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EQB MONITOR

ENVIRONMENTAL ASSESSMENT WORKSHEETS

EAW Comment Deadline: February 25, 2009

NOTICE: The EQB Monitor Publication Calendar for 2009 is included in this edition.

Notice of Hearing on Proposed Amendment to Rules Governing the Environmental Review Program

(Editor's note: The following Notice is an edited version of the official Notice of Hearing that will be published in the State Register on January 20, 2009.)

The Environmental Quality Board (EQB) intends to adopt amendments to the rules governing the Environmental Review Program after holding a public hearing according to state rulemaking procedures. The EQB will hold a public hearing on the proposed amendments at the following times and places:

- Wednesday, February 25, 2009, at the Alexandria Technical College, Room 208, 1601 Jefferson on Street, Alexandria, MN; one session beginning at 2:00 p.m. and a second beginning at 7:00 p.m.
- Thursday, February 26, 2009, at the Fort Snelling History Center Auditorium, Fort Snelling, MN at the junction of state highways 5 & 55; one session beginning at 2:00 p.m. and a second session beginning at 7:00 p.m.
- Monday, March 2, 2009, at the Hermantown Public Safety Training Facility, 5111 Maple Grove Road, Hermantown, MN; one session beginning at 2:00 p.m. and a second session beginning at 7:00 p.m.
- Wednesday, March 4, 2009, at the Bemidji Public Library, 509 America Avenue NW, Bemidji, MN; one session beginning at 2:00 p.m. and a second session beginning at 7:00 p.m.
- Thursday, March 5, 2009, Northland Arboretum, 14250 Conservation Drive, Baxter, MN; one session beginning at 2:00 p.m. and a second session beginning at 7:00 p.m.

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>

To find out if a hearing has been postponed due to adverse weather conditions, please call the EQB contact person listed below.

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.

The hearing will be conducted by Administrative Law Judge Steve M. Mihalchick, who can be reached at the Office of Administrative Hearings, 600 North Robert Street, P.O. Box 64620, St. Paul, Minnesota 55164-0620, telephone 651-361-7844, and Fax 651-361-7936. 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. Questions concerning the rule hearing procedure should be directed to the Administrative Law Judge.

The proposed rules would amend or add 29 subparts in Chapter 4410 regarding the Environmental Review program. These amendments consist of five topical areas:

- New mandatory EAW, EIS, and Exemption categories that would apply to certain projects located in the shoreland areas of lakes and rivers;
- Amendments to how the rules handle treatment of “cumulative potential effects” in EAWs, EIS, and Alternative Urban Areawide Reviews (AUARs) in response to a 2006 Minnesota Supreme Court decision;
- Amendments to the Alternative Urban Areawide Review (AUAR) process with respect to how specific individual projects are treated or how they affect the review;
- A new mandatory EIS category for releases of genetically-engineered wild rice, in response to a legislative directive in the 2007 session; and
- Miscellaneous other amendments to clarify the meaning of certain rule provisions.

Minnesota Statutes, section 116D.04, subdivisions 2a(a), 4a, & 5a and section 116D.045 give the EQB authority adopt rules governing the Environmental Review program. One specific amendment, the creation of a mandatory EIS category for release of genetically engineered wild rice, is also authorized by *Laws of 2007*, chapter 57, article 1, section 140. A copy of the proposed rules will be published in the *State Register* on January 20, 2009. The proposed rule will also be available at the EQB website, www.eqb.state.mn.us. A free paper copy of the rules is available upon request from the agency contact person.

The agency contact person is: Gregg Downing, EQB Environmental Review Program, 300 Centennial Building, 658 Cedar Street, St. Paul, MN 55155; phone, 651-201-2476; Fax, 651-296-3698; and email gregg.downing@state.mn.us. TTY users may call the Department of Administration at 800-627-3529.

A Statement of Need and Reasonableness is now available for review. This statement 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. The document is available for review at the EQB website (www.eqb.state.mn.us), EQB offices and at the Office of Administrative Hearings. Copies may be obtained at the cost of reproduction by contacting the agency contact person.

You and 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. 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 agency 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 proposed rules may be modified as a result of the rule hearing process. If the proposed rules affect you in any way, you are encouraged to participate.

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 agency adopts the rules and the rules are filed with the Secretary of State, or ask to register with the agency to receive notice of future rule proceedings, and can make these requests at the hearing or in writing to the agency contact person stated above.

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 agency contact person at the address or telephone number listed above.

ENVIRONMENTAL ASSESSMENT WORKSHEETS

Project Title: Fisher's Resort

Description: Fisher's Resort is a 33 acre, family resort on Mille Lacs Lake, south of Malmo. They propose to become a campground (commercial PUD) with 76 defined seasonal sites, an increase of 44 sites. There are 11 livable buildings on site, which will remain. Upgrades to the sewer and water systems and to the road network will be necessary.

RGU: Aitkin County Environmental Services – Planning & Zoning

Contact Person:

Terry Neff
Environmental Services Dept.
209 Second Street NW
Aitkin, MN 56431
Phone: 218-927-7342
Fax: 218-927-4372
Email: tneff@co.aitkin.mn.us

Federal Environmental Assessment Available

The Final Environmental Assessment for the proposed improvements at the Faribault Municipal Airport is available. Copies of this document are being sent to those individuals and agencies that received or commented on the Draft Environmental Assessment.

In accordance with the National Environmental Policy Act, an EA was prepared to evaluate the potential physical, environmental, and social impacts of the proposed action.

The following proposed actions have been evaluated in the Draft EA:

- Relocation of the turf crosswind runway with an extended length from 2,230 feet to 2,300 feet.
- Land acquisition associated with the relocation turf crosswind runway.
- Providing clear approaches for the relocated crosswind runway.
- Relocation of the Airport's primary runway's taxiway to satisfy FAA separation criteria.

Distribution of this report is being made on behalf of the Federal Aviation Administration (FAA). The FAA approved this document on December 24, 2008.

If you have questions or comments please contact Kevin Mulcaster, AICP, Senior Aviation Planner at 360-314-1826

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, Right of Way Preservation for the Trunk Highway 55 from Plymouth to Rockford Project, January 7, 2009 (April 7, 2008)
- Eureka Township, Kelly Aggregate, Inc. Mine, January 12, 2009 (December 17, 2008)
- Minnesota Department of Natural Resources, Pelican Lake Restoration Project, January 15, 2009 (May 19, 2008)

NOTICES

STATE OF MINNESOTA Office of Energy Security

Issued: January 21, 2009

In the Matter of the Noble Flat Hill Windpark I, LLC (Applicant) Applications for a Large Wind Energy Conversion System (LWECS) Site Permit, a 230 kV High Voltage Transmission Line (HVTL) Route Permit and a Certificate of Need (CN) for the Noble Flat Hill Windpark I Project (Project) in Clay County.

PUC Docket Numbers: IP-6687/WS-08-1134; TL-08-988; and CN-08-951

NOTICE OF PUBLIC INFORMATION AND SCOPING MEETING

Noble Flat Hill Windpark I, LLC has applied to the Minnesota Public Utilities Commission (Commission) for a Certificate of Need for a Large Electric Power Generating Plant (LEPGP), a Site Permit for a large wind energy conversion system up to 201 megawatts (MW) and a Route Permit for an approximately 9.5 to 11.5 miles long, 115 kilovolt (kV) high voltage transmission line in Clay County. The Commission has accepted these applications as compete. The Minnesota Office of Energy Security (OES) Energy Facilities Permitting Unit (EFP) will prepare an Environmental Impact Statement (EIS) on the Project. A public information and EIS scoping meeting will be held at the location listed below:

**February 4, 2008 at 6:00 p.m.*
Glyndon Community Hall/Senior Center
212 Partridge Ave S
Glyndon, Minnesota 56547**

***There will be an open house from 6:00 to 6:30 p.m.;
a formal meeting will commence at 6:30 p.m.**

The purpose of the public meeting is to provide information to the public about the proposed Project, to take public comment and input on the draft Site Permit issued by the Commission and to take public comment and input on the scope of the EIS that will be prepared for the applications. The public information meeting will follow an open-house format until 6:30 p.m., when the OES will make a formal presentation. The public is invited to review the applications for the projects, learn more about the Commission review process, offer comments and ask questions.

Project

The Project is a Large Wind Energy Conversion System, as defined by the Wind Siting Act, Minn. Stat. 216F.01. The Project is located in Clay County, Minnesota, and will be up to 201 megawatts in size, consisting of up to 134, 1.5 MW General Electric wind turbine generators. Associated facilities include access roads, a Substation, an Operations and Maintenance building, a wind electrical collection system, and a new 230 kV transmission line.

The Applicant is currently in discussions with various parties regarding the potential execution of a Power Purchase Agreement (PPA) or a financial energy hedge by the Project. The applicant expects it would execute a PPA or financial hedge at or before commencement of construction of the Project. The Applicant's goal is to complete the construction of the Project and achieve a commercial operation date of December 2010.

Applicant

Noble Flat Hill Windpark I, LLC, is an indirect wholly-owned subsidiary of Noble Environmental Power (NEP). The Applicant is an independent power producer and renewable energy company founded in 2004 in response to growing demand for clean, renewable sources of energy. NEP has approximately 3,850 MW of wind parks in operation or under development in Minnesota and seven other states, including New York, New Hampshire, Vermont, Maine, Michigan, Texas, and Wyoming. NEP is based in Essex, Connecticut, and is majority-owned by JPMorgan Partners Fund, which is managed by CCMP Capital.

Public Review Process

Three separate Commission approvals are required to build the Noble Flat Hill Windpark and Transmission Project. First, the Applicant must obtain a Certificate of Need under Minnesota Statute 216B.243. Secondly, a Site Permit for a large wind energy conversion system under Minnesota Statutes Chapter 216F is required. In addition, a Route Permit for a high voltage transmission line under Minnesota Statutes Chapter 216E is also required.

The Applicant filed a Route Permit Application on August 29, 2008, that was accepted by the Commission on September 26, 2008. The Applicant filed its LWECS Site Permit Application and a CN Application on October 17, 2008. The Commission accepted the Applications and issued a Draft Site Permit on December 23, 2008. The Applications and draft Site Permit are available from the Commission web site and persons listed below. Landowners and governments inside the LWECS Project boundary will receive a copy of the Site Permit Application directly from the Applicant.

OES EFP Review

The OES EFP unit is responsible for conducting public meetings and environmental review for the CN Application under Minnesota Rule 7849.7030. OES EFP normally prepares an Environmental Report (ER) prior to the Commission's determination of need for a LEPGP or HVTL Project. An ER considers size, type, timing, voltage and system configurations and general environmental impacts of a project.

The OES EFP unit is also responsible for conducting the public participation process for the Site and Route Permit Applications. Environmental review for the Site Permit is addressed in the Site Permit Application and the draft Site Permit. Human, social and environmental impacts raised in public comments may be addressed by adding or modifying specific conditions of the draft Site Permit.

Environmental review for an HVTL project of the size of this Project requires the preparation of an Environmental Impact Statement (EIS). In this Project, the Director of the Office of Energy Security has elected to combine environmental review for all the applications. An EIS (in lieu of an ER) will be prepared as provided for under Minn. Rule 7849.7100, supd. 2. The EIS will still include an analysis of alternatives as required Minn. Rule 7849.7060.

Public Hearing

After completion of the EIS, the OES and PUC will hold a public hearing on the Applications which will be presided over by an Administrative Law Judge from the Office of Administrative Hearings. At least part of the hearing will be a contested case hearing on the Route Application. Notice of the public hearing will be published in local newspapers and mailed to persons who register their names on the project mailing list with OES. Persons interested in adding their names to this mailing list should contact the OES EFP project manager or register on the Commission webpage cited below.

Public Comment Period

Public comment on the Draft Site Permit, possible project impacts or alternatives, and HVTL route alternatives will be solicited at the public meeting. OES EFP will accept written comments on any of these elements of the Noble Flat Hill Windpark and Transmission Project until 4:30 p.m. on February 25, 2009. During the comment period, any person may request a contested case hearing on the LWECS Site Permit Application pursuant to Minn. Rule 7836.0900, subp. 5. All written comments and requests should be mailed or e-mailed to David Birkholz (see below).

Upon completion of the public participation and hearing process, the records compiled in each proceeding will be presented to the Commission for final decisions on the Applications.

Eminent Domain for Noble Flat Hill Windpark I

The Applicant does not have the power of eminent domain to acquire the land or wind right for the large wind energy conversion system. Wind and land rights necessary to build the facility must be in the form of voluntary easements or lease agreements between landowners and the Applicant.

The Applicant has not requested authority from the Commission to exercise the power of eminent domain in acquiring right-of-way for the high voltage transmission line.

Project Contacts and Information

For more information about the process, the Project or to place your name on the Project mailing list, contact the persons listed below. Other contact information: Toll-Free Tel: 1-800-657-3794, Fax: 651-297-7891 or TTY: Minnesota Relay Service, 800-627-3529, and ask for the DOC.

<p>OES Project Manager David Birkholz 651-296-2878 david.birkholz@state.mn.us</p>	<p>Commission Public Advisor (Certificate of Need) Bret Eknes 651-201-2236 bret.eknes@state.mn.us</p>
<p>OES Public Advisor Raymond Kirsch 651-296-7588 raymond.kirsch@state.mn.us</p>	<p>Minnesota Public Utilities Commission 121 7th Place E., Suite 350 St. Paul, Minnesota 55101-2147</p>
<p>Minnesota Office of Energy Security 85 7th Place E., Suite 500 St. Paul, Minnesota 55101-2198</p>	

Copies of the applications and other relevant documents are accessible at:

<http://energyfacilities.puc.state.mn.us/Docket.html?Id=19766>
<http://energyfacilities.puc.state.mn.us/Docket.html?Id=19714>

Any person may add his or her name to a mailing list maintained by the OES EFP for future mailings regarding the Noble Flat Hill Windpark and Transmission Project. Names can be added to the list by contacting Mr. Birkholz or electronically by visiting the Energy Facilities Permitting websites above. (You only need to register on one or the other of the above sites).

Finally, questions about the Noble Flat Hill Windpark and Transmission Project can also be directed to the Applicant by contacting Mr. Michael Beckner at 860-581-5010 or becknerm@noblepower.com.

Notification of Releases of Genetically Engineered Organisms

File Number	Company	Crop	Project	County
09-NO-002	Monsanto	Canola	Herbicide Tolerance Increase Yield Increased Water and Nitrogen Use Efficiency	Pennington (2), Polk, Red Lake
09-NO-003	SES VanderHave	Sugar Beet	Virus Resistance	Polk
09-NO-004	SES VanderHave	Sugar Beet	Virus Resistance	Polk

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.

EQB Monitor Publication Calendar for 2009

Volume Number	Deadline for Submission	Publication Date	EAW Comment Deadline
32-26	December 22, 2008	December 29, 2008	January 28, 2009
33-1	January 5	January 12	February 11
33-2	January 16 (Friday)	January 26	February 25
33-3	February 2	February 9	March 11
33-4	February 13 (Friday)	February 23	March 25
33-5	March 2	March 9	April 8
33-6	March 16	March 23	April 22
33-7	March 30	April 6	May 6
33-8	April 13	April 20	May 20
33-9	April 27	May 4	June 3
33-10	May 11	May 18	June 17
33-11	May 22 (Friday)	June 1	July 1
33-12	June 8	June 15	July 15
33-13	June 22	June 29	July 29
33-14	July 6	July 13	August 12
33-15	July 20	July 27	August 26
33-16	August 3	August 10	September 9
33-17	August 17	August 24	September 23
33-18	August 31	September 7	October 7
33-19	September 14	September 21	October 21
33-20	September 28	October 5	November 4
33-21	October 12	October 19	November 18
33-22	October 26	November 2	December 2
33-23	November 9	November 16	December 16
33-24	November 23	November 30	December 30
33-25	December 7	December 14	January 13, 2010
33-26	December 21	December 28	January 27, 2010