



September 13, 2004

EQB Monitor

ENVIRONMENTAL ASSESSMENT WORKSHEETS

Comments due on October 13, 2004

Armstrong Feedlot

Description: Armstrong Feedlot, Waseca County, proposes to construct two new 81-foot by 200-foot hog barns to house 4,000 finishing hogs (1,200 animal units [AU]). The project site currently has four existing barns; two total-confinement barns for 24,600 turkeys (443 AU) and two partial-confinement barns for 275 feeder cattle (193 AU). There would be a total of 1,836 AU at the site.

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, Operations and Environmental Review Section, Regional Environmental Management Division, Minnesota Pollution Control Agency, 520 Lafayette Road N., St. Paul, MN 55155; (651) 282-5992.

Shetek Area Wastewater Collection and Treatment Project

Description: The Shetek Area Water and Sewer Commission (SAWSC), Murray County, is

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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Submittal deadline: September 20, 2004

proposing to construct a new sewage collection system around area lakes and expand the city of Currie's wastewater treatment facility (WWTF) to treat a total Average Wet Weather Flow of 319,000 gallons per day. The WWTF would serve Currie, as well as developed areas within the SAWSC. In addition to the Environmental Assessment Worksheet (EAW), the Minnesota Pollution Control Agency's draft National Pollutant Discharge Elimination System (NPDES) will also be available for public comment concurrently, beginning September 13, 2004. The contact person for the NPDES Permit is Lisa McCormick at 320-214-3786.

Comments will be accepted on the EAW, the Air Emission Permit, and the NPDES Permit until October 13, 2004.

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, Operations and Environmental Review Section, Regional Environmental Management Division, Minnesota Pollution Control Agency, 520 Lafayette Road N., St. Paul, MN 55155.

Cascade Lake Park Development

Description: The City of Rochester is proposing to construct Cascade Lake Park in an area currently used for gravel mining. As part of the park development project, the previously disturbed Cascade Creek will be realigned. The creek will be realigned to mimic a natural meandering stream channel with floodplain. The park will provide opportunities for recreational and educational activities.

RGU: Common Council of the City of Rochester

Contact: Barbara Huberty, Rochester Public Works Department Environmental and Regulatory Affairs Coordinator, 201 4th St. SE, Room 108, Rochester, MN 55904; 507-529-4907



The Preserves at Giant's Ridge

Description: Proposed 246-lot housing development in Biwabik, St. Louis County, Minnesota, to consist of 148 lake lots, 6 river lots, and 92 back lots, located on 740 acres along the eastern shore of Wynne Lake. Additional contiguous property consists of 1206 acres.

RGU: City of Biwabik

Contact: Michele Woods, Mayor, 321 North Main St., Biwabik, MN 55708; 218-865-4183

Countryside Residential Development

Description: The City of Shakopee has prepared an EAW for the Countryside Residential Development. This development includes construction of 449 single-family homes on 172-acres located in the southeastern corner of US Highway 169 and County Road 15.

RGU: City of Shakopee

Contact: Michael Leek, Development Director, 129 Holmes St. S., Shakopee, MN 55379; 952-233-3800

FEDERAL EA AVAILABLE

Biomass Combined Heat and Power Plant in Minneapolis, Minnesota (Hennepin County)

Description: The U.S. Department of Energy, in compliance with the National Environmental Policy Act of 1969 (NEPA), is preparing an environmental assessment for a Biomass Combined Heat and Power Plant in the Phillips Neighborhood in Minneapolis, Minnesota. DOE is proposing to fund a portion of the project through the Green Institute, a non-profit organization dedicated to promoting environmental stewardship and economic opportunity through sustainable community development. DOE proposes to contribute funding toward the plant's construction. Detailed descriptions of the site and the Proposed Action are included in the attachment to this letter. DOE is the lead agency for this EA and other federal, state and local agencies are invited to participate in the environmental documentation process. DOE is requesting public comment on the Proposed Action, the alternatives, and the environmental issues to be addressed in the EA.

DOE intends to distribute the draft EA for public review and comment in October 2004. This letter and the draft EA, when it is available, will be posted in the DOE Golden Field Office electronic public reading room at <http://www.go.doe.gov>. Please direct your written and oral comments to: Joyce Beck, NEPA Document Manager, DOE Golden Field Office, 1617

Cole Boulevard, Golden, CO 80401-3393; 1-800-644-6735 ext: 4774; 303-275-4790 (fax); joyce.bec@go.doe.gov

NOTICES OF PUBLIC HEARING AND AVAILABILITY OF ENVIRONMENTAL ASSESSMENT

Theodore Wirth Parkway and Interstate 94, S.P. 27-753-11 & S.P. 27-753-12

Hennepin County encourages the public to attend a public hearing for the proposed reconstruction of Lowry Avenue between Theodore Wirth Parkway and Interstate 94, S.P. 27-753-11 & S.P. 27-753-12, Minn Project Number TEAX 2703 (199). The public hearing will be held on **October 4, 2004**, from **6:00-8:00 PM** at the Lucy Craft Laney School, 3333 Penn Avenue North, Minneapolis, Minnesota.

The proposed reconstruction of Lowry Avenue between Theodore Wirth Parkway and Interstate 94 includes the modification of traffic lanes along Lowry Avenue, intersection improvements, wider sidewalks, on-street bicycle lanes, and landscaped boulevards. The proposed changes to Lowry Avenue will require the purchase of homes and businesses along the corridor, specifically between Colfax Avenue North and 4th Street North, and between Russell Avenue North and Oliver Avenue North. The first phase of reconstruction between Girard Avenue and Interstate 94 is anticipated to begin in the spring of 2006. At the public hearing, maps, drawings, and the Environmental Assessment, including written views received from local, state, and federal agencies will be available for public inspection.

The public hearing will begin with a brief description of the project, including preliminary roadway design, anticipated schedules for right-of-way acquisition, proposed construction schedules, and relocation assistance. The presentation will be followed by the public comment period. The public is encouraged to comment. Comments will be received either written or verbally by a recorder, and will become part of the official public hearing record. The comments will be considered when making future project related decisions. Sign language and oral interpreters can be provided if the requested by September 27, 2004 by contacting 612 348-9260/TTY (612) 596-6985.

Written comments may also be submitted to Lowry Avenue Project, Hennepin County, Department of Housing, Community Works and Transit, 417 N 5th Street, Suite 320, Minneapolis, MN 55401-1362. **All written comments must be received by October 20, 2004.**

The Environmental Assessment is available for public inspection and copying during business hours at the following

locations: Hennepin County Environmental Services Building, 417 North 5th Street Suite 320, Minneapolis and the North Regional Library, 1315 Lowry Avenue North, Minneapolis. The Environmental Assessment is available in alternative formats to individuals with disabilities by calling the Lowry Avenue Project at (612) 348-9260/ TTY (612) 596-6985.

Trunk Highway 1 Reconstruction, Lake County, Minnesota

Description: The Minnesota Department of Transportation (Mn/DOT) is proposing to reconstruct about 15 miles of Trunk Highway 1, from the Kawishiwi River in Fall Lake Township to CSAH 2 in Stony River Township in Lake County, Minnesota. The proposed improvements include reconstructing the highway including grading and surfacing and reconstructing the bridges over the Stony and Kawishiwi Rivers.

Mn/DOT has prepared an Environmental Assessment which documents the purpose and need of the project, along with the anticipated social, economic and environmental impacts. Copies of the EA are available for public viewing during regular business hours at the following locations:

Copies of the EA are available for review during regular business hours at:

- Ely Public Library, 30 South First Avenue East, Ely, MN 55731; (218) 365-5140
- U.S. Forest Service, Kawishiwi Ranger District, 118 S. 4th Avenue East, Ely, MN 55731; (218) 365-7600
- Duluth Public Library, 520 W. Superior Street, Duluth, MN 55802; (218) 723-3800
- Ely City Hall, 209 E. Chapman Street, Ely, MN 55731; (218) 365-3224
- Two Harbors Public Library, 320 Waterfront Drive, Two Harbors, MN 55616; (218) 834-3148
- Minnesota Department of Transportation, 1123 Mesaba Avenue, Duluth, MN 55811; (218) 723-4960

Copies of the EA/EAW are also available online at: <http://www.dot.state.mn.us/d1/projects/hwy1/environment.html>

Copies of the EA are being distributed to agencies on the MEQB list and others. The comment period will begin on **September 13, 2004**. Comments will be accepted through **October 28, 2004** (45 days).

A public hearing will be held on September 29, 2004 from 6:00PM to 9:00PM at the Stony River Town Hall/Isabella Community Center, 9521 Lankinen Road, Isabella, Minnesota.

RGU: Minnesota Department of Transportation

Contact: Kimberly Sannes, P.E., Project Manager, Minnesota Department of Transportation, District 1, 1123 Mesaba Avenue, Duluth, Minnesota 55811; 218/723-4960, ext. 3321; Email: kimberly.sannes@dot.state.mn.us.

Trunk Highway 24 Reconstruction, Wright County, Minnesota

Description: The Minnesota Department of Transportation (Mn/DOT) is proposing to reconstruct Trunk Highway (TH) 24 from Poplar Avenue in the City of Annandale to approximately 700 feet north of the junction of Wright County State Aid Highway 7, south of Clearwater, a distance of approximately 12.6 miles. The project involves adding shoulders to TH 24 and replacing the bridge over Warner Creek.

The Environmental Assessment documents the purpose and need of the project, along with the anticipated social, economic and environmental impacts. Copies of the Environmental Assessment are available for public viewing during business hours at the following locations after September 13, 2004:

- Minnesota Department of Transportation - District 3 Office, 3725 12th Street North, St. Cloud, MN 56303
- City of Annandale, 30 Cedar Street East, Annandale, MN 55302
- Annandale Public Library, 20 Cedar Street East, Annandale, MN 55302
- St. Cloud Public Library, Great River Regional Library, 405 West Mall Germain, St. Cloud, MN 56301

The Environmental Assessment will also be posted on the Mn/DOT website at:

www.dot.state.mn.us/d3/projects/hwy24/. The official comment period begins on **September 13th, 2004** and will run through **October 13th, 2004**.

A combined open house and public hearing will be held Wednesday, September 22, 2004 from 4:30 to 8:00 p.m. at Bendix Elementary School, located at 655 Park Street East in Annandale, Minnesota. Bendix Elementary School is handicapped accessible.

RGU: Minnesota Department of Transportation

Contact: Mike Denzer, Project Manager, Mn/DOT District 3, 3725 12th Street North, St. Cloud, MN 56303; 320-255-2909 or 1-800-657-3961, email: Mike.Denzer@dot.state.mn.us

PETITION FILED

The following petition has 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.

- Development on Kenfield Bay of Ten Mile Lake, Cass 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.

- Carver County Board of Commissioners, Meuleners Farm Partnership, Withdrawn
- Becker County Board of Commissioners, Top Brass Estates, Common Interest Community, EAW ordered

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*.

- St. Louis County Planning Commission, Pike River Wilderness, August 12, 2004 (July 5, 2004)
- Beltrami County Board, Deerfield Estates, August 17, 2004 (June 21, 2004)
- Douglas County, Lake Jessie Meadows, August 24, 2004 (July 5, 2004)
- Rochester Common Council, Autumn Woods RV Park, August 16, 2004 (July 5, 2004)
- Wyoming Township Board, Liberty Ponds Development, August 25, 2004 (July 19, 2004)
- Cass County Planning Commission, Stony Brook Acres, July 28, 2004 (June 7, 2004)
- Minnesota Department of Transportation, S.P. 0503-73 (TH 23) From East Jct. TH 95 to TH 25 in Foley, June 9, 2004 (September 29, 2003)
- Lino Lakes City Council, Pheasant Hills Preserve 12th Addition, August 9, 2004 (September 1, 2003)

SCOPING MEETING AND DRAFT SCOPING DOCUMENT

Hardwood Creek Repair, Restoration and Rehabilitation Project, Washington County

September 29, 2004, 7 p.m.

PLEASE TAKE NOTICE That the Board of Managers has scheduled an Environmental Impact Statement (EIS) Scoping Meeting regarding Hardwood Creek Repair, Restoration and Rehabilitation Project, Washington County on September 29, 2004, at 7:00 p.m. in the Shoreview City Council Chambers, 4600 North Victoria Street, Shoreview, Minnesota. Written comments suggesting issues for scoping may be submitted in writing Attn: Steve Hobbs, Rice Creek Watershed District, 4325 Pheasant Ridge Drive NE, Suite 611, Blaine, MN, 55449, until October 4, 2004. Public input is requested regarding issues to address in the EIS; timing for EIS preparation; permits needed; alternatives to be addressed; the area of the watershed that the EIS should cover; information needed for EIS preparation that can be generated within a reasonable time and at reasonable cost.

DRAFT EIS AVAILABLE

Peace Haven

Schoena Investments proposes to build a 22 lot residential cluster development with 2 commercial lots on approximately 60 acres just north of Baxter, Minnesota. The development would be served with a community septic drain field which would treat wastewater. No wetland impacts are planned, and planted native grass and preserved wooded buffers will be placed around the wetlands. The site will be graded beginning in May 2005 and finished in November 2005. The project will be carried out using an array of best management practices including a planted native grass buffer strip along the intermittent stream, and silt fence and biomat for erosion control.

Crow Wing County Planning & Zoning has chosen as the preferred alternative the 22 lot residential cluster development with 2 commercial lots on the site, which is redesigned from the original 22 lot residential cluster development design which also had 2 commercial lots. The EIS also assesses the potential impacts of five alternative site development plans, which includes the no-build option. Environmental Impacts principally concern Red Sand Lake, wetlands, groundwater, and Blanding's Turtle's, a State threatened species.

RGU: Bonnie Finnerty, County Planner, Crow Wing County Planning & Zoning, 200 South 4th St., Brainerd, MN 56401; 218-824-1125

FEDERAL EIS RECORD OF DECISION/FOREST PLAN REVISION

The Chippewa and Superior National Forests have completed revising their land and resource management plans. A copy of the Record of Decision and Executive Summary for the final environmental impact statement is available along with additional related documents that you may request.

The final environmental impact statement documents the joint analysis that was a basis for the Regional Forester's decision and rationale, which are detailed in the Records of Decision. The Records of Decision also contain information on how to file an appeal. The revised Forest Plans reflect the Regional Forester's decision. Public comments were used to improve and clarify the environmental impact statement and Forest Plans, and also were considered by the Regional Forester in making his decision.

The revised plans provide management direction on the Superior and Chippewa National Forests for the next 10 to 15 years. They are strategic in nature, with an emphasis on ecological, social, and economic sustainability over the long-term.

Implementation of the revised Forest Plans will begin 30 days after publication of the Notice of Availability of the final environmental impact statements in the Federal Register. That notice is expected to be published on August 13, 2004. A legal notice of the decision is expected to be published in the Milwaukee Journal/Sentinel in late August.

For more information regarding the information in these documents, please visit the Forest websites, or contact:

- Duane Lula, Forest Planner, Superior National Forest, 218-626-4383; website: www.fs.fed.us/r9/superior
- Brenda Halter-Glenn, Forest Planner, Chippewa National Forest, 218-335-8651; website: www.fs.fed.us/r9/Chippewa

NOTICES

Minnesota Environmental Quality Board, Notice of Public meeting: Cannon Falls Energy Center

SEPTEMBER 22, 2004, 3:00 p.m. and 7:00 p.m., PUBLIC MEETING ROOM, CITY HALL, 306 Mill Street West, Cannon Falls, MN

PLEASE TAKE NOTICE that Invenergy Cannon Falls, LLC (Invenergy) has applied to the Minnesota Environmental Quality Board (EQB) for a Site Permit in association with a proposal to construct, own and operate a large electric power generating plant (LEPGP) in Goodhue County, Minnesota. Invenergy's proposal, designated the Cannon Falls Energy Center, includes a 357-megawatt, simple cycle, natural gas-fired LEPPG. The proposed plant is to be located at the Business Park North district of Cannon Falls, Minnesota.

A copy of the Site Permit Application is available on the EQB webpage.

<http://www.eqb.state.mn.us/Docket.html?Id=7679>

On September 22, 2004, the EQB will conduct a public information meeting in the City of Cannon Falls' public meeting room located at city hall. The meeting will be held at 3:00 pm and at 7:00 pm. The purpose of the meeting is to provide information to the public about the proposed project, to answer questions, and to allow the public an opportunity to suggest alternatives and impacts that should be considered during preparation of the environmental review document. Written comments must be submitted no later than September 30, 2004.

An applicant who seeks to build a LEPPG must obtain a site permit from the EQB for a site for the project. During the site permitting process, the EQB is required to prepare a document called an Environmental Assessment, analyzing the potential site specific impacts of the project (Minnesota Rules Chapter 4400). The site permit application will be reviewed pursuant to the Alternative Permitting Review process procedures in Minnesota Rules, part 4400.2000-2950.

Invenergy has committed all of the electricity generated to Northern States Power through the bidding process approved by the Minnesota Public Utilities Commission (MPUC) in that utility's resource planning process. An electric power plant selected in a bidding process approved by the MPUC is exempt from the certificate of need (CON) process (Minn. Stat. § 216B.2422, subd. 5). Invenergy, therefore, will not be required to file for a CON from the MPUC for the Cannon Falls Energy Center.

The Chair designated EQB staff members Bill Storm as project manager and George Johnson as the public advisor in this matter. Inquiries about this project should be directed to the EQB project manager, Bill Storm (bill.storm@state.mn.us) or George Johnson (george.johnson@state.mn.us) 300 Centennial Bldg., 658 Cedar Street, St. Paul, MN 55155, telephone 651.296.9535, facsimile 651.296.3698 (TTY relay service 800.627.3529).

Sale of State Metallic Minerals Leases

Notice is hereby given that a sale of leases to explore for, mine and remove metallic minerals in trust fund lands, lands

and minerals forfeited for non-payment of taxes, lands and minerals otherwise acquired, and other state-owned land under the jurisdiction of the Commissioner of Natural Resources, and located in portions of Itasca, Kanabec, Lake, Mille Lacs, and Saint Louis Counties, is scheduled to be held on October 13, 2004 at 9:00 a.m. The sale will take place in the Fourth Floor Conference Room, Department of Natural Resources, 500 Lafayette Road, Saint Paul, Minnesota.

The Commissioner of Natural Resources, c/o Division of Lands and Minerals, 500 Lafayette Road, Saint Paul, Minnesota 55155-4045, will receive sealed bids and applications for leases covering minerals in state lands, in accordance with Minnesota Rules, parts 6125.0100 through 6125-0700, the metallic minerals rules, issued under the authority of Minnesota Statutes, sections 93.08 through 93.12 and 93.25.

Each bid must be submitted on a form obtained by the Commissioner. Each bid form must be accompanied by a certified check, cashier's check, or bank money order, payable to Department of Natural Resources in the sum of the following amounts: a) an application fee of \$100.00 for each mining unit bid upon; and b) rental for one full calendar year for each mining unit bid upon. All bids must be received by the Commissioner at the office of the Division of Lands and Minerals, Fourth Floor, DNR Building, 500 Lafayette Road, Saint Paul, Minnesota 55155-4045, before 4:30 p.m. of October 12, 2004.

On October 13, 2004, at the time specified, the Commissioner or his representative will publicly open the bids and announce the amount of each bid separately. At a subsequent time leases will be awarded by the Commissioner, with the approval of the State Executive Council, to the highest bidder for the respective mining units, but no bids will be accepted that do not equal or exceed the base royalty rates set forth in the rules or that do not comply with all provisions of the rules. The right is reserved to the State, through the Executive Council, to reject any or all bids.

The purpose of the Minnesota's metallic minerals rules is to promote and regulate the prospecting for, mining and removal of metallic minerals on state-owned and state-administered lands. These rules, and the leases issued under the rules, authorize exploration and development of these minerals and impose certain requirements on the lessee. The requirements include: the payment of minimum rentals which 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 submission of exploration plans. In addition, the state lessee must comply with all applicable regulatory laws. No land or water areas within the Boundary Waters Canoe Area Wilderness or Voyageurs National Park are included in this or any state mineral lease sale.

After the conclusion of the sale, the Commissioner shall request each high bidder to provide evidence the bidder is qualified to hold state mineral leases pursuant to Minnesota Rules, part 6125.0410. The rules state that a lease will only be issued to an applicant qualified to do business in Minnesota and qualified to conduct exploratory borings in Minnesota. In addition, the Commissioner may request evidence that the lease applicant is technically and financially capable of performing under the terms of a state mineral lease. The requested evidence must be provided within 45 days of the request from the Commissioner or the bids from the high bidder will be rejected.

Upon the award of a lease, the application fee submitted with the bid will be deposited with the State Treasurer as a fee for the lease. All bids not accepted will become void, and the application fee and rental payment accompanying such bids will be returned to the respective bidders; provided, however, the application fee and rental payment accompanying a bid shall not be returned if the bidder was the high bidder and subsequently withdrew the bid prior to the awarding of a lease.

Bid forms, instructions on how bids are to be submitted, copies of the rules (Minnesota Rules, parts 6125.0100 through 612.0700) and copies of the Mining Unit Book, listing the land areas designated by the Commissioner as mining units, may be obtained from the Transactions Section, Division of Lands and Minerals, DNR Building, 500 Lafayette Road, Saint Paul, Minnesota 55155-4045. Email inquiries may be sent to Kathy.lewis@dnr.state.mn.us

The Mining Unit Book will be available at least thirty days prior to October 13, 2004. Application for each copy of the Mining Unit Book must be accompanied by a check or money order, payable to the Department of Natural Resources in the sum of \$20.00, as a fee for such Mining Unit Book, plus \$1.30 State of Minnesota Sales Tax. Unit books will also be available for inspection at the Hibbing and Saint Paul offices of the Division of Lands and Minerals, and on the internet through the DNR website at www.dnr.state.mn.us/lands_minerals

NOTICE OF PUBLIC HEARING

Metropolitan Airports Commission

Notice is hereby given that on the 27th of September 2004, at 7:00 p.m. at the Thomas Jefferson High School, 4001 West 102nd Street, Bloomington, Minnesota, the Metropolitan Airports Commission will hold a public hearing to receive verbal and written testimony relative to the adoption of amendments to the Reliever Airports General Aviation Mission Statement and Philosophy Statements and to

Ordinance No. 87 would amend the ground and percentage rental rates, fuel flowage fees and other charges for property at the Commission's minor and intermediate use airports as provided by Minn. Stat. 473.651, remove the reverse sliding scale for percentage rent in Section 2.2, replace the Rent and Fee Schedule with a new Rent and Fee schedule, and amend various other provisions.

Copies of the draft Reliever Airports General Aviation Mission Statement and Philosophy Statements and the draft amended Ordinance may be found at www.msairport.com/Reliever_Airports or obtained by contacting: Kelly Ubel, Reliever Airports Department, Metropolitan Airports Commission, 6040 – 28th Ave., S., Minneapolis, MN 55450; 612-467-0522; fax: 612-970-9640; email: kubel@mspmac.org

Written comments will be accepted until 4:30 p.m. on Friday, October 8, 2004, and may be submitted to the same address.

NOTICE AND ORDER FOR HEARING

Hidden Haven Homeowners' Association and its attorney, William G. Peterson, Peterson Law Office, P.A., Suite 800, 3601 Minnesota Drive, Bloomington, MN 55435

Hidden Haven Homeowners' Association is hereby notified that the Minnesota Department of Natural Resources has initiated this action pursuant to Hidden Haven Homeowners' Association's appeal of the Department's decision to deny Permit Application NO 2003-1185.

It is hereby ordered that a contested case hearing will be held on October 6 and 7, 2004, at 9 a.m. at the Walker County Commissioner's Board Room, Courthouse Annex, 303 Minnesota Avenue, Walker, MN 56484.

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 hearing will be conducted pursuant to the contested case procedures set out in chapter 14 of Minnesota Statutes, the Rules of the Administrative Hearings, Minn. Rules 1400.5010-.8500, and Minn. Stat. 103G.251, .311, and .315. 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; 445 Minnesota Street, #900; St. Paul, Minnesota 55101-2127; 651-296-0687 may be contacted to discuss discovery or informal disposition of this matter.

Allegations

1. Hidden Haven Homeowners' Association (HHHA) submitted a public waters permit application to the Department of Natural Resources for the excavation and dredging of a private inland harbor on Leech Lake in Outlot A of Hidden Haven, Section 25, Township 143 North, Range 29 West, in Cass County, Minnesota. HHHA indicated that it wants to create a private inland harbor and entrance channel with a water surface area of 19,480 square feet and 30 boat slips. HHHA has indicated that the proposed inland harbor design would extend 280 feet inland from the Ordinary High Water Level (OHW) and impact an existing wetland.
2. After investigation and review of the HHHA public water permit application, the Department determined that the proposed private inland harbor excavation and dredging was inconsistent with the applicable Minnesota statutes and rules, specifically Minn. R. 6115.0200 and Minn. R. 6115.0201, and denied the application.
 - a. The proposed inland harbor would permanently and unnecessarily alter the natural shoreline of Leech Lake and, therefore, does not meet the goal of the state's public water permit program to preserve the natural character of public waters and their shorelands as set out in Minn. R. 6115.0200, subp. 1 (2003).
 - b. The proposed inland harbor does not comply with Minn. R. 6115.0200, subp. 5 (C) because it does not represent the minimal impact solution for boat mooring with respect to all other reasonable alternatives and it does not affect the biological character of the waters and surrounding waters and shorelines to the minimum degree feasible and practical. In addition, the harbor would be located partially within a wetland and it would destroy habitat for numerous wildlife species and would negatively affect the value of the wetland for production of various aquatic invertebrates and vertebrates. Location of the harbor within the wetland would also reduce the

- wetland's capability to entrap nutrients and sediments and to prevent them from entering into the lake.
- c. The proposed harbor does not comply with Minn. R. 6115.0200, subp. 5 (I), because Section 1705 of Cass County's Land Use Ordinance states that "[h]arbors shall not be allowed in bluff zones or wetlands" and "shall not extend landward of the OHW greater than 200 feet." The proposed harbor would extend 280 feet inland from the OHW and be located partially within a wetland of Section 1705 of the Cass County Land Use Ordinance.
 - d. The proposed harbor does not comply with Minn. R. 6115.0200, subp. 5 (K), because the proposed harbor is designed to provide 30 boat slips, when only 10 lots in Block Two of Hidden Haven have been granted easements for boat access.
 - e. The proposed harbor does not comply with Minn. R. 6115.0201, subp. 5 (C), because the presence of wind, wave, or current conditions, lake bed and bank conditions, or obstruction to public use do not preclude the use of docks or an offshore docking system at the subject location, and boats are commonly moored on docks and boat lifts in areas with greater or equal open water exposure, including the Hidden Haven area.
3. Pursuant to Minn. Stat. 103G.311, HHA appealed the Department's decision.

Issue

Whether the proposed private inland harbor excavation and lake dredging is inconsistent with the applicable Minnesota statutes and rules, specifically Minnesota Rules, ch. 6115.0200, subp. 1 and 5, and ch. 6115.0201, subp. 5 (2003), and should be denied.

The relevant laws and rules include, but need to be not limited to, Minn. Stat. 103A.201, 103G.245, .311, .315, and Minn. R. 6115.0170-0250.

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.
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, MN 55401; or may call 612-341-7610(voice) or 612-341-7346 (TTY).

Notice of Environmental Board Public Information and Scoping Meeting for the Xcel Energy Proposed Buffalo-White 115 kV Transmission Line and the Yankee Substation (MEQB DOCKET NO. 04-84-TR-XCEL)

September 22, 2004, 3 p.m. & 7:30 p.m., Midwest Center for Wind Energy, 2390 Lincoln County Highway 1 Hendricks, MN.

The EQB will conduct a public information meeting to provide information to the public about the Xcel Energy proposed 115 kV transmission line and associated facilities connecting the Buffalo Ridge Substation in Lincoln County, Minnesota, and the White Substation in Brookings, South Dakota, to answer questions, and to allow the public an opportunity to suggest route and substation alternatives and impacts that should be considered by the EQB during preparation of an environmental assessment document. Written comments must be submitted no later than October 25, 2004.

PLEASE TAKE NOTICE that on August 10, 2004, Xcel Energy submitted an application (Application) to the Minnesota Environmental Quality Board (EQB) for a transmission line route permit pursuant to the alternative permitting process contained in Minn. Rules parts 4400.2000 to 4400.2950, and Minnesota Statutes section 116C.575. On August 19, 2004, the EQB Chair accepted the Application as complete.

Northern States Power Company, d/b/a Xcel Energy, proposes to construct a 115 kV transmission line and associated facilities connecting the Buffalo Ridge Substation in Lincoln County, Minnesota, and the White Substation in Brookings County, South Dakota. Xcel Energy also proposes to construct a new 115 kV Yankee Substation midway along the new Buffalo Ridge to White transmission line and a 1.9 mile reroute of the existing Lake Yankton – Pipestone 115 kV transmission line. These improvements are collectively referred to as “the Project.” The Project is designed to increase outlet capability on the Buffalo Ridge to allow for further development of wind energy in the region.

Project related materials are available online from the EQB at: www.eqb.state.mn.us. Click on “Energy Facilities” and the project will be listed under the “Open Projects” list. Any person may request to have his or her name or an organization’s name placed on the project contact list by registering online at the EQB web site or by contacting Andrea at the EQB at 651-296-2571.

Under the Power Plant Siting Act (Minnesota Statutes Sections 116C.51-.69) a route permit from the EQB is required to build a large high voltage transmission line (HVTL). A HVTL is a conductor of electrical energy and associated facilities designed for and capable of operation at a nominal voltage of 100 kilovolts or more. The EQB has adopted rules for the administration of transmission line route permits (Minnesota Rules Chapter 4400). The EQB rules establish the requirements for submitting and processing a route permit application. The applicant must identify in the Application the preferred route for the transmission line. As part of the permitting process, the EQB prepares an Environmental Assessment (EA) for the project and holds a contested case hearing. The EQB has up to six months from the time the application is accepted to complete the process and make a decision on the route permit.

The Chair appointed EQB staff members Larry Hartman as project manager and George Johnson as the public advisor in this matter. Inquiries about this project should be directed to the EQB project manager, Larry Hartman (Tel: 651-296-5089 or larry.hartman@state.mn.us) or George Johnson (Tel: 651-296-2888 or george.johnson@state.mn.us) Environmental Quality Board, 300 Centennial Bldg., 658 Cedar Street, St. Paul, MN 55155. Other contact information: Tel: 1- 800-657-3794; Fax: 651-296-3698 or TTY: Minnesota Relay Service, 800-627-3694, and ask for the EQB.

Current information about the Project and a copy of the Permit Application are also available online from Xcel Energy at www.xcelenergy.com. Click on the “About Energy” button on the Home Page and then select “Transmission Projects”. Copies of the Permit Application are also available at the Lake Benton Public Library. Project information may also be obtained by emailing pamela.jo.rasmussen@xcelenergy.com or writing to Pamela J. Rasmussen at P.O. Box 8, Eau Claire, WI 54701 or by calling Ms. Rasmussen at (715) 839-4661 or 1-800-238-7968, extension 4661.



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300 Centennial, 658 Cedar St.
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Phone: 800-657-3794 or 651-296-2603

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E-mail: <mailto:eqb.monitor@state.mn.us>