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# EQB MONITOR

## ENVIRONMENTAL ASSESSMENT WORKSHEETS

EAW Comment Deadline: August 12, 2009

### Federal EA AVAILABLE

**Project Title: Yankee Doodle to Pilot Knob 115 kV System Upgrades**

PUC Docket Number E111, ET2, E002/LR-09-667

**Description:** Great River Energy, Dakota Electric Association, and Xcel Energy have determined that a portion of the transmission system serving the City of Eagan service area requires upgrading to reliably serve growing electrical loads. The utilities are proposing the following 115 kV transmission upgrades (see enclosed fact/map) within the City of Eagan

Great River Energy will rebuild approximately one mile of Xcel Energy's existing single circuit, 115 kV transmission line (currently operated at 69 kV) to a double circuit, 115 kV line from the Yankee Doodle Substation south to Wescott Road. Xcel Energy will own the poles and one circuit that will operate at 115 kV and Great River Energy will own the other circuit that will operate at 69 kV loop feed to the Wescott Park Distribution Substation.

Xcel Energy will construct a 115 kV line from the Pilot Knob Substation to the Eagan Substation by:

- Upgrading approximately 1.5 miles of existing single circuit, 115 kV transmission line (5525 line) to double circuit, 115 kV line from the Pilot Knob Substation to the intersection with Xcel Energy's 0703 line approximately ¼ mile east of Lexington Ave
- Upgrading approximately ½ mile of Xcel Energy's existing single circuit, 69 kV transmission line (0703 line) to single circuit, 115 kV line from the previously described intersection north of the Eagan Substation.

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>

Dakota Electric Association will rebuild the Eagan Substation from 69 kV to 115 kV. The project will also include a new exit at Dakota Electric Association's Yankee Doodle Substation, and a new 115 kV breaker at Great River Energy's Pilot Knob Substation.

The project is located in Sections 11, 14, 23, 26 and 27, T27N, R23W. The upgraded transmission lines will be constructed using steel poles approximately 70-80 feet tall, and construction will be accomplished within the existing easements.

A copy of the Environment Assessment for the project is available for review at the City of Eagan, Department of Public Works, 3830 Pilot Knob Road, Eagan, MN 55122.

**RGU:** City of Eagan

**Contact Person:**

Russ Matthys  
City Engineer  
3830 Pilot Knob Road  
Eagan, MN 55155  
Phone: 651-675-5646  
Fax: 651-675-5694  
Email: rmatthys@cityofeagan.com

## FINAL AUAR ADOPTED

**Project Title: City of Montrose – BMI Project No. W13.037928**

The City of Montrose prepared a Final Alternative Urban Areawide Review (AUAR) to describe potential environmental impact of development surrounding the City of Montrose, Wright County, Minnesota. Comments received during the comment period have been incorporated into the Final AUAR. The City has officially adopted the Final AUAR via resolution at their City Council meeting on June 15, 2009 pursuant to Minnesota Rules, Section 4410.3610, Subpart 5.E.

If you have any questions, please contact Justin L. Kannas, City Engineer at 320-231-3956.

## 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 Department of Transportation, City of St. Michael Naber Extension and Interstate 94 Interchange, June 29, 2009 (December 1, 2008)

**NOTICES****Department of Agriculture  
Notification of Releases of Genetically Engineered Organisms**

<b>File Number</b>	<b>Company</b>	<b>Crop</b>	<b>Project</b>	<b>County</b>
09-NO-076	Syngenta	Corn	Improved Stalk and Ear Rot Resistance	Goodhue

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](mailto:mary.hanks@state.mn.us).

**Public Meeting Notice – Southeast Regional Landscape Committee  
Minnesota Forest Resources Council**

The Southeast Regional Landscape Committee of the Minnesota Forest Resources Council (MFRC) will meet on Wednesday, July 22, 2009, from 9:30 a.m. - 2:30 p.m. at the Weaver Dunes TNC Office south of Kellogg, Minnesota.

For more information, please contact Lindberg Ekola at (320) 256-8300 or go to the calendar on the MFRC website at <http://www.frc.state.mn.us>.

**NOTICE OF PUBLIC HEARING AND PUBLIC  
COMMENT PERIOD ON ST. PAUL  
DOWNTOWN AIRPORT ZONING ORDINANCE**

The Joint Airport Zoning Board for the St. Paul Downtown Airport (STP) is developing an *airport zoning ordinance* for land uses around STP. The *Draft STP Zoning Ordinance* limits the height of structures and vegetation and prohibits certain land uses in an area extending approximately 2 miles from the outer boundaries of STP. The zoning is being conducted as required by Minn. Stat. 360.061 – 360.074 and Minn. Rules 8800.1200 and 8800.2400. Maps that are part of the proposed *Zoning Ordinance* show the precise boundaries for application of the *Ordinance* and the associated proposed restrictions.

The proposed *Zoning Ordinance* would: (1) limit the height of structures and vegetation out to 2 miles to the northwest, southeast, east and west of STP, out to 1.5 miles in all other areas to the northwest and southeast, and to approximately the river bluff line to the north and south of STP; (2) prohibit the development of structures in Zone A; (3) prohibit, in Safety Zone B, the future construction of amphitheaters, hospitals, nursing homes, residential uses, schools, stadiums and ponds or other features which might attract waterfowl or other birds, (however, the proposed restrictions in Zone B do not affect additions to existing residences, residential

redevelopment or future residential development in established residential neighborhoods around or near STP); and (4) prohibit, in Zones A, B and C, the use of land that creates or causes interference with the operations of radio or electronic facilities on STP or with radio or electronic communications between STP and aircraft, makes it difficult for pilots to distinguish between Airport lights and other lights, results in glare in the eyes of pilots using STP, impairs visibility in the vicinity of STP, or otherwise endangers the landing, taking off, or maneuvering of aircraft in the runway approach areas.

**THE PUBLIC COMMENT PERIOD ON THE PROPOSED ORDINANCE WILL COMMENCE AT 8:00 A.M. ON WEDNESDAY, JULY 1, 2009, AND CLOSE AT 5:00 P.M. ON THURSDAY, JULY 30, 2009.** During this period, written comments will be accepted and must be addressed to:

Jenn Felger  
Secretary to the STP Joint Airport Zoning Board  
Metropolitan Airports Commission  
6040 28th Avenue South  
Minneapolis, MN 55450

THE OPEN HOUSE AND PUBLIC HEARING ON THE PROPOSED ORDINANCE WILL BE HELD FROM 5:00 P.M. TO 9:00 P.M. ON THURSDAY, JULY 23, 2009, AT THE ST. PAUL DOWNTOWN AIRPORT TERMINAL BUILDING, 644 BAYFIELD STREET, ST. PAUL, MINNESOTA. The open house will be held in the entrance rotunda from 5:00 p.m. to 6:30 p.m. A public presentation on the proposed *Zoning Ordinance* will be given in the First Floor Conference Room from 6:30 p.m. to 7:00 p.m. The public hearing will commence in the First Floor Conference Room at 7:00 p.m. and continue until 9:00 p.m., or until all persons wishing to address the Board have been heard.

Copies of the proposed *Zoning Ordinance* will be available for review beginning July 1, 2009, at the following locations: the Metropolitan Airports Commission's Main Office, 6040 28th Avenue South, Minneapolis, Minnesota; St. Paul Downtown Airport Terminal Building, 644 Bayfield Street, St. Paul, Minnesota; and the city halls of the cities of St. Paul, West St. Paul, and South St. Paul. The proposed Zoning Ordinance will also be available for review beginning July 1 on the MAC website at [www.metroairports.org](http://www.metroairports.org). Copies of the document can be obtained at the Commission's Main Office, 6040 28th Avenue South, Minneapolis, Minnesota.

For further information about the public comment period, the open house or the public hearing, please call Jenn Felger at (612) 726-8189.

## Minnesota Pollution Control Agency

### NOTICE OF PUBLIC HEARING

**Proposed Amendments to Rules Governing Air and Water Permit Fees *Minnesota Rules*, Parts 7002.0016 to 7002.0310. *Minnesota Rules* Parts 7002.0300 and 7002.0305, are repealed.**

**Public Hearing.** The Minnesota Pollution Control Agency (MPCA) intends to adopt rules after a public hearing following the procedures set forth in the rules of the Office of Administrative Hearings, *Minnesota*

Rules 1400.2200 to 1400.2240 and the Administrative Procedures Act, *Minnesota Statutes*. §§ 14.131 to 14.20.

The MPCA will hold a hearing on the above-entitled rules at the MPCA's St. Paul office which will be broadcast via interactive video conference to MPCA's regional offices at the following locations on Tuesday, July 28, 2009:

MPCA St. Paul: 520 Lafayette Road North, St. Paul, Minnesota 55155  
MPCA-Brainerd: 7678 College Road, Suite 105, Baxter, Minnesota 556425  
MPCA-Duluth: 525 Lake Avenue South, Suite 400, Duluth, Minnesota 55802  
MPCA-Marshall: 1420 East College Drive, Suite 900, Marshall, Minnesota 56258  
MPCA-Rochester: 18 Wood Lake Drive Southeast, Rochester, Minnesota 55904  
MPCA-Detroit Lakes: 714 Lake Avenue, Suite 220, Detroit Lakes, Minnesota 56501

Directions to the hearing locations may be found at: <http://www.pca.state.mn.us/about/regions/index.html>

The July 28<sup>th</sup> hearing will be comprised of an afternoon and an evening session. The afternoon session will start at 1:00 p.m. and the evening session will start at 6:00 p.m. that same day, and run until all parties are heard, or until the Administrative Law Judge adjourns.

NOTE: Access to the MPCA is controlled. To attend a hearing you will be asked to sign in at the security desk and provide photo identification, such as a Minnesota driver's license.

Additional days of hearing will be scheduled if necessary. All interested or affected persons will have an opportunity to participate by submitting either oral or written data, statements, or arguments. Statements may be submitted without appearing at the hearing. Video conference links are provided for the convenience of the public. The MPCA will be able to display any written documents presented at the hearing at its St. Paul office to all video conference sites. You may participate at any of the MPCA offices listed above. The MPCA shall post any exhibit that it intends to use or reference at the hearing on its Web site no later than noon on Friday, July 24, 2009. Anyone who anticipates using a document during the hearing is encouraged to file a copy of the document with the Administrative Law Judge prior to the hearing.

Please note: In the event that any video transmission link fails, the hearing will go forward in St. Paul as scheduled.

**Administrative Law Judge.** Administrative Law Judge Beverly Jones Heydinger will conduct the hearing. The Judge can be reached at the Office of Administrative Hearings, 600 North Robert Street, P.O. Box 64620, Saint Paul, Minnesota 55164-0620, telephone 651-361-7838, FAX 651-361-7936, and email [rulecomments@state.mn.us](mailto:rulecomments@state.mn.us). The rule hearing procedure is governed by *Minnesota Statutes*, sections 14.131 to 14.20, and by the rules of the Office of Administrative Hearings, *Minnesota Rules*, parts 1400.2000 to 1400.2240. You should direct questions about the rule hearing procedure to the Administrative Law Judge.

**MPCA Contact Person.** To request a written copy of the rules or the Statement of Need and Reasonableness (SONAR), the MPCA contact person is: Jim Brist, MPCA, 520 Lafayette Road North, St. Paul, MN 55155-4194; Telephone: 651-757-2245 or 1-800-657-3864 ; e-mail [jim.brist@pca.state.mn.us](mailto:jim.brist@pca.state.mn.us). TTY users may call the MPCA at 651-282-5332 or at 1-800-657- 3864. Electronic copies of the rule, SONAR, and other background information are available at <http://www.pca.state.mn.us/permits/airwaterfees.html>

**Subject of Rules and Statutory Authority.** The proposed changes to *Minnesota Rules*, ch. 7002 are designed to provide a reasonable system to collect fees generally based on the Agency resources needed to issue and administer air and water permits.

The proposed amendments address three main areas of change. The first area of change is that these amendments develop a formula for the calculation and collection of fees associated with air and water permit applications. After receiving feedback from a stakeholder process and from hearings held throughout the state, MPCA developed a permit fee formula. The permit fee formula is based on a biennially-adjusted fee target and fee points, which are based on the level of work required for air and water permitting activities. Annual permit fees are not affected by this rulemaking.

The second area addressed is the establishment of application fees for air quality permits, and modifications to the fee amounts and the manner in which fees are assessed for water quality permit applications. The proposed amendments establish an application fee that correlates to the level of effort required to develop and issue the permit. Under this approach, a higher fee is assigned for permit actions that require more work, while a simple permit action is assigned a lower fee. Additional points are established for different types of permit-related activities in addition to the basic application fee. The concept is the same for both air and water permit applications, but the activities for which additional points are charged are designed to match the uniqueness of each program.

The third area adjusts the existing rules regarding the administrative aspects of the fee system and also updates the existing annual water fees to codify the existing annual water fees as modified by the Minnesota Legislature in 2002 and 2003.

The statutory authority for the proposed rules is based upon two legislative directives from 2007 and 2009 renewing the MPCA's rulemaking authority, and *Minnesota Statutes* § 116.07, subd. 4(d). Pursuant to *Minnesota Laws* (2007), chapter 57, article 1, section 3, subdivision 2, the MPCA was directed to amend its rules or, where necessary, provide recommendations for legislative action, as follows:

*By January 15, 2008, the commissioner shall amend agency rules and, where legislative action is necessary, provide recommendations to the house of representatives and senate divisions on environmental finance on water and air fee changes that will result in revenue to the environmental fund to pay for regulatory services to the ethanol, mining, and other developing economic sectors.*

The 2009 Legislative directive extending this authority is found in H.F. No. 2123, 4th Engrossment - 86th Legislative Session (2009-2010) at the following link: <https://www.revisor.leg.state.mn.us/bin/bldbill.php?bill=H2123.4.html&session=ls86>. The Governor signed the bill on May 7, 2009.

### **Proposed Rules and Statement of Need and Reasonableness**

The proposed rules and the Statement of Need and Reasonableness (SONAR) can also be viewed at the MPCA's Web site at: <http://www.pca.state.mn.us/permits/airwaterfees.html>, and at all of the MPCA offices, including those listed above and also at the following MPCA offices, during business hours:

MPCA-Willmar: 1601 East Highway 12, Willmar, Minnesota 56201

MPCA-Mankato: 12 Civic Center Plaza, Suite 2165, Mankato, Minnesota 56001



A free copy of the proposed rules and SONAR is also available upon request from the Agency contact person Jim Brist, identified above.

The proposed rules and SONAR are also available for review at the Office of Administrative Hearings. The SONAR contains a summary of the justification for the proposed rules, including a description of the parties who will be affected by the proposed rules and an estimate of the probable cost of the proposed rules.

**Public Comment.** All interested or affected persons, including representatives of associations and 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. This five-day comment period may be extended for a longer period not to exceed 20 calendar days if ordered by the Administrative Law Judge at the hearing. Following the comment period, there is a five-working day rebuttal period during which the MPCA 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.

The MPCA 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 MPCA contact person at the address stated above. The MPCA intends, in the interest of open public participation, to post comments and information received regarding the proposed rule on its Web site at <http://www.pca.state.mn.us/permits/airwaterfees.html>. The MPCA will also, to the extent possible, either post or provide a link to all comments submitted to the Office of Administrative Hearings. All comments received will be included in the rule record. However, the MPCA and Office of Administrative Hearings may exercise discretion regarding the posting of comments.

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

**Modifications.** The proposed rules may be modified as a result of the rule hearing process. Modifications must be supported by data and views presented during the rule hearing process, 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.

**Adoption Procedure after the Hearing.** 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 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 MPCA adopts the rules and the rules are filed with the Secretary of State, or ask to register with the MPCA to receive notice of future rule proceedings, and can make these requests at the hearing or in writing to the MPCA contact person identified above.

**Lobbyist Registration.** *Minnesota Statutes* ch. 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.

**Order.** I order that the rulemaking hearing be held at the date, times, and locations listed above.

Date \_\_\_\_\_

\_\_\_\_\_  
Paul Eger  
Commissioner