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EQB MONITOR

ENVIRONMENTAL ASSESSMENT WORKSHEETS

EAW Comment Deadline: December 30, 2009

Amendments to Environmental Review Program Rules Now in Effect

Various amendments to the Environmental Review program rules, Minnesota Rules, chapter 4410, adopted by the EQB went into effect **November 23, 2009**.

The amended rules will be posted at the website of the Revisor of Statutes, <https://www.revisor.mn.gov/rules/id=4410>. In the interim, the amendments can be seen by viewing the proposed amendments and modifications resulting from the public hearing process in the *State Register* issues published on January 20, 2009 and November 16, 2009. The EQB staff is in the process of revising the *Guide to MN Environmental Review Rules* to parallel the revised rules.

The most significant rule amendments are: the establishment of new mandatory EAW & EIS categories for certain types of development in shoreland areas; overhaul of the treatment of “cumulative potential effects” throughout the rules; and several changes to the procedures for Alternative Urban Areawide Reviews (AUARs).

Questions about the amendments can be directed to EQB staff:

Jon Larsen
651-201-2477
jon.larsen@state.mn.us

Gregg Downing
651-201-2476
gregg.downing@state.mn.us

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>

ENVIRONMENTAL ASSESSMENT WORKSHEETS

Project Title: Manox 3 – Manthey Hog Barns

Description: The Comment period for the Manox 3 – Manthey Hog Barns (Manox 3) Environmental Assessment Worksheet, originally noticed in the October 5, 2009, *EQB Monitor*, is being re-opened for an additional 30 days, beginning November 30, 2009.

Manthey Hog Barns is proposing to expand its wean-to-finish hog facility (Manox 2), located in section 8 of Vivian Township, Waseca County, by adding one wean-to-finish hog barn in Section 7 of Vivian Township. The proposed 102-foot by 260-foot wean-to-finish hog barn (Manox 3), will double the facility to a total of 6,600 swine (1,980 animal units). Manure will be stored under the barns in concrete pits, and pumped out annually. Manure ownership will be transferred, and the manure will subsequently be land applied, in accordance with the manure management plan requirements in Minn. R. 7020.2225.

The Environmental Assessment Worksheet has been 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 Person:

Nancy Drach
Planner Principal
Environmental Review and Feedlot Section
Regional Division
Minnesota Pollution Control Agency
520 Lafayette Road North
St. Paul, MN 55155-4194
Phone: 651-757-2317

Project Title: Asbury Asphalt Cement Bulk Storage Facility

Description: Duininck, Inc. is proposing to construct a storage tank and associated equipment to load, store, and unload asphalt cement in Section 3 of Granite Falls Township, Chippewa County, with the possible addition of up to three more tanks in the future. The proposed initial tank would have a capacity of 3,971,000 gallons. An EAW for the proposed project was prepared and put on public notice in February 2009. Due to subsequent modifications made by the project proposer related to water use and wastewater disposal, a revised EAW has been prepared and is being re-noticed for review and comment on the modifications. The areas of the revised EAW containing the modifications have been highlighted to facilitate the review process. Comments will be accepted on the EAW until December 30, 2009.

The MPCA's draft Aboveground Storage Tank – Major Facility Permit (AST Permit) will also be available for public comment from November 30, 2009, until January 15, 2010. A public information meeting regarding the AST Permit will be held on January 7, 2010, at 7:00 p.m. at the Granite Falls City Council Chambers, 641 Prentice Street. The contact person for the AST Permit is Sandra Johnson at 651-757-2469.

A copy of the revised 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 Person:

Karen Kromar
Planner Principal
Environmental Review and Feedlot Section
Regional Division
Minnesota Pollution Control Agency
520 Lafayette Road North
St. Paul, MN 55155-4194
Phone: 651-757-2508

Project Title: Cemstone Products Company EAW

Description: An Environmental Assessment Worksheet (EAW) has been prepared for Cemstone Products Company of Elk River, Minnesota. The proposed project involves the extraction and processing of aggregates from a 62.9 acre parcel of property. Stripping, extraction, limited processing and reclamation activities will occur on the proposed expansion area. The project site is located in the Southeast quarter of the Northeast quarter (SE $\frac{1}{4}$ of NE $\frac{1}{4}$), Section 26, Township 33 North, Range 26 West and the Southwest quarter of the Northeast Quarter (SW $\frac{1}{4}$ of NE $\frac{1}{4}$) lying Northwesterly of the centerline of Bladwin Street and that part of the Southeast quarter of the Northwest Quarter, lying Easterly of the Easterly line of Trunk Highway 169 (formerly known as Minnesota State Highway 18 or Elk River and Princeton Wagon Road or Princeton Road), all in Section 3, Township 33, Range 26, Sherburne County, Minnesota.. Anyone wishing to submit comments on the EAW can request a copy of the document from the City of Elk River and send written comments to Ms. Rebecca Haug, Environmental Administrator, City of Elk River, 13065 Orono Parkway, Elk River, MN 55330.

Comments on the EAW must be received by the City of Elk River by 4:30 p.m. on December 30, 2009.

RGU: City of Elk River

Contact Person:

Rebecca Haug
Environmental Administrator
City of Elk River
13065 Orono Parkway
Elk River, MN 55330.

ENVIRONMENTAL ASSESSEMENT AVAILABLE

Notice of Availability of the Environmental Assessment For the Minnesota Power 115 kV Line #28 Reroute Project

The environmental assessment (EA) for the Minnesota Power 115 kilovolt (kV) Line #28 Reroute Project has been completed and is available for review by the public. The EA addresses potential human and environmental impacts of the proposed project. Paper copies of the EA and other relevant documents are available at:

City of Nashwauk
301 Central Avenue
Nashwauk, MN 55796

Project Description

Minnesota Power (MP), a division of ALLETE, proposes to relocate a segment of one transmission line in northern Minnesota. The Minnesota Power 115 kV Line #28 Reroute Project (proposed Project) would reroute and reconstruct approximately 6.5 miles of the existing Minnesota Power 115 kV Line #28. The reroute is necessary to provide Essar Steel Minnesota (ESM) access to additional iron mining resources. ESM plans to construct taconite mining facilities and conduct open pit mining operations where the present Line #28 is located. The project is located in Itasca County within Greenway, Nashwauk and Lone Pine townships, and the City of Nashwauk.

Review Process

The City of Nashwauk has jurisdiction under the Power Plant Siting Act for evaluating the proposed Project under the local review process (Minn. Rules Chapter 7850.5300). Minnesota Power submitted a route permit application to the City of Nashwauk on August 19, 2009. The application was reviewed by the Nashwauk Planning and Zoning Commission and accepted as complete. A copy of the application is on file with the City of Nashwauk. The Nashwauk Planning Commission held a Scoping Meeting on September 16, 2009 at the Nashwauk City Hall to obtain public input regarding the scope of the Environmental Assessment (EA). The EA was developed based on the original route permit application with input from the City Planning and Zoning Commission and Scoping Meeting discussion.

The City of Nashwauk is allowed to make a final decision on the proposed Project no sooner than ten days after its notice of the completion of the Environmental Assessment is published in the EQB Monitor (Minn. Rules Chapter 7850.5300, subp. 5). The decision will be to approve or deny a Route Permit to Minnesota Power for the proposed Project (Minn. Stat. § 216E.05, subd. 1(a) and Minn. Rules Chapter 7850.5300, subp. 1).

Related Actions

Essar Steel Minnesota (ESM) has obtained state approvals to reactivate the former Butler Taconite mine by developing new facilities, including a taconite pellet plant and steel production plant. The ESM proposal was reviewed according to the Minnesota Environmental Policy Act process. An Environmental Impact Statement was developed and a Record of Decision was made August 10, 2007 (<http://www.dnr.state.mn.us/input/environmentalreview/minnstee/index.html>). ESM has obtained necessary permits and has begun construction of the mining facility.

In addition to this proposed 115 kV reroute project, the Nashwauk Public Utilities Commission and Minnesota Power submitted a route permit application to the MPUC on June 1, 2009 for construction of four 230 kV transmission lines and two 230 kV substations that would provide electric power to the ESM facility (<http://www.energyfacilities.puc.state.mn.us/Docket.html?Id=24526>). The Office of Energy Security will be developing an Environmental Impact Statement for the 230 kV project. Portions of the 230 kV proposed routes would parallel this proposed 115 kV reroute for part of its length

Project Contacts and Information

Pamela LaBine, City Clerk
City of Nashwauk
301 Central Avenue
Nashwauk, MN 55769
Phone: 218-885-1210
Fax: 218-1305
Email: nashwaukcityhall@mchsi.com

Comments on the EA will be accepted until December 10, 2009. The City of Nashwauk will make a decision on the Project route permit application at their regular council meeting scheduled for December 22, 2009 at 4:30 pm in the City Council Chambers.

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 the EAW notice was published in the *EQB Monitor*.

- Minnesota Pollution Control Agency, SLT Cattle Company – Ted’s Place, November 20, 2009 (September 21, 2009)
- Stearns County, 33rd Street South from TH 15 to CSAH 75—SP 73-684-04, June 23, 2009 (April 6, 2009)

PETITION 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.

- Olmsted County, Storm Water and Erosion Control Project.

DRAFT EIS AVAILABLE

Project Title: UNIMIN North Mine in Ottawa Township, Le Sueur County

Description: The Le Sueur County Board of Commissioners announces that a Draft Environmental Impact Statement (DEIS) completed for a proposed expansion of the UNIMIN Minnesota Corporation silica sand mining operation consisting of approximately 1015.5-acres is available for public comment. Property is located in Sections 15, 21, 22, 23 and 27 Ottawa Township, Le Sueur County, Minnesota.

The project is nonmetallic mineral mining of a 1,015.5-acre site in an area where mining has occurred for 80 years. The mining involves excavation of overburden to expose sandstone that is blasted, placed in slurry form, and pumped to an existing processing plant. Reclamation will be ongoing as mining is conducted. The UNIMIN Minnesota Corporation, with offices located in Le Sueur County, Minnesota is the proposer of the project.

Copies of the DEIS are available for public examination locally, at the Le Sueur County Environmental Services office, 515 South Maple Avenue, Le Center, MN 56057-1652; the Le Center Public Library, 10 W. Tyrone St, Le Center, MN 56057; the Saint Peter Public Library, 601 South Washington Avenue, Saint Peter, MN 56082; and the Le Sueur Public Library, 118 Ferry Street, Le Sueur, MN 56058.

A public informational meeting will be held on Tuesday, December 15, at 4:30 p.m. to 6:00 p.m., at the Le Sueur County Planning and Zoning office, 515 South Maple Avenue, Le Center, MN 56057.

FINAL ADEQUACY EIS DECISION

Environmental Impact Statement for Proposed Improvements at New Ulm Municipal Airport

The City of New Ulm, responsible government unit for the proposed airport improvement project, passed Resolution 09-112 on November 17, 2009 to issue a Determination of Adequacy for the Final State Environmental Impact Statement (EIS) for the proposed improvements. The proposed improvements include extending Runway 15/33 and its parallel taxiway 1,000 feet; decommissioning, relocating, and extending existing crosswind Runway 4/22 to a 9/27 orientation from 2,477 feet to an overall length of 3,000 feet; installing a medium intensity approach light system; and acquiring land in both fee simple and easements. A Final EIS was released on September 7, 2009 for public comment until September 23, 2009. No comments were received during the comment period that required any modification to the Final EIS.

For further information, please contact:

Steven P. Koehler P.E.,
City Engineer
100 North Broadway
New Ulm, MN 56073
Phone: 507-359-8244

NOTICES

Minnesota Department of Natural Resources

NOTICE OF SALE OF STATE METALLIC MINERAL 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 Aitkin, Benton, Carlton, Itasca, Morrison, Pine and Saint Louis Counties, is scheduled to be held on Tuesday, January 12, 2010, at 9:00 a.m. The sale will take place at the Central Offices of the Division of Lands and Minerals, 4th Floor, East-West Conference Room DNR Building, 500 Lafayette Road, Saint Paul, Minnesota. No land or water areas within the Boundary Water Canoe Area Wilderness or Voyageurs National Park are included in this or any State mineral lease sale.

The Commissioner 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 mineral rules issued under the authority of Minnesota Statutes, Chapter 93. Each bid must be submitted on a form obtained from the Commissioner. Each bid form must be accompanied by a certified check, cashier's check, or bank money order, payable to the 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. on Monday, January 11, 2010.

On Tuesday, January 12, 2010, 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 State reserves the right, through the State Executive Council, to reject any or all bids.

The purpose of 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 that increase over the term of the lease; 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 lessee must comply with all applicable regulatory laws.

After the conclusion of the sale, each high bidder will be required to provide evidence demonstrating that the bidder is qualified to hold a State mineral lease 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 that high

bidder will be rejected.

Upon the award of a lease, the application fee submitted with the bid will be deposited 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 each respective bidder, 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 award of a lease.

Bid forms, instructions on how bids are to be submitted, copies of the rules (Minnesota Rules, parts 6125.0100 through 6125.0700) 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. E-mail inquiries may be sent to aaron.vandelinde@dnr.state.mn.us.

The Mining Unit Book will be available at least 30 days prior to January 12, 2010. 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 \$25.00 as a fee for such Mining Unit Book plus shipping and applicable State of Minnesota Sales Tax. Mining 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 http://www.dnr.state.mn.us/lands_minerals/index.html.

By: Kathy A. Lewis, Assistant Director
Division of Lands and Minerals
Minnesota Department of Natural Resources
November 20, 2009

**STATE OF MINNESOTA
Office of Energy Security**

Issued: November 23, 2009

**NOTICE OF AVAILABILITY OF
ENVIRONMENTAL REPORT**

**In the Matter of the Application of Heartland Wind, LLC,
For a Certificate of Need for a 150 Megawatt Large Wind Energy Conversion System
in Jackson and Martin Counties, MN**

PUC Docket Number: IP-6728/CN-09-471

PLEASE TAKE NOTICE that the environmental report (ER) for the Elm Creek II Wind Project has been completed and is available for review by the public. The ER addresses potential human and environmental impacts of the proposed project and alternatives. Copies of the ER and other relevant documents are accessible at:

<http://energyfacilities.puc.state.mn.us/Docket.html?Id=20051>

Project Description

Heartland Wind, LLC, a Minnesota limited liability company, is proposing to construct a 150 megawatt (MW) wind project in Jackson and Martin counties, Minnesota. A final decision on turbine selection and design has not been made, but the project will consist of turbines with a rated output between 1.5 and 3.0 MW in such number and combination as to yield 150 MW.

Facilities associated with the project include gravel access roads, expansion of an existing substation, an expanded or new operation and maintenance (O&M) building, meteorological towers, and an electrical collection system. The area of direct land use will be approximately 50 acres for turbines and access roads, depending on turbine size and number.

The project will be located in southwestern Minnesota, in the townships of Enterprise and Wisconsin, Jackson County and Cedar, Elm Creek, and Jay townships, Martin County. The project boundary encompasses approximately 30,339 acres

The project will interconnect to the transmission grid through the existing Trimont Substation, which is connected to Xcel Energy's Lakefield Substation.

Commission Review Process

The Elm Creek II Wind Project is designed to produce 150 megawatts (MW) of power and thus is a large energy facility (Minn. Stat. §216B.2421). In accordance with Minnesota Statute 216B.243, no large energy facility may be sited or constructed in Minnesota without issuance of a certificate of need (CON) by the Minnesota Public Utilities Commission (Commission). On June 8, 2009, Heartland Wind, LLC, submitted a certificate of need application to the Commission. On August 4, 2009, the Commission issued an order accepting the application as complete, and authorized an informal review process August 28, 2009.

The informal review process includes several steps designed to develop a record upon which a CON decision can be made by the Commission. These include the development of an environmental report by the Department of Commerce, Office of Energy Security (OES), and a public hearing conducted by an administrative law judge (ALJ). Based on the ALJ's hearing report and the entire record, Commission staff will make a recommendation to the Commission on issuance of the certificate of need. The Commission is the final decision-making body.

A public hearing on the certificate of need will be held on Tuesday, December 15, 2009, at the AmericInn, 110 Belmont Lane, Jackson, MN, beginning at 6:30 p.m. A separate hearing notice will be provided with the detailed information. The Commission's review process for the CON is the only time at which the "no-build" alternative and the size, type, and timing of this electrical generation project will be considered.

Project Contacts and Information

For more information about the Environmental Report, or to place your name on the project mailing list, contact Matt Langan (651-296-2096 or matthew.langan@state.mn.us) Office of Energy Security, 85 7th Place East, Suite 500, Saint Paul, Minnesota 55101-2198. Other contact information: Toll-Free Tel: 1-800-657-3794, Fax: 651-297-7891 or TTY: Minnesota Relay Service, 800-627-3529, and ask for the Office of Energy Security.

For information about the Certificate of Need process, contact Bret Eknes (651-201-2236 or bret.eknes@state.mn.us) MN Public Utilities Commission, 121 7th Place E, Suite 350, St. Paul, MN 55101-2147. Other contact information: Toll-Free Tel: 1-800-657-3782, Fax: 651-297-7073 or TTY: Minnesota Relay Service, 1-800-627-3529, and ask for the Public Utilities Commission.

This document can be made available in alternative formats; i.e., large print or audio tape by calling (651) 201-2202 (Voice) OR 1-800-627-3529 (TTY relay service).