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SPECIAL EDITION

The EQB Monitor will not be published in the event of an interruption of services at the State of Minnesota government. This issue of the Monitor includes items received through June 29, 2011. No new issue of the Monitor will be published until government services are resumed.

Because of the State government service interruption, we are unable to provide further services at this time. The duration of the service interruption is not known. The Department of Administration continues to provide support to limited critical services. You can find contact information for our services which are continuing by going to our website, at www.admin.state.mn.us . Thank you

EQB MONITOR

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
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<http://www.eqb.state.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 Pollution Control Agency, Perham Wastewater Treatment Facility Expansion, June 23, 2011 (May 16, 2011)
- Rochester Common Council, Northwest Commercial Center, June 20, 2011 (May 2, 2011)
- Minnesota Department of Natural Resources, Matthew Lourey State Trail-ATV and OHM Use in Nemadji/St. Croix State Forests project, June 22, 2011 (May 2, 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

OAH Docket No. 16-2002-22117-2

**STATE OF MINNESOTA
OFFICE OF ADMINISTRATIVE HEARINGS
FOR THE MINNESOTA DEPARTMENT OF NATURAL RESOURCES**

In the Matter of Restoration Order issued to
Alvin Thorstad.

**NOTICE AND ORDER FOR
PREHEARING CONFERENCE AND
HEARING**

TO: ALVIN THORSTAD, RESPONDENT ABOVE-NAMED, and his attorneys, Daniel Mohs, Daniel Mohs & Associates, Ltd., 9218 Lake Ave. S., Spicer, Minnesota 56288.

NOTICE OF HEARING

ALVIN THORSTAD (“Thorstad”) IS HEREBY NOTIFIED that the Minnesota Department of Natural Resources (“Department”) has initiated this action pursuant to Thorstad’s appeal of the Department’s issuance of a Restoration Order.

ORDER FOR HEARING

IT IS HEREBY ORDERED that a contested case prehearing conference will be held on August 15, 2011, at 1:30 p.m., by telephone.

The Chief Administrative Law Judge, Office of Administrative Hearings, has assigned this matter to Manual J. Cervantes, Administrative Law Judge, Office of Administrative Hearings, P.O. Box 64620, St. Paul, Minnesota 55101, telephone (651) 361-7945.

ALLEGATIONS

1. Alvin Thorstad (“Thorstad”) owns property on Norway Lake in Kandiyohi County. His mailing address is 5162 189th Ave. NW, New London, Minnesota (the “Property”).
2. Thorstad called Department Fisheries Habitat Specialist Craig Soupir (“Soupir”) in May 2010. Thorstad indicated that he wanted to remove cattails from Norway Lake. Thorstad stated that the cattails “looked terrible.” Soupir directed Thorstad to apply for an aquatic plant management permit (“APM Permit”).

3. Thorstad filed an application for an APM Permit which was received by the Department on June 15, 2010. In his application Thorstad asked to remove cattails along 170 feet of shoreline on the Property.

4. On July 20, 2010, Soupier and Department Area Hydrologist Ethan Jenzen (“Jenzen”) inspected the Property in connection with the review of the permit application. Soupier and Jenzen took photographs of the Property which show the stand of cattails.

5. Thorstad later called Jenzen and informed him that he had removed cattails from the Property. Jenzen inspected the Property on August 4, 2010, and determined that the cattails had been removed from the Property. Jenzen again photographed the Property.

6. On August 17, 2010, the Department issued Thorstad a Permit to Destroy Aquatic Vegetation allowing him to clear cattails from a 15-foot wide channel extending from the shoreline to open water.

7. On December 10, 2010, the Department issued Thorstad a Restoration Order requiring him to restore the cattails except in the area covered by the permit.

8. On January 3, 2011, Thorstad requested that the Commissioner review the Restoration Order pursuant to Minn. Stat. § 103G.615, subd. 4 (c) (2010).

9. On behalf of the Commissioner, Steve Hirsch, Director of the Department’s Ecological and Water Resources Division, upheld the Restoration Order by letter dated March 4, 2011.

10. The Department’s decision to issue the restoration order is proper for reasons including:

A. The work subject to the restoration order was not necessary to provide riparian access, enhance recreational use, control invasive aquatic plants, manage water levels or improve wildlife habitat as set forth in Minn. R. 6280.0250, subp. 3a.

B. The permit granted to Thorstad for a 15-foot channel allows him to use watercraft and engage in other traditional recreational uses as described in Minn. R. 6280.0250, subp. 3a(A).

C. The cattails which were removed by Thorstad had value in terms of erosion control as described in Minn. R. 6280.0250, subp. 3a(B).

D. Norway Lake has significant shoreline development and the loss of cattails may result in cumulative impacts to habitat and water quality pursuant to Minn. R. 6280.0250, subp. 3a(C).

E. An aquatic plant management permit may not be issued solely for aesthetic purposes as described in Minn. R. 6280.0250, subp. 4(C).

11. On April 1, 2011, Thorstad requested a contested case hearing pursuant to Minn. Stat. § 103G.615, subd. 4(d) (2010).

ISSUES

Was the Department's decision to issue a restoration order consistent with the applicable Minnesota statutes and rules, specifically Minnesota Rule 6280.0250 (2009)?

The relevant laws and rules include, but are not limited to, Minn. Stat. § 103A.201, 103G.311, 103G.315, and 103G.615 (2010), and Minn. R. 6280.0100-.1300 (2009).

For a complete copy of the Notice and Order for Prehearing Conference and Hearing, contact Jill Schlick Nguyen, Minnesota Attorney General's Office, 445 Minnesota Street, Ste. 900, St. Paul, MN 55101, phone (651) 297-1075.

Dated this 23rd day of June, 2011.

MINNESOTA DEPARTMENT OF NATURAL RESOURCES

/s/ Tom Landwehr
TOM LANDWEHR, Commissioner