

## The *EQB Monitor*

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**Publication Schedule:** Mondays at 8:00 AM  
**Submission Deadline:** [View 2020 Schedule](#)  
Use the [EQB Monitor Submission Form](#)

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The *EQB Monitor* is a weekly publication announcing environmental review documents, public comment periods and other actions of the Environmental Quality Board. For more information on environmental review, please visit the [EQB website](#).

You can manage your subscription to the *EQB Monitor* [here](#). Be sure to add [MNEQB@public.govdelivery.com](mailto:MNEQB@public.govdelivery.com) to your address book or safe sender list.



Check the [EQB Monitor Schedule](#) and [EQB calendar](#) for more details on *Monitor* deadlines and Board Meetings. Meeting minutes, agendas and additional notices are also posted on the [EQB Website](#).

## EQB Announcements

### EQB is Hiring an Executive Director

The Minnesota Environmental Quality Board (EQB) is seeking a highly-motivated candidate to serve as Executive Director. The position provides executive leadership to the Board, including members, staff, and agency partners, in administering initiatives, setting organizational direction, and building relationships across Minnesota. To learn more about this opportunity and to apply, visit: <https://mn.gov/mmb/careers/search-for-jobs/> (enter Job ID 38668)

# Environmental Review Program Updates for Local Government

*Are you a local government unit responsible for preparing environmental documents and performing technical assessments that are required by the State Environmental Review Program? The Environmental Quality Board and the Department of Administration are hosting an educational meeting to talk about recent Environmental Review Program Updates*

The meeting is scheduled for Friday, February 21, 2020 at 1pm at the EQB/Minnesota Pollution Control Agency St. Paul Office; 520 Lafayette Road N., St Paul, MN. To register to attend this event, **please RSVP at [EventBrite](#)**.

The first hour will focus on the [Master Contract for Environmental Review and Technical Services](#) followed by a presentation on changes to [Minnesota Rules Chapter 4410](#). The session will be live-streamed and uploaded to the [EQB's website](#) for future review. RSVPs will receive the WebEx link prior to the meeting.

## Agenda

- 1:00 – 1:30 pm: Master Contract Presentation
- 1:30 – 2:00 pm: Questions and Answers (online participants can submit questions via WebEx)
- 2:00 – 2:30 pm: Environmental Review Rule Changes
- 2:30 – 3:00 pm: Questions and Answers (online participants can submit questions via WebEx)

If you have any questions, please contact the [EQB Environmental Review](#) staff at 651-757-2873.

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## Environmental Assessment Worksheet Need Decisions

The noted responsible governmental unit has made a decision regarding the need for an Environmental Assessment Worksheet in response to a citizen's petition.

- Minnesota Department of Transportation, Shoreham Yards East Side Shipping Container Drop-off (Denied)
  - RGU Contact: Debra Moynihan, 651-366-3618
  - Link to Document: No link provided. Contact the RGU.
- Public Utilities Commission, Freeborn Wind Project (Denied)
  - RGU Contact: Michael Kaluzniak, [mike.kaluzniak@state.mn.us](mailto:mike.kaluzniak@state.mn.us), 651-201-2257
  - Link to Document: <https://mn.gov/eera/web/project/592/#collapse1> (enter Document No. 20202-160414-01)

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## Environmental Assessment Worksheets

### Project Title: Summerland Place

**Comment Deadline:** March 18, 2020

**Project Description:** Summergate Development is proposing a phased residential development, Summerland Place, on 115 acres in the City of Shakopee. The project includes developing 300 apartment units, 68 townhome units, and 222 detached unit lots totaling 590

housing units over five phases. The project also includes associated utilities, stormwater basins, parking lots, internal roads, an apartment office building, and an apartment community building. Comments on this EAW are requested by March 18, 2020.

**Link to Document:** No link provided. Contact the RGU for a copy of the document.

**Responsible Governmental Unit (RGU):** City of Shakopee

**RGU Contact Person:**

Mark Noble, Senior Planner  
485 Gorman Street  
Shakopee, Minnesota 55379  
952-233-9348  
[mnoble@shakopeemn.gov](mailto:mnoble@shakopeemn.gov)

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## Environmental Impact Statement Need Decisions

The noted responsible governmental unit has determined the following project does not require preparation of an Environmental Impact Statement. The dates given are, respectively, the date of the determination and the date the Environmental Assessment Worksheet notice was published in the EQB Monitor.

- Pollution Control Agency, Oronoco Regional Wastewater System and Water Distribution Project, 2-10-20 (11-18-19)  
**RGU contact:** Kim Grosenheider, 651-757-2170, [kim.grosenheider@state.mn.us](mailto:kim.grosenheider@state.mn.us)  
**Link to Document:** <https://www.pca.state.mn.us/regulations/projects-under-mpca-review>

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## Notices

The Minnesota Department of Natural Resources (DNR) has initiated this action against Respondent Kevin R. Kurth (Respondent or Mr. Kurth) to determine whether cause exists for DNR to direct that restoration of the bed of Little Ranier Lake (#31-660) be undertaken pursuant to Minn. Stat. §§ 103G.2372 and 103G.251 as set forth in the Public Waters Restoration and Replacement Order dated August 4, 2017, and modified by letter dated January 17, 2018.

**The hearing will be held on March 4, 2020, County Boardroom, Itasca County District Court, 123 NE 4th St, Grand Rapids, MN 55744, and continuing on until March 5, 2020 if necessary in Conference Room J-135, Itasca County District Court, 123 NE 4th St, Grand Rapids, MN 55744** by the Office of Administrative Hearings, 600 North Robert Street, St. Paul, MN. All mail sent to the Administrative Law Judge should be directed to PO Box 64620, St. Paul, MN, 55164-0620.

The Chief Administrative Law Judge, Office of Administrative Hearings, has assigned this matter to Judge LauraSue Schlatter, Administrative Law Judge, Office of Administrative Hearings, PO Box 64620, St. Paul, Minnesota, 55164-0620. Judge Schlatter's legal assistant, Lisa Armstrong, may be reached at (651) 361-7888 and [lisa.armstrong@state.mn.us](mailto:lisa.armstrong@state.mn.us).

The hearing will be conducted pursuant to the contested case procedures set out in Chapter 14 of Minnesota Statutes, the Rules of the Office of Administrative Hearings, Minn. Rules 1400.5100 – 1400.8500. 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](http://www.revisor.leg.state.mn.us).

The attorney for DNR is Pete Farrell, Assistant Attorney General, 445 Minnesota Street, Suite 900, St. Paul, Minnesota 55101-2127. He may be contacted to discuss discovery or informal disposition of this matter at 651-757-1424 and [Peter.Farrell@ag.state.mn.us](mailto:Peter.Farrell@ag.state.mn.us).

### **FINDINGS OF FACT**

1. Little Ranier Lake (Public Water No. 31-660) is a public water within the meaning of Minn. Stat. § 103G.005, subd. 15.
2. DNR has jurisdiction over all public waters including Little Ranier Lake. The boundary for DNR's jurisdiction is the Ordinary High-Water Level (OHWL). Minn. Stat. § 103G.005, subd. 14.
3. Under Minn. Stat. § 103G.245(2), a person must have a public waters work permit to "change or diminish the course, current, or cross section of public waters, entirely or partially within the state, by any means, including filling, excavating, or placing of materials in or on the beds of public waters." In addition, the placement of structures on or in public waters is prohibited when the structure "will obstruct navigation or create a water safety hazard." Minn. R. 6115.0210, subp. 3.A.
4. In January 2016, Mr. Kurth paid for and directed the installation of a chain-link fence within Little Ranier Lake.
5. The fence is approximately 160-feet long with a 30-foot wide gate. The gate opens near a township road right of way.
6. The OHWL of Little Ranier Lake is 1355.1 feet. The OHWL was established by a licensed surveyor.
7. The majority of the fence is placed below the OHWL of Little Ranier Lake. Attached as Exhibit A are true and correct copies of photographs that show the fence's location within Little Ranier Lake.
8. Mr. Kurth installed the fence to deny the public access to Little Ranier Lake.
9. Mr. Kurth's placement of the fence in the bed of a public water below the OHWL restricts access by the public, obstructs navigation and is a safety hazard in violation of Minn. Stat. § 103G.245, subd. 1(2) and Minn. R. 6115.0210, subp. 3.A.
10. On August 4, 2017, DNR issued Mr. Kurth a Public Waters Restoration and Replacement Order (Restoration Order). The Restoration Order required Mr. Kurth to remove the entire fence and supporting structure from Little Ranier Lake by September 8, 2017. A true and correct copy of the Restoration Order is attached as Exhibit B.
11. On August 15, 2017, Mr. Kurth appealed the Restoration Order.
12. On January 17, 2018, Luke Skinner, the Ecological and Water Resources Director at DNR, acting for the Commissioner of DNR, sustained the Restoration Order but modified the deadline for removal to June 1, 2018 (Review Decision). A true and correct copy of the Review Decision is attached hereto as Exhibit C.
13. On January 25, 2018, Mr. Kurth appealed the Restoration Order, as modified by the Review Decision.

### **ISSUES**

Whether DNR appropriately found that Mr. Kurth's placement of the fence in Little Ranier Lake below the OHWL violates the applicable public waters work permit statutes and rules, supporting the issuance of the Restoration Order, as modified by the Review Decision

# Grants for community strategies to adapt to climate change

The Minnesota Pollution Control Agency is soliciting grant applications for approximately \$250,000 to research, develop, and implement strategies for communities to adapt to the impacts of climate change and improve community resilience while achieving positive environmental outcomes. These efforts will prevent or reduce the environmental impacts caused by warming temperatures and extreme precipitation while protecting public health and well-being. Refer to the posted request for proposals for complete details. Application deadline is 2:00 pm on March 11, 2020.

**Link to document:** <https://www.pca.state.mn.us/about-mpca/grants-community-strategies-adapt-climate-change>

**Contact person:**

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