represent the minimal impact solution for shoreline erosion control with respect to all other reasonable alternatives. No erosion problem has been identified at this site, so the minimal impact solution is to maintain the shoreline in its natural condition.

E. The riprap installation does not comply with Minn. R. 6115.0190, subp. 5(I) and 6115.0215, subp. 5(F) (2003) because Section 1704.D of Cass County's Land Use Ordinance states that "[r]ock riprap will only be allowed in situations where active erosion problems exist." The County denied Spartz a shoreland alteration permit to install the riprap because it found no evidence of active erosion.

F. The riprap installation does not meet the goal of the State's public water program to protect fish and wildlife habitat and the diversity of the habitat, to preserve the natural character of public waters and shoreline, and to prevent erosion of public waters while maintaining natural processes, as set forth in Minn. R. 6115.0215, subp. 1 (2003).

G. The riprap installation is prohibited by Minn. R. 6115.0215, subp.3(A) (2003) because the riprap has negatively impacted emergent aquatic vegetation that provides fish and wildlife habitat, has degraded near-shore and shoreland habitat that is critical to fish communities and

water-dependent wildlife, and there are no ecologically acceptable means to mitigate these affects.

H. The riprap installation does not comply with Minn. R. 6115.0215, subp. 5(B) because it will not achieve any of the enumerated purposes supporting a permit for the restoration of public waters.

I. The riprap installation does not comply with Minn. R. 6115.0216, subp. 2(D) because it exceeds the minimum encroachment into the water to provide protection from continued erosion, as no active erosion problem exists.

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

ISSUE

Whether the installation of riprap is consistent with the applicable Minnesota statutes and rules, specifically Minnesota Rules 6115.0190, 6115.0215, and 6115.0216 (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. 6115.0170 .0250 (2003).

ADDITIONAL NOTICE

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

admitted into the record, it may become public data unless an objection is made and relief is requested under Minn. Stat. § 14.60, subd. 2.

6. Requests for subpoenas for the attendance of witnesses or the production of documents at the hearing shall be made in writing to the Administrative Law Judge pursuant to Minn. R. 1400.7000. A copy of the subpoena request shall be served on the other parties. A subpoena request form is available at www.oah.state.mn.us or by calling (612) 341 7600.

7. This case may be appropriate for mediation. The parties are encouraged to consider requesting the Chief Administrative Law Judge to assign a mediator so that mediation can be scheduled promptly.

8. The Office of Administrative Hearings conducts contested case proceedings in accordance with the Minnesota Rules of Professional Conduct and the Professionalism Aspirations adopted by the Minnesota Supreme Court. A Guide to Participating in Contested Case Proceedings at the Office of Administrative Hearings is available at www.oah.state.mn.us or by calling (612) 341 7600.

9. Any party who needs an accommodation for a disability in order to participate in this hearing process may request one. Examples of reasonable accommodations include wheelchair accessibility, an interpreter, or Braille or large-print materials. If any party requires an interpreter, including a foreign language interpreter, the administrative law judge must be promptly notified. To arrange for an accommodation or an interpreter, contact the Office of Administrative Hearings at 100 Washington Avenue South, Suite 1700, Minneapolis, Minnesota 55401, or may call (612) 341-7610 (voice) or (612) 341-7346 (TTY).

Gene Merriam
Commissioner

State Of Minnesota, Office Of Administrative Hearings For The Minnesota Department Of Natural Resources

In the matter of Permit Application No. 2004 1082 of Frank Spartz.

NOTICE AND ORDER FOR HEARING

TO: Frank Spartz and his attorney, William G. Peterson, Peterson Law Office, P.A., Suite 800, 3601 Minnesota Drive, Bloomington, MN 55435.

FRANK SPARTZ IS HEREBY NOTIFIED that the Minnesota Department of Natural Resources (“Department”) has initiated this action pursuant to Frank Spartz’s appeal of the Department’s decision to deny Permit Application No. 2004 1082.

IT IS HEREBY ORDERED that a contested case hearing will be held on June 23 and 24, 2004, beginning at 9 a.m. each day at the Commissioner’s Board Room, Cass County

Courthouse Annex, 303 Minnesota Avenue, Walker, MN 56484.

The Chief Administrative Law Judge, Office of Administrative Hearings, has assigned this matter to Bruce Johnson, Administrative Law Judge, Office of Administrative Hearings, 100 Washington Avenue South, Suite 1700, Minneapolis, MN 55401 2138, telephone (612) 341-7607.

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, Jennifer L. DeKarske, Assistant Attorney General, 445 Minnesota Street, #900; St. Paul, Minnesota 55101 2127, (651) 296-0692, may be contacted to discuss discovery or informal disposition of this matter.

ALLEGATIONS

1. In December, 2002, Frank Spartz (“Spartz”) applied to the Cass County Environmental Services Department (“County”) for a shoreline alteration permit to install natural rock riprap along 410 feet of shoreline at his property on Wabedo Lake, located in Lot 2, Block 1, Kirk’s Wabedo Park, Section 26, Township 140 North, Range 28 West, Cass County, Minnesota. The County denied Spartz’s application because it found no evidence of active erosion along the shoreline.

2. Despite the County’s denial of the shoreland alteration permit, Spartz installed the riprap on December 26 and 27, 2002. Spartz installed the riprap both above and below the ordinary high water level.

3. Department staff inspected the site on April 29, 2003, and subsequently cited Spartz for working in public waters without a public waters permit.

4. On October 13, 2003, Spartz submitted a public waters permit application to the Department for the riprap installation. Spartz indicated that the installation of riprap was necessary to prevent shoreline erosion.

5. After investigation and review of Spartz’s public water permit application, the Department determined that the installation of riprap was inconsistent with the applicable Minnesota statutes and rules and denied the application. The Department’s denial of the permit is supported by reasons including, but not limited to, the following:

A. The riprap installation negatively impacted emergent aquatic vegetation and unnecessarily degraded near-shore and

shoreland critical habitats for fish populations and water-dependent wildlife and, therefore, does not meet the goal of the State's public water program to limit the placement of fill material into public waters in order to "minimize encroachment, change, or damage to the environment," as set forth in Minn. R. 6115.0190, subp. 1(A) (2003).

B. The riprap installation does not comply with Minn. R. 6115.0190, subp. 5(A) (2003) because it exceeds more than a minimum encroachment, change, or damage to the environment. Upland vegetation adjacent to the shoreline consisting of a variety of trees, shrubs, and grasses, dense strands of emergent aquatic vegetation, and the natural lakebed material provide sufficient shoreline stabilization and erosion protection such that no encroachment was necessary.

C. The riprap installation does not comply with Minn. R. 6115.0190, subp. 5(D) (2003) because erosion protection of this site has not been deemed necessary. Both the Department and the County conducted site inspections on Spartz's property and did not observe any erosion problem.

D. The riprap installation does not comply with Minn. R. 6115.0190, subp. 5(E) and 6115.0215, subp. 5(A) (2003) because it does not represent the minimal impact solution for shoreline erosion control with respect to all other reasonable alternatives. No erosion problem has been identified at this site, so the minimal impact solution is to maintain the shoreline in its natural condition.

E. The riprap installation does not comply with Minn. R. 6115.0190, subp. 5(I) and 6115.0215, subp. 5(F) (2003) because Section 1704.D of Cass County's Land Use Ordinance states that "[r]ock riprap will only be allowed in situations where active erosion problems exist." The County denied Spartz a shoreland alteration permit to install the riprap because it found no evidence of active erosion.

F. The riprap installation does not meet the goal of the State's public water program to protect fish and wildlife habitat and the diversity of the habitat, to preserve the natural character of public waters and shoreline, and to prevent erosion of public waters while maintaining natural processes, as set forth in Minn. R. 6115.0215, subp. 1 (2003).

G. The riprap installation is prohibited by Minn. R. 6115.0215, subp.3(A) (2003) because the riprap has negatively impacted emergent aquatic vegetation that provides fish and wildlife habitat, has degraded near-shore and shoreland habitat that is critical to fish communities and water-dependent wildlife, and there are no ecologically acceptable means to mitigate these affects.

H. The riprap installation does not comply with Minn. R. 6115.0215, subp. 5(B) because it will not achieve any of the enumerated purposes supporting a permit for the restoration of public waters.

I. The riprap installation does not comply with Minn. R. 6115.0216, subp. 2(D) because it exceeds the minimum encroachment into the water to provide protection from continued erosion, as no active erosion problem exists.

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

ISSUE

Whether the installation of riprap is consistent with the applicable Minnesota statutes and rules, specifically Minnesota Rules 6115.0190, 6115.0215, and 6115.0216 (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. 6115.0170 .0250 (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.

6. Requests for subpoenas for the attendance of witnesses or the production of documents at the hearing shall be made in writing to the Administrative Law Judge pursuant to Minn. R. 1400.7000. A copy of the subpoena request shall be served on the other parties. A subpoena request form is available at www.oah.state.mn.us or by calling (612) 341 7600.

7. This case may be appropriate for mediation. The parties are encouraged to consider requesting the Chief Administrative Law Judge to assign a mediator so that mediation can be scheduled promptly.

8. The Office of Administrative Hearings conducts contested case proceedings in accordance with the Minnesota Rules of Professional Conduct and the Professionalism Aspirations adopted by the Minnesota Supreme Court. A Guide to Participating in Contested Case Proceedings at the Office of Administrative Hearings is available at www.oah.state.mn.us or by calling (612) 341 7600.

9. Any party who needs an accommodation for a disability in order to participate in this hearing process may request one. Examples of reasonable accommodations include wheelchair accessibility, an interpreter, or Braille or large-print materials. If any party requires an interpreter, including a foreign language interpreter, the administrative law judge must be promptly notified. To arrange for an accommodation or an interpreter, contact the Office of Administrative Hearings at 100 Washington Avenue South, Suite 1700, Minneapolis, Minnesota 55401, or may call (612) 341-7610 (voice) or (612) 341-7346 (TTY).

Gene Merriam
Commissioner

EQB SEEKS COMMENTS ON OPTIONS FOR MANDATORY REVIEW AND EXEMPTION CATEGORIES FOR RECREATIONAL TRAILS

The EQB staff has developed some preliminary options for possible mandatory EAW, EIS, and Exemption categories for recreational trails. The 2003 Legislature directed the EQB to adopt rules setting mandatory review and exemption thresholds for recreational trail categories by January 2005. The ideas for the options now available for review came from the public comments received in response to EQB's solicitation of category ideas published in July 2003. These preliminary category options were presented to the EQB Board at its May meeting, and now are available for public review. The options can be reviewed at the EQB website at www.eqb.state.mn.us/review.html

The EQB will accept comments on these options until July 19, 2004.

EQB will consider all comments received when drafting a formal rule proposal later this summer. The EQB staff anticipates that it will ask the EQB Board to authorize formal rulemaking early next fall.

Please submit comments to:

- Gregg Downing, Environmental Quality Board, 300 Centennial Bldg., 658 Cedar Street, St. Paul, MN 55155; Fax: 651/296-3698, E-mail: gregg.downing@state.mn.us

Questions about this solicitation of comments can be directed to Jon Larsen at 651/296-8253 or by e-mail at jon.larsen@state.mn.us.

NOTICE OF SCOPING REVIEW MEETING

An EIS scoping review meeting for the Myers Gravel Pit project shall be convened by the Itasca County Board of Commissioners in the county board room in the Itasca County Courthouse, 123 NE Fourth Street, Grand Rapids, Minnesota, 55744 on the 22nd day of June, 2004 commencing at 12 o'clock noon.



First Class
U.S. Postage
PAID
Permit No. 171
St. Paul, MN

Minnesota Environmental Quality Board

Department of Administration



Vol. 28 No. 12

Upon request, the *EQB Monitor* will be made available in an alternative format, such as Braille, large print or audio tape. For TTY, contact Minnesota Relay Service at 800-627-3529 and ask for Department of Administration. For information or additional copies of the *EQB Monitor*, contact:

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