

## The *EQB Monitor*

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**Publication Schedule:** Mondays at 8:00 AM  
**Submission Deadline:** [View 2019 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 Calendar](#) for more details on *Monitor* deadlines and Board Meetings. Meeting minutes, agendas and additional notices are also posted on the [EQB Website](#).



## EQB - Notice of Hearing

**Proposed Amendment to Rules Governing Environmental Review, *Minnesota Rules*, 4410.0200, 4410.0500, 4410.4300, 4410.4400, 4410.5200, 4410.7904, 4410.7906, 4410.7926, 4410.4600; Revisor's ID Number RD-04157; OAH docket number 80-9008-35532**

**Public Hearing.** The Environmental Quality Board (EQB) intends to adopt rules after a public hearing following the procedures in the rules of the Office of Administrative Hearings, *Minnesota Rules*, parts 1400.2200 to 1400.2240, and the Administrative Procedure Act, *Minnesota Statutes*, sections 14.131 to 14.20. The agency will hold a public hearing on the above-named rules in Room 100, Minnesota Pollution Control Agency, 520 Lafayette Road, St. Paul, MN, **starting at 1:30pm on Friday, May 31, 2019**, and continuing until the hearing is completed. The hearing (via a video-conference connection) will also be available at:

Brainerd MPCA Office  
7678 College Road, Suite 105  
Baxter, MN 56425

Detroit Lakes MPCA Office  
714 Lake Ave., Suite 220  
Detroit Lakes, MN 56501

Duluth MPCA Office  
525 Lake Ave. S., Suite 400  
Duluth, MN 55802

Marshall MPCA Office  
504 Fairgrounds Rd., Suite 200  
Marshall, MN 56258

Rochester MPCA Office  
18 Wood Lake Drive SE  
Rochester, MN 55904

In the November 13, 2018, State Register, on pages 531 to 546, and in the December 31, 2018, State Register, on pages 775 to 778, the EQB published a Notice of Intent to Adopt Rules relating to Environmental Review categories. The Notice stated that a hearing would be held on the proposed rules if 25 or more persons submitted written requests for a hearing. In response, the EQB received 177 requests for a hearing. **The hearing(s) on Friday March 8, 2019 and on March 12, 2019 are cancelled** and rescheduled for Friday, May 31, 2019 1:30pm, in Room 100, Minnesota Pollution Control Agency, 520 Lafayette Road, St. Paul, MN.

The EQB will schedule additional days of hearings 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.

**Administrative Law Judge.** Administrative Law Judge LauraSue Schlatter 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 by fax (651) 539-0310 or by telephone by calling Judge Schlatter's assistant Ian Lewenstein at (651) 361-7857, or by email to [Ian.Lewenstein@state.mn.us](mailto:Ian.Lewenstein@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.

**Subject of Rules, Statutory Authority, and Agency Contact Person.** The proposed rules are about Environmental Review: definitions, RGU selection process, Mandatory EAW Categories, Mandatory EIS Categories, Exemptions, Required notices, Licensing of Explorers, Content of an application for drilling permit, Abandonment of Exploratory Borings. The statutory authority to adopt the rules is *Minnesota Statutes, section 116D.04, subdivisions 2a(a), 4a, 5a; Minnesota Statutes 116D.045, subdivision 1; Laws of Minnesota 2013, Chapter 114, Article 4, Section 105; Laws of Minnesota 2015 1<sup>st</sup> Special Session, Chapter 4, Article 4, Section 121; Minnesota Statutes 116C.991; Laws of Minnesota 2015 1<sup>st</sup> Special*

Session, Chapter 4, Article 5, Section 33. A copy of the proposed rules was published in the *State Register* on November 13, 2018, State Registers, on pages 531 to 546, and is attached to this notice as mailed.

**Agency Contact Person:**

Erik Cedarleaf Dahl  
Environmental Quality Board  
520 Lafayette Rd.  
St. Paul, MN, 55101  
651-757-2364 (phone), 651-757-2343 (fax)  
[erik.dahl@state.mn.us](mailto:erik.dahl@state.mn.us).

**Statement of Need and Reasonableness.** The statement of need and reasonableness 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. It is now available from the agency contact person. You may review or obtain copies for the cost of reproduction by contacting the agency contact person.

**Public Comment.** You and all interested or affected persons, including representatives of associations and other interested groups, will have an opportunity to participate. *The administrative law judge will accept your views* either orally at the hearing or in writing at any time before the close of the hearing record. Submit written comments *to the administrative law judge at the address above or via the Office of Administrative Hearings Rulemaking eComments website at <https://minnesota.oh.granicusideas.com/discussions>*. All evidence that you present 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 this five-day comment period extended for a longer period but for no 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 one may submit additional evidence during the five-day rebuttal period. The Office of Administrative Hearings must receive all comments and responses submitted to the administrative law judge no later than 4:30 p.m. on the due date. All comments or responses received are public and will be available for review at the Office of Administrative Hearings.

The agency requests that any person submitting written views or data to the administrative law judge before 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.

**Alternative Format/Accommodation.** Upon request, this information 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 agency may modify the proposed rules as a result of the rule hearing process. It must support modifications with data and views presented during the rule hearing process. The adopted rules may not be substantially different than these proposed rules, unless the agency follows the procedure under *Minnesota Rules*, part 1400.2110. If the proposed rules affect you in any way, the agency encourages you 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 that the agency adopts the rules and files them with the Secretary of State, or ask to register with the agency to receive notice of future rule proceedings. You may make these requests at the hearing or in writing to the agency contact person stated above.

**Lobbyist Registration.** *Minnesota Statutes*, chapter 10A, requires each lobbyist to register with the State Campaign Finance and Public Disclosure Board. You should direct questions regarding this requirement to the Campaign Finance and Public Disclosure Board at: Suite #190, Centennial Building, 658 Cedar Street, St. Paul, Minnesota 55155, telephone (651) 539-1180 or 1-800-657-3889.

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

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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.

- Minnesota Department of Transportation, Trunk Highway 53 Intersection and Passing Lane Improvement Project, 2-19-19 (12-31-18)
- Minnesota Pollution Control Agency, Prairie Feeders, LLC – FP 21 Site, 2-13-19 (12-3-18)

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## Notices

### Rotenone Application Project Planned by DNR Section of Fisheries

**The DNR Section of Fisheries is planning a rotenone treatment on the lake below:**

Lake	DOW#	Township	Range	Sections(s)
Frank Lake	76003400	121N	37W	5,6

The DNR Section of Fisheries is planning a rotenone treatment during the spring (April 2019). The project involves the boat application (2 boats utilized) of powdered rotenone (5% active ingredient) at approximately 1PPM (low-dose) concentration to eliminate carryover Walleye in Frank Lake which is a DNR Section of Fisheries Walleye rearing pond. All attempts will be made to remove and stock as many carryover Walleye as possible prior to the treatment. This project will take place only if winterkill of Walleye does not occur during 2018/19 winter. Fish sampling will be conducted between ice-out and project initiation to confirm/deny winterkill of Walleye. Endangered or threatened species are not present in this lake. The goal for this project is to remove primary predators in order to substantially increase Walleye fingerling production for fall 2019 to better meet statewide Walleye stocking quotas.

For general information about this project contact:

Dave Coahran

Spicer Area Fisheries Supervisor

320-796-2161 ext. 225

[dave.coahran@state.mn.us](mailto:dave.coahran@state.mn.us)

# Minnesota Department of Agriculture--Notification of Release of Genetically Engineered Organisms

**R. Simplot Company** filed a Notification for Release of a Genetically Engineered Organism with the Minnesota Department of Agriculture, **MDA notification number 19-NO-08**. Notification is for genetically modified **POTATO**, pending USDA-APHIS Biotechnology Regulatory Services (BRS) approval for the environmental release of transgenic potato, referenced as Application Number 19-016-101n.

The counties identified for release include the following: Lake of the Woods County-1 location with 1 acre. Project categories include FR (Fungal Resistance) and PQ (Product Quality).

**Betaseed, Inc.** filed a Notification for Release of a Genetically Engineered Organism with the Minnesota Department of Agriculture, **MDA notification number 19-NO-09**. Notification is for genetically modified **SUGARBEET**, pending USDA-APHIS Biotechnology Regulatory Services (BRS) approval for the environmental release of transgenic sugarbeet, referenced as Application Number 19-044-103n.

The counties identified for release include the following: Clay-4 locations with up to 10 acres per location, Dakota-2 locations with up to 10 acres per location, Goodhue- 2 locations with up to 10 acres per location, and Wilken-1 location with 10 acres. Project categories include PQ (Product Quality).

**University of Minnesota** filed a Notification for Release of a Genetically Engineered Organism with the Minnesota Department of Agriculture, **MDA notification number 19-NO-10**. Notification is for genetically modified **WHEAT**, pending USDA-APHIS Biotechnology Regulatory Services (BRS) approval for the environmental release of transgenic wheat, referenced as Application Number 19-039-102r.

The county identified for release include the following: Dakota County-1 location with 1 acre. Project categories include FR (Fungal Resistance).

## For additional information contact:

Denise Thiede  
Minnesota Department of Agriculture  
625 Robert St N.  
St. Paul, MN 55155  
651-201-6531  
[denise.thiede@state.mn.us](mailto:denise.thiede@state.mn.us).

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## Environmental Review Announcements

### New Monitor Submission Form Available

A new *Monitor* Submission Form is now available on our website. This form can be used to submit information for publication in *The Monitor*. The updated form will improve the quality of information collected about the projects and notices being submitted for publication and the EQB's ability to monitor the effectiveness of Minnesota's Environmental Review Program.

The updated form is available on the EQB website at: <https://www.eqb.state.mn.us/eqb-monitor>

# Request for Proposals for Enterprise Environmental Review and Technical Services Master Contract

**Qualified contractors with expertise in preparing environmental review documents, preparing technical analyses and/or expertise in public engagement practices may be eligible to apply to be listed on an Enterprise Environmental Review Master Contract.**

Public and private projects in MN can have impacts on our air, land and water resources. For over four decades, Minnesota Environmental Policy Act (MEPA) has helped minimize damage to Minnesota's environment by requiring that certain projects go through an environmental review (ER) process before getting governmental permits or approvals. The ER process provides an opportunity for public comment and produces a document that identifies: 1) potential environmental effects of the proposed project and; 2) ways to reduce negative environmental effects.

Environmental review is conducted by a Responsible Government Unit (RGU). Under MEPA, RGUs have authority and responsibility to prepare environmental review documents (Environmental Assessment Worksheets, Environmental Impact Statements and Alternative Urban Areawide Reviews) that provide information concerning environmental effects of a proposed project to project proposers, governmental decision makers and the public and, when applicable, engage stakeholders in the process.

## Who will be able to use the contract?

This Program will be available for use by state agencies and other local government entities as well as non-profit organizations eligible under the State's cooperative purchasing venture ("CPV") program. CPVs are established pursuant to Minnesota Statutes § 16C.03, subdivision 10 and includes, but is not limited to, counties, cities, school districts, higher education and non-profit organizations.

For more information on becoming a qualified CPV member, follow this link <http://www.mmd.admin.state.mn.us/cpv2.htm>, or contact the Office of State Procurement Helpline at (651)296-2600. If you are a CPV and have worked with a competent, qualified contractor in the past that you think should be considered, please forward this information and suggest they submit an application.

## What services will be offered?

The Minnesota Department of Administration is introducing the Enterprise Environmental Review and Technical Services Master Contract Program (the "Program") to support state agencies and governmental units with the preparation of environmental review and decision documents, and analyses in technical specialties. Once the ER Master Contract process is complete, contractors will remain on the list for two years with the possibility of an additional three year extension, depending utilization. Contractors who apply will be able to select the services they want to offer (i.e. developing complete environmental review documents and/or developing specific types of stand-alone studies like traffic studies, wildlife studies, assessments of archeological and historic resources, etc. and/or assisting with implementation of best practices for communication and public engagement).

**Applicants may select one or more of the following sub-categories included in the RFP:**

1. Environmental Review
  - EAW
  - EIS
  - AUAR

2. Public Engagement
  - o Communications
  - o Editing/Technical Writing
  - o Public/Stakeholder Engagement
3. Community Assessment
  - o Health Assessment
  - o Social Impacts Assessment
  - o Economic Impacts Analysis
  - o Traffic and Transportation Impact Assessment
  - o Greenhouse Gas Assessment
  - o Cultural Impacts Assessment
4. Technical Assessment
  - o Land Use
  - o Geology, Hydrogeology and Soils
  - o Ecological
  - o Water Resources
  - o Air
  - o Contamination/ Hazards Materials/ Wastes
  - o Cumulative Potential Effects Assessment
  - o GIS Data Analysis

## **How to apply to the RFP**

**The Request for Proposals will be open from January 2, 2019 through 4:30 PM on March 4, 2019.**

In order to submit an application, you need to register. For more information on becoming a registered SWIFT vendor, please go to <https://mn.gov/mmb/accounting/swift/vendor-resources/> or contact the SWIFT Supplier Portal Assistance line at (651)201-8100, Option 1.

If you are already a registered vendor, here is the link to submit an application:

[https://supplier.swift.state.mn.us/psp/fmssupap\\_1/SUPPLIER/ERP/c/PORTAL\\_COMPONENTS\\_AU.AUC\\_LOGIN.GBL](https://supplier.swift.state.mn.us/psp/fmssupap_1/SUPPLIER/ERP/c/PORTAL_COMPONENTS_AU.AUC_LOGIN.GBL)

### **Contact Information**

PaZong Thao, Contracts Specialist  
Minnesota Department of Administration  
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