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EQB MONITOR

DUAL NOTICE:

**Notice of Intent to Adopt Rules Without a Public Hearing
Unless 25 or More Persons Request a Hearing,
And Notice of Hearing If 25 or More Requests
For Hearing Are Received**

**Proposed Amendments to Rules Governing the
Environmental Review Program, *Minnesota Rules*, chapter 4410,
Establishing a Mandatory EAW Category Threshold for Greenhouse Gas Emissions at
Minn. Rules, part 4410.4300, subpart 15**

Introduction. The Environmental Quality Board intends to adopt rules without a public hearing following the procedures set forth in the rules of the Office of Administrative Hearings, *Minnesota Rules*, parts 1400.2300 to 1400.2310 and the Administrative Procedure Act, *Minnesota Statutes*, sections 14.22 to 14.28. If, however, 25 or more persons submit a written request for a hearing on the rules by 4:30 p.m. on Wednesday, February 23, 2011, the EQB will hold a public hearing in the Minnesota Pollution Control Agency Board Room, 520 Lafayette Road, St. Paul, MN 55155 on Wednesday, March 9, 2011, starting at 2:00 p.m.

To find out whether the rules will be adopted without a hearing or if the hearing will be held, you should contact the agency contact person after February 23 and before March 9, 2011.

Agency Contact Person. Comments or questions on the rules and written requests for a public hearing on the rules must be submitted to the agency contact person. The agency contact person is: Jon Larsen, Environmental Quality Board, Room 300, Centennial Office Bldg., 658 Cedar Street, St. Paul, MN 55155; telephone: 651-201-2477, fax 651-296-3698, and email address: jon.larsen@state.mn.us. TTY users may call the Department of Administration at 800-627-3529.

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 posted on the Environmental Quality board home page at <http://www.eqb.state.mn.us/>.

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 on the *EQB Monitor*, contact:

Minnesota Environmental Quality Board
658 Cedar St., 300 Centennial Office Building
St. Paul, MN 55155-1388
Phone: 651-201-2480
Fax: 651-296-3698
<http://www.eqb.state.mn.us>

Subject of Rules and Statutory Authority. The proposed amendment would add a specific threshold number applying to greenhouse gas (GHG) emissions to the mandatory EAW category for air pollutants at part 4410.4300, subpart 15. The level proposed is a combined total of 100,000 tons per year of GHGs, expressed as carbon dioxide equivalents. The gases to which this threshold would apply are carbon dioxide; methane; nitrous oxide; hydrofluorocarbons (HFCs); perfluorocarbons (PFCs); and sulfur hexafluoride.

The statutory authority to adopt the rules is *Minnesota Statutes*, sections 116D.04, subds. 2a & 4a. A copy of the proposed rule amendments is published in the *State Register*, posted at the EQB webpage (www.eqb.state.mn.us) and is attached to this notice as mailed.

Comments. You have until 4:30 p.m. on February 23, 2011 to submit written comment in support of or in opposition to the proposed rule amendment. Your comment must be in writing and received by the agency contact person by the due date. Comment is encouraged. Your comments should identify the portion of the proposed rules addressed, the reason for the comment, and any change proposed. You are encouraged to propose any change desired. Any comments that you would like to make on the legality of the proposed rules must also be made during this comment period.

Request for a Hearing. In addition to submitting comments, you may also request that a hearing be held on the rules. Your request for a public hearing must be in writing and must be received by the agency contact person by 4:30 p.m. on February 23, 2011. Your written request for a public hearing must include your name and address. You must identify the portion of the proposed rule amendments to which you object or state that you oppose the entire set of rule amendments. Any request that does not comply with these requirements is not valid and cannot be counted by the agency when determining whether a public hearing must be held. You are also encouraged to state the reason for the request and any changes you want made to the proposed rules.

Withdrawal of Requests. If 25 or more persons submit a valid written request for a hearing, a public hearing will be held unless a sufficient number of persons withdraw their requests in writing. If enough requests for hearing are withdrawn to reduce the number below 25, the agency must give written notice of this to all persons who requested a hearing, explain the actions the agency took to effect the withdrawal, and ask for written comments on this action. If a public hearing is required, the agency will follow the procedures in *Minnesota Statutes*, sections 14.131 to 14.20.

Alternative Format/Accommodation. Upon request, this Notice can be made available in an alternative format, such as large print, Braille, or audio. To make such a request or if you need an accommodation to make this hearing accessible, please contact the agency contact person at the address or telephone number listed above.

Modifications. The proposed rules may be modified, either as a result of public comment or as a result of the rule hearing process. Modifications must be supported by data and views submitted to the agency or presented at the hearing and the adopted rules may not be substantially different than these proposed rules, unless the procedure under *Minnesota Rules*, part 1400.2110, has been followed. If the proposed rules affect you in any way, you are encouraged to participate in the rulemaking process.

Cancellation of Hearing. The hearing scheduled for March 9, 2011, will be canceled if the EQB does not receive requests from 25 or more persons that a hearing be held on the rules. If you requested a public hearing, the agency will notify you before the scheduled hearing whether or not the hearing will be held. You may also contact the agency contact person indicated above to find out whether the hearing will be held.

Notice of Hearing. If 25 or more persons submit valid written requests for a public hearing on the rules, a hearing will be held following the procedures in *Minnesota Statutes*, sections 14.131 to 14.20. The hearing will be held on the date and at the time and place listed above. The hearing will continue until all interested persons present have been heard. Administrative Law Judge Barbara L. Neilson is assigned to conduct the hearing. Judge Neilson can be reached at the Office of Administrative Hearings, 600 North Robert Street, P.O. Box 64620, Saint Paul, Minnesota 55164-0620, telephone 651-361-7845 and FAX 651-361-7936.

Hearing Procedure. If a hearing is held, you and all interested or affected persons, including representatives of associations or other interested groups, will have an opportunity to participate. You may present your views either orally at the hearing or in writing at any time before the close of the hearing record. All evidence presented should relate to the proposed rules. You may also submit written material to the Administrative Law Judge to be recorded in the hearing record for five working days after the public hearing ends. At the hearing the Administrative Law Judge may order that this five-day comment period is extended for a longer period but not more than 20 calendar days. Following the comment period, there is a five-working-day rebuttal period during which the agency and any interested person may respond in writing to any new information submitted. No additional evidence may be submitted during the five-day rebuttal period.

All comments and responses submitted to the Administrative Law Judge must be received at the Office of Administrative Hearings no later than 4:30 p.m. on the due date. All comments or responses received will be available for review at the Office of Administrative Hearings. This rule hearing procedure is governed by *Minnesota Rules*, parts 1400.2000 to 1400.2240, and *Minnesota Statutes*, sections 14.131 to 14.20. Questions about procedure may be directed to the Administrative Law Judge.

The agency requests that any person submitting written views or data to the Administrative Law Judge prior to the hearing or during the comment or rebuttal period also submit a copy of the written views or data to the agency contact person at the address stated above.

Statement of Need and Reasonableness. A statement of need and reasonableness is now available from the agency contact person and is posted at the EQB's webpage at www.eqb.state.mn.us. This statement contains a summary of the justification for the proposed rules, including a description of who will be affected by the proposed rules and an estimate of the probable cost of the proposed rules. The statement may also be reviewed and copies obtained at the cost of reproduction from the agency.

Lobbyist Registration. *Minnesota Statutes*, chapter 10A, requires each lobbyist to register with the State Campaign Finance and Public Disclosure Board. Questions regarding this requirement may be directed to the Campaign Finance and Public Disclosure Board at: Suite 190, Centennial Building, 658 Cedar Street, St. Paul, Minnesota 55155, telephone 651-296-5148 or 1-800-657-3889.

Adoption Procedure After a Hearing. If a hearing is held, after the close of the hearing record, the Administrative Law Judge will issue a report on the proposed rules. You may ask to be notified of the date when the Administrative Law Judge's report will become available, and can make this request at the hearing or in writing to the Administrative Law Judge. You may also ask to be notified of the date on which the agency adopts the rules and the rules are filed with the Secretary of State, and can make this request at the hearing or in writing to the agency contact person stated above.

Order

I order that the rulemaking hearing be held at the date, time, and location listed above.

Dated: January 11, 2011

Robert Patton
Executive Director
Environmental Quality Board

ENVIRONMENTAL ASSESSMENT WORKSHEETS

EAW Comment Deadline: February 23, 2011

Scoping EAW AVAILABLE

Project Title: Airlake Airport Runway Extension (EIS)

Description: In continuation of the Scoping Process initiation with its agency and stakeholder coordination late last year, the Metropolitan Airports Commission (MAC) announces the release of the Scoping Environmental Assessment (EAW) and Draft Scoping Decision Document in advance of the future preparation of an Environmental Impact Statement (EIS) for a runway extension project at Airlake Airport.

The MAC's long-term plans at Airlake Airport include extension and widening of the existing 4,098 foot runway to a total length of 5,000 feet, which will require preparation of an EIS. The future runway extension would require realignment of Cedar Avenue along the eastern boundary of the Airport. Although the runway extension and roadway realignment are not imminent, development of property surrounding the Airport is subject to the location of the future Cedar Avenue alignment, and the MAC has determined that consideration of alternative alignments for Cedar Avenue should also include consideration of the relevant issues related to the proposed project as a whole. The EIS Scoping process has been initiated to identify and evaluate alternatives for both the runway extension and the Cedar Avenue realignment. However, it is expected that the EIS will not be conducted for at least several years, until such time that the project is justified by growth in airport activity.

These documents are also available on the MAC's website at:

<http://www.metroairports.org/relievers/airlake/default.aspx> or can be downloaded directly by selecting the following links:

[Airlake Scoping Environmental Assessment Worksheet](#)

[Airlake Draft Scoping Document](#)

The scoping documents identify the issues and alternatives that the MAC has determined are appropriate for inclusion in the EIS, as well as specific issues and alternatives that will not be included in the EIS.

A public Scoping Meeting to receive written comments on the EIS Scope will be held on Tuesday, February 1, 2011. The meeting will be held at 7:00 pm at the Lakeville City Hall at 20195 Holyoke Avenue, Lakeville, MN 55044. Written comments can be submitted by Wednesday, February 9, 2011 at the address below or via email at roy.fuhrmann@mspm.com.

RGU: Metropolitan Airports Commission

Contact Person:

Roy Fuhrmann
Director of Environment
Metropolitan Airports Commission
6040 28th Avenue South
Minneapolis, MN 55450-2799
Phone: 612-726-8100
Email: roy.fuhrmann@mspm.com

Final EIS AVAILABLE

STATE OF MINNESOTA – Office of Energy Security

NOTICE OF AVAILABILITY OF FINAL ENVIRONMENTAL IMPACT STATEMENT

Issued: January 7, 2011

**In the Matter of the Application by Xcel Energy and Great River Energy for a Route Permit for the
Fargo to St. Cloud 345 kV Transmission Line Project
PUC Docket Number: E002, ET2/TL-09-1056; OAH Docket No. 15-2500-20995-2**

The Minnesota Department of Commerce, Office of Energy Security (OES) has released the Final Environmental Impact Statement (FEIS) for the Fargo-to-St. Cloud 345 kV Transmission Line and Substation Project.

The intent of the environmental review process is to inform the public, the applicants and decision-makers about potential impacts and possible mitigations for a proposed project. The FEIS for the Fargo-to-St. Cloud transmission project evaluated impacts for a number of route alternatives, including one along Interstate Highway 94. It addresses the unique issues that could arise when placing a high voltage transmission line along a major trunk highway. It also presents a comparative analysis of human and environmental impacts amongst route alternatives.

Copies of the FEIS can be obtained through the OES and may be viewed at the Minnesota Public Utilities Commission web site: <http://energyfacilities.puc.state.mn.us/Docket.html?Id=25053>.

A hard copy will be available for viewing at the following public libraries by January 17, 2011:

Albany Public Library	Barnesville Library	Breckenridge Library
Browns Valley Public Library	Clemens Library	Douglas County Public Library
Fargo Public Library	Fergus Falls Public Library	Glenwood Public Library
Melrose Public Library	Moorhead Library	Sauk Centre Public Library
Saint Cloud Public Library	Thorson Memorial Library	

Project Description

Xcel Energy and Great River Energy submitted an Application to construct a new 345 kV high voltage transmission line (HVTL) between the Red River, either at a location south of Moorhead or south of Breckenridge, and the new Quarry Substation west of St. Cloud. The Minnesota portion of the proposed Fargo to St. Cloud 345 kV Project will be approximately 169 to 180 miles long, extending from the Red River to the existing Alexandria Switching Station located south of Alexandria and to the new Quarry Substation in St. Joseph. The North Dakota portion of the Project from a new Bison Substation west of Fargo to the Red River, depending on the route selected, will be approximately 31 to 81 miles.

This document can be made available in alternative formats (i.e., large print or audio) by calling 651.296.0406 (voice). Persons with hearing or speech disabilities may call us through Minnesota Relay at 1.800.627.3529 or by dialing 711.

EAW NEED DECISIONS

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

- Jackson City Council, Jackson Resource Center (High School) Demolition. Petition denied.
- Beltrami County Board of Commissioners, Residential Development, Grant Valley Township. Exempt.

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*.

- Minnesota Pollution Control Agency, Metropolitan Council Environmental Services (MCES)-Hopkins Pump Station and MSB-7026 Forcemain Improvements Project, January 11, 2011 (October 18, 2010). Negative Declaration.
- Lake Minnetonka Conservation District Board of Directors, Wayzata Yacht Club and Wayzata Community Sailing Center (Site 2), January 12, 2011 (November 10, 2010). Negative Declaration.
- Aitkin County Board of Commissioners, Northwoods Regional Trail Phase 2 project, Aitkin County, January 11, 2011 (November 15, 2010). Negative Declaration.

NOTICES

Minnesota Department of Agriculture

Notification of Releases of Genetically Engineered Organisms

File Number	Company	Crop	Project	County
11-NO-003	Monsanto	Corn	Drought Tolerance	Clay, Renville

For more information contact Mary Hanks, Minnesota Department of Agriculture, 625 Robert St N., St. Paul, MN 55155, 651/201-6277, mary.hanks@state.mn.us.