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EQB MONITOR

Special Announcement

Due to the interruption of services at the State of Minnesota government between July 1 and July 22, the EQB Monitor which was to be published July 25 has been published a day late, on July 26. We apologize for the inconvenience.

Additionally, a special edition of the monitor will be published on **August 1** to provide notice for projects that may not have been submitted during the interruption of State services. The deadline for this special edition is **Noon, Thursday, July 28**. Please submit suggested language via e-mail to EQB.Monitor@state.mn.us.

Special Edition Publication: August 1, 2011
Special Submittal Deadline: **Noon**, July 28, 2011

After August 1, the Monitor will resume its regular schedule as shown on the EQB [Online Calendar](#).

Next (Regular Schedule) Publication: August 8, 2011
(Regular Schedule) Submittal Deadline: August 1, 2011

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

EAW Comment Deadline: August 25, 2011 *unless otherwise noted*

Project Title: Preferred Sands Kasota Mine

Description: Preferred Sands of Minnesota, LLC, proposes to develop a 468-acre site for the continued purpose of open pit non-metallic mineral mining. Operations will include mining, washing, drying, processing, and phased reclamation. Silica Sand will primarily be transported to market by an adjacent rail line, while construction aggregate and dimension stone will primarily be transported off site by truck. The project is located in Sections 5, 8 and 17, Kasota Township, Le Sueur County, Minnesota.

Le Sueur County has prepared a Scoping Environmental Assessment Worksheet (EAW) and Draft Scoping Decision Document (DDSD) to identify issues and analyses to be contained in the Draft Environmental Impact Statement (DEIS). The Scoping EAW and Draft SDD are preliminary documents based on information currently available. The SDD is subject to revision based on the entire record of the scoping process. Copies of the Scoping EAW and Draft SDD are available for public viewing during regular business hours at the Le Sueur County Environmental Services Department and on the County website www.LeSueurCounty.com.

To afford an opportunity for all interested parties, agencies and groups to comment on the proposed action, a public scoping meeting will be held at least 15 days after publication in the EQB Monitor. The meeting will be held at the Le Sueur County Environmental Services Building, Le Center, Minnesota. Date and time will be published in the local newspaper as well as on the County website.

The public comment period will be open for 30-days after publication. Written comments shall be submitted to: Kathy Brockway, Le Sueur County Zoning Administrator, 88 South Park Ave, Le Center, MN 56057.

RGU: Le Sueur County

Contact Person:

Kathy Brockway
Le Sueur County Zoning Administrator
88 South Park Ave.
Le Center MN 56057
Email: kbrockway@co.le-sueur.mn.us

Project Title: Minnesota Falls Dam Removal Project

An additional 30 day comment period is being held for this Environmental Assessment Worksheet due to the interruption in State service caused by the Minnesota State government shutdown. Any comments submitted during the first 30 day comment period will be considered at the conclusion of this comment period so it is not necessary to resubmit any previously submitted comments.

Description: Northern States Power Company proposes to remove the Minnesota Falls Dam located on the Minnesota River within Yellow Medicine and Chippewa Counties, Minnesota. The dam is classified as a high

hazard dam that no longer serves its original purpose. The dam has several potential structural deficiencies that would need to be repaired if the dam is not removed.

The MDNR will accept written comments on the Environmental Assessment Worksheet during the public review and comment period, which concludes **Wednesday, August 25, 2011 at 4:30 p.m.**

Written comments should be submitted to Randall Doneen, EAW Project Manager, Environmental Policy and Review Unit, Division of Ecological and Water Resources, Department of Natural Resources, 500 Lafayette Road, St. Paul, Minnesota, 55155-4025. Electronic or email comments may be sent to Environmentalrev.dnr@state.mn.us with “Minnesota Falls Dam Removal EAW” in the subject line. If submitting comments electronically, please include your name and mailing address.

Public review copies of the EAW are available at the following locations:

- MDNR Library, 500 Lafayette Road, St. Paul, MN 55155;
- MDNR Southern Regional Headquarters, 261 Highway 15 South, New Ulm, MN 56073;
- Minneapolis Public Library, Government Documents, 300 Nicollet Mall, Minneapolis, MN 55401;
- Montevideo/Chippewa County Library, 224 So. First St., Montevideo, MN and
- Granite Falls Public Library, 155 7th Avenue, Granite Falls, MN 56241-1505

The EAW is also posted on the MDNR’s website at www.dnr.state.mn.us . (Click on “Public Input”, then under the “Environmental Review” scroll-down list select “Minnesota Falls Dam Removal EAW”) Additional copies may be requested by calling (651) 259-5156.

RGU: Minnesota Department of Natural Resources

Contact Person:

Randall Doneen
EAW Project Manager
Environmental Policy and Review Unit
Division of Ecological and Water Resources
Department of Natural Resources
500 Lafayette Road
St. Paul, Minnesota, 55155-4025

Project Title: Environmental Assessment Worksheet and Draft Environmental Assessment and Section 4(f) Evaluation for Trunk Highway 101 from CSAH 18 (Lyman Boulevard) to CSAH 14 (Pioneer Trail) in the City of Chanhassen, in Carver County

Description: This TH 101 project extends between Lyman Boulevard and Pioneer Trail in the City of Chanhassen, Minnesota. The existing roadway is a 2-lane undivided roadway without turn lanes and has over ten percent grades with sharp horizontal curves. To improve traffic safety, capacity, and connectivity issues on this segment of roadway, it is being reconstructed to a four-lane divided section with turn lanes added at Pioneer Trail, Kiowa Trail and 96th Street. The project includes minor impacts and improvements to Bandimere Park.

The comment period for this project will be July 11 through August 24, 2011 (please note: this is a correction to the notice in the June 27, 2011 EQB Monitor notice). A public hearing is planned to be held during the August 8, 2011 City Council meeting at the Chanhassen City Hall Council Chambers.

A copy of the Draft EA/EAW will be posted on the City's website at the following:
<http://www.ci.chanhassen.mn.us/serv/cip/highway101.html>

Written comments should be directed to Paul Oehme at the address below.

RGU: City of Chanhassen

Contact Person:

Paul Oehme, P.E.
Project Manager
City of Chanhassen
7700 Market Boulevard
PO Box 147
Chanhassen, MN 55317

Revised AUAR Available

Project Title: Bemidji Regional Airport AUAR

Description: The Bemidji Regional Area Airport Authority assisted by HNTB Corporation and the Greater Bemidji Area Joint Planning Board (GBAJPB) has developed an Alternative Urban Area-wide Review (AUAR) for approximately 455 acres of the Bemidji Regional Airport (BJI). The draft AUAR has been prepared following the rules developed from Minnesota State Statutes governing environmental reviews of development projects (Minnesota State Statutes, section 116D.04 and 116D.045) and the administrative rules adopted by the Environmental Quality Board as Minnesota Rules, chapter 4410, parts 4410.0200 to 4410.7070.

Per the comments and updates requested by the review agencies, the document has been updated to reflect the needed changes.

Consistent with these rules, a draft report will be available for agency and public review between July 12 and July 29, 2011. On August 25, 2011 at 6:00 pm, the Greater Bemidji Area Joint Planning Commission will host a meeting at the City of Bemidji Council Chambers to allow the public to comment on the AUAR to assist with the review of the AUAR. The AUAR Team will be available for general discussion, questions and comments at the meeting. Copies of the draft BJI AUAR CD have also been distributed to respective libraries and other agencies in accordance with the EQB Distribution List.

After the 10 day comment period is completed, the AUAR team will complete the final updates to the AUAR as appropriate. It is anticipated that the final AUAR will be presented to the Greater Bemidji Area Joint Planning Board for adoption on or about September 14, 2011.

Please submit your official comments (via email or hardcopy) for this AUAR to Mayana Roberg at the address below.

RGU: Greater Bemidji Area Joint Planning Board

Contact Person:

Mayana Roberg, Planning Administrator
Greater Bemidji Area Joint Planning Board
P.O. Box 1100
Bemidji, MN 56619
Phone: 218-759-3594
Email: mayana.roberg@jpbgba.org

AUAR Update

Project Title: Farmington Seed/Genstar AUAR Update

Description: The AUAR Update for the Farmington Seed/Genstar has been completed. The Update serves as the 5 year update to the AUAR. The Seed/Genstar Alternative Urban Areawide Review (AUAR) encompasses approximately 965 acres west of Trunk Highway 3 and east of the current Farmington City boundaries. The area is mostly undeveloped farmland with North Creek bisecting the property from the northwest to the southeast. The topography is relatively flat in the western portion of the property along the North Creek floodplain and provides rolling topography towards the east. The development proposal consists of mostly single-family residential land use with pockets of multi-family residential interspersed throughout the development. A small mixed-use commercial/residential area is also proposed at the northwest corner of 195th and TH3 to provide services to the surrounding residential development and community. The landowner for the property is Seed Family Trust and Finnegan.

The EQB Guide to Minnesota Environmental Review rules indicates that state agencies have 10 working days from the receipt of the AUAR Update to raise any objections to the updated analysis. Other organizations or persons may submit comments or suggest changes in the document. Any objections should be sent to the City by August 9, 2011. Objections should be sent to the contact person below:

RGU: City of Farmington

Contact Person: Lee Smick, Planning Department
City of Farmington
325 Oak St.
Farmington, MN 55024
651-280-6820
Fax 651-280-6899
lsmick@ci.farmington.mn.us

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 Department of Transportation, MN & S Freight Rail Project in St. Louis Park and Minneapolis; Hennepin County, Minnesota, June 30, 2011 (May 16, 2011)
- Cass County Planning Commission, Whipholt Gravel Mine Expansion, June 27, 2011 (February 21, 2011)

NOTICES

Minnesota Department of Agriculture

Monsanto USDA Petition for Determination of Nonregulated Status for Genetically Engineered Soybean with Modified Fatty Acid Profile and Herbicide Tolerance

Monsanto Company has petitioned the USDA seeking determination of nonregulated status for soybean designated as MON87705 which has been genetically engineered to have a modified fatty acid profile and for tolerance to the herbicide glyphosate. The introduced genes result in soybean seeds with decreased levels of saturated and polyunsaturated fatty acids and increased levels of monounsaturated fatty acid. USDA APHIS will accept comments received on or before August 29, 2011. You may submit comments by either of the following methods: 1) Federal eRulemaking Portal: <http://www.regulations.gov/#!documentDetail;D=APHIS-2011-0046-0001> to submit or view comments and to view supporting and related materials available electronically. 2) Postal Mail/Commercial Delivery: Send one copy of your comment to Docket No. APHIS-2011-0046, Regulatory Analysis and Development, PPD, APHIS, Station 3A-03.8, 4700 River Road, Unit 118, Riverdale, MD 20737-1238. State that your comments refer to Docket No. APHIS-2011-0046. For additional information contact Mary Hanks, Minnesota Department of Agriculture, 651/201-6277, mary.hanks@state.mn.us

Monsanto USDA Petition for Determination of Nonregulated Status for Genetically Engineered Soybean with Insect Resistance

Monsanto Company has petitioned the USDA seeking determination of nonregulated status for soybean designated as MON87701 which has been genetically engineered for insect resistance. This soybean expresses a Cry1Ac insecticidal protein derived from *Bacillus thuringiensis* making it resistant to lepidopteran insect pests. USDA APHIS will accept comments received on or before August 29, 2011. You may submit comments by either of the following methods: 1) Federal eRulemaking Portal: Go <http://www.regulations.gov/#!documentDetail;D=APHIS-2011-0038-0001> to submit or view comments and to view supporting and related materials available electronically; 2) Postal Mail/Commercial Delivery: Send one copy of your comment

to Docket No. APHIS-2011-0038, Regulatory Analysis and Development, PPD, APHIS, Station 3A-03.8, 4700 River Road, Unit 118, Riverdale, MD 20737-1238. State that your comments refer to Docket No. APHIS-2011-0038.

For additional information contact Mary Hanks, Minnesota Department of Agriculture, 651/201-6277, mary.hanks@state.mn.us

Minnesota Pollution Control Agency

Municipal Division

NOTICE OF INTENT TO ADOPT RULES UNDER THE GOOD CAUSE EXEMPTION, MINNESOTA STATUTES SECTION 14.388, Subdivision 1, Clause 3.

Proposed Exempt Rules Relating to National Pollutant Discharge Elimination System/State Disposal System (NPDES/SDS) Permits, *Minnesota Rules*, chapter 7001; and General Requirements for Permits, *Minnesota Rules*, Chapter 7001

Introduction. The Minnesota Pollution Control Agency (MPCA), Municipal Division, intends to adopt rules under the good cause exemption rulemaking process in the Administrative Procedure Act, *Minnesota Statutes*, section 14.388, and the rules of the Office of Administrative Hearings, Minnesota Rule, part 1400.2400. This rule revision will incorporate statutory changes, as provided by Laws 2011, chapter 4, sections 2, 3 and 11.

Interested parties have five business days after the date of this notice to submit comment to the Office of Administrative Hearings. You may submit comment until 4:30 p.m. on July 27, 2011. The MPCA requires that any person submitting comment to the Office of Administrative Hearings also submit a copy of the comment to the MPCA's contact person.

Contact Persons. The Office of Administrative Hearings contact person is: Eric L. Lipman, Assistant Chief Administrative Law Judge, Office of Administrative Hearings, PO Box 64620, St. Paul, MN 55164-0620, phone 651-361-7842, Fax 651-361-7936, and email: rulecomments@state.mn.us.

The MPCA's contact person is Yolanda Letnes, MPCA, 520 Lafayette Road N., St. Paul, MN 55155-4194, phone 651-757-2527, Fax 651-297-8676, and email: yolanda.letnes@state.mn.us
TTY users may call the MPCA at 651-292-7553 or 800-657-3867.

Subject of the Exempt Rules and Statutory Authority. The proposed exempt rule is about amending Minnesota Rules, chapter 7001. Specifically, the regulations that govern permits and certifications will be amended to reference statutory changes with no interpretation of statutory requirements. Existing air, water, and waste rules have been reviewed and the rules proposed have been identified as requiring revisions to comport with Laws 2011, chapter 4, sections 2, 3 and 11.

The Minnesota Pollution Control Agency needs to revise Minnesota Rules, chapter 7001 to comport with statutory changes to *Minnesota Statute* § 115.07, as provided by Laws 2011, chapter 4, sections 2, 3 and 11.

Existing rules do not allow a person required to obtain an National Pollutant Discharge Elimination System/State Disposal System (NPDES/SDS) permit to (1) construct, install prior to permit issuance; or (2) to change, add to, or extend an existing disposal system or point source, or part thereof without a permit. Statutory changes will now allow a person to assume the risk of taking actions listed under (1) and (2), unless the action taken meets any of six listed criteria. Statutory changes also clarify that in either case, a permit must still be obtained before operating or discharging. In addition, statutory changes have been made regarding the submittal of plans and specifications and a possible Agency waiver. Additionally, changes to Minnesota Statute § 116.03 result in the need to amend permit completeness related requirements. These changes are not currently allowed under existing rules and require amendments to implement. The statutory authority to adopt the rules under the good cause exemption rulemaking process is *Minnesota Statutes*, section 14.388, subdivision 1, clause 3.

Exempt Rulemaking Process. The MPCA plans to use the exempt rulemaking process provided in Minnesota Statutes, section 14.388, subdivision 1 (3) to implement changes as provided by Laws 2011, chapter 4, sections 2, 3 and 11. The statute allows the MPCA to use the expedited process to incorporate specific changes set forth in applicable statutes when no interpretation of law is required.

The MPCA finds that it is unnecessary, impracticable and contrary to the public interest to use the usual rulemaking provisions of Minn. Stat. ch. 14. The proposed changes are set in the applicable statute Minn. Stat. § 115.07, subd. 1 and that no interpretation is required to incorporate the changes into Minnesota rules. The proposed amendments are restricted to those changes mandated by law. Therefore, it is an effective use of resources to implement the changes in as expedient and cost-effective manner as possible.

A copy of the proposed rule is attached to this notice as mailed or e-mailed. In accordance with *Minnesota Statutes*, section 16E.07, the proposed exempt rule may also be viewed at: <http://www.pca.state.mn.us>, then click on the “regulations” tab at the top of the page.

Comments. You have until 4:30 p.m. on Friday, July 8, 2011, to submit comment to the Office of Administrative Hearings in support of or in opposition to the proposed good cause exempt rule, or to the legality of the proposed rule. Your comment must be in writing and received by the Office of Administrative Hearings contact person by the due date. Comment is encouraged. The MPCA requests that any person submitting written comment to the Office of Administrative Hearings’ contact person also submit a copy of the comment to the MPCA’s contact person.

Alternative Format. Upon request, the MPCA can make this Notice available in an alternative format, such as large print, Braille, or cassette tape. To make such a request, please contact the MPCA’s contact person at the address or telephone number listed above.

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

Review and Adoption of Exempt Rules. The rule and supporting documents have been submitted to the Office of Administrative Hearings for a review of its legality. The Administrative Law Judge has 14 days to approve or disapprove the rule. If the rule is approved the MPCA will adopt the rule and publish it in the *State Register*. The rule will take effect on the date the rule is published in the *State Register*.

If the Administrative Law Judge disapproves the rule, the MPCA has the option to resubmit the rule with any necessary changes. If the rule is resubmitted, the corrected rule will be reviewed and approved or disapproved within five working days. The MPCA also has the option of challenging a disapproval to the Chief Administrative Law Judge within five working days of receiving the disapproval. If the MPCA asks for a review, the MPCA will send you a notice of its requests. The Chief Administrative Law Judge will then have 14 days to make a decision to either approve or disapprove the rule. If the rule is approved after a disapproval, the MPCA will adopt the rule and publish it in *the State Register*. The rule will take effect on the date the rule is published in the *State Register*.

If you want to receive a copy of the adopted rule, or want to register with the MPCA to receive notice of future rule proceedings, submit your request to the MPCA's contact person listed above. Information regarding this rulemaking can be viewed at: <http://www.pca.state.mn.us/bkzqd08>

Signed on June 21, 2011, by Paul Aasen, Commissioner