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EQB MONITOR

GOVERNOR PAWLENTY APPOINTS HUGOSON AS CHAIR OF THE MINNESOTA ENVIRONMENTAL QUALITY BOARD

Saint Paul—Governor Tim Pawlenty today announced the appointment of Gene Hugoson as chair of the Minnesota Environmental Quality Board (EQB).

Hugoson currently serves as Commissioner of Agriculture in the cabinet of Gov. Tim Pawlenty. He also currently serves as a statutory member of the EQB. Hugoson is now appointed as EQB chair and will serve a term which ends January 3, 2011. He replaces Dana Badgerow as chair.

The Minnesota Environmental Quality Board (EQB) helps coordinate the actions of the major state agencies, and is charged with providing the Governor and the Legislature tools to address environmental issues that do not fit under the other state environmental agencies. The board consists of 14 members, including five public members appointed by the Governor.

A MESSAGE ABOUT COPIES OF THE AMENDED ENVIRONMENTAL REVIEW RULES

As most readers probably are aware, the Environmental Review rules were amended effective October 30, 2006. Almost all of the amendments were minor in nature, but many provisions of the rules were affected. This brings up the question of whether new, printed “extract booklets” will be published and distributed by the EQB. (Most units of government are currently using extract booklets dating from January 2000 with a turquoise-colored cover, which were widely distributed by EQB after the rules were amended in 1999).

The EQB has decided to defer printing and distributing new extract booklets until after the ongoing Phase 2 rule amendment process is finished. Otherwise, the State would need to print and distribute new extracts twice within approximately a year, which would be wasteful.

In the interim, the amended rules will be made available through the EQB website in the

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>

following forms and formats:

Official Versions

1. **ONLINE:** The complete and “official” text of the amended rules is already available at the website of the Revisor of Statutes (who maintains the official text of all agency rules). The rules can be downloaded from the Revisor’s website. The Website is linked from the EQB’s Website, or can be accessed directly from the Revisor’s Website at: <http://www.revisor.leg.state.mn.us/arule/4410/>
2. **PRINTED:** It is the EQB’s understanding that the Minnesota Bookstore will print and sell copies of new extract booklet including the recent amendments. Persons who want an up-to-date extract booklet in the interim until the Phase 2 amendments are adopted can purchase a copy from the MN Bookstore (651/297-3000 or www.comm.media.state.mn.us/bookstore/bookstore.asp).

Annotated Versions

3. **“ERRATA SHEET”:** Because many people are familiar with and like the convenience of a paper copy of the rules in the form of the “extract booklets,” the EQB intends to prepare a guide to the recent amendments which will function like an errata sheet for the turquoise-colored extract booklet now in common use. This guide will indicate where (by page number) and how the text of the turquoise extract booklet has been amended. By annotating the appropriate pages of their copy and attaching the guide as a supplement, users will be able to continue using the turquoise extracts until new extracts are available after the Phase 2 amendments go into effect. The EQB hopes to post this guide on the EQB Website within the month.
4. **ANNOTATED FULL RULE:** The EQB also plans to prepare and post a version of the full text of the rules that will show the changes made by the recent amendments (by the use of strikeout and underlining). The format of this version will be designed to produce a compact printed copy when downloaded.

ENVIRONMENTAL ASSESSMENT WORKSHEETS

EAW Comment Deadline: February 14, 2007

Project Title: Countryside Campground

Description: A 240-site, seasonal campground is being developed in order to accommodate a growing market. There will be water, electric, and sewer hookups at all sites, with a central bathroom and shower building. There will be numerous forms of entertainment offered, including a pool and game room.

RGU: Sandstone Township

Contact Person:

Dan Grote, Clerk of Sandstone Township
51493 Dupuis Rd.
Sandstone, MN 55072
320-245-5401
tgroe@mn-internet.com

Project Title: Construction of KJLY broadcast communications tower near Mapleton, MN

Description: Construction of a 535-foot, guyed communication tower for the broadcasting of KJLY FM radio. KJLY is a listener supported Christian radio station that is part of non-profit Minn-Iowa Christian Broadcasting, Inc. (MICB). MICB is a non-profit, 501(c)3 organization. EIN: 41-1412836.

RGU: Blue Earth County

Contact Person:

Veryl Morrell, Land Use Administrator
Blue Earth County Environmental Services
410 So. 5th St.
Mankato, MN 56002
Phone: 507-304-4381
Fax: 507-304-4431
Veryl.morrell@blue-earth.mn.us

EAW NEED DECISIONS

The noted responsible governmental unit has made a decision regarding the need for an EAW in response to a citizen petition.

- Wabasha County Board, Chippewa Heights Rezone and Plat. Denied
- Minnesota Pollution Control Agency, JMBI Demolition Facility in Roseville Township, Kandiyohi County. Denied
- Medina city council, Rising Sun Memorial Park Project, City of Medina. Ordered.

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 Pollution Control Agency Citizens' Board, U.S. BioEnergy-Janesville, LLC, Ethanol Facility, December 19, 2006 (October 9, 2006)
- Minnesota Pollution Control Agency, Menahga Wastewater Treatment Facility Improvements Project, December 19, 2006 (October 23, 2006)
- Minnetonka City Council, Data Park Expansion, Minnetonka, MN, November 20, 2006 (September 25, 2006)
- Sherburne County, Bauerly Brothers Gravel Mining/Stark Mine, January 2, 2007 (September 11, 2006)
- Blue Earth County Highway Department, County State Aid Highway 26, CSAH 12 to Madison Lake, Safety Improvements and Road Rehabilitation, January 2, 2007 (November 6, 2006)

FINAL EIS AVAILABLE

Project Title: I-94/TH 10 Interregional Connection

Description: The Minnesota Department of Transportation and the Federal Highway Administration have prepared a Final Environmental Impact Statement (FEIS) for a new interregional connection between Interstate 94 (I-94) and Trunk Highway 10 (TH 10) in Sherburne and Wright Counties. The FEIS identifies the Preferred Alternative, and describes the anticipated social, economic, and environmental impacts that may occur as a result of its construction and operation. The FEIS also responds to timely substantive comments received on the Draft EIS. The Preferred Alternative includes a new roadway between Clearwater and Clear Lake. The new roadway will be designed as a freeway with full access directional interchanges at I-94 and TH 10, as well as a local interchange at existing TH 24. The project includes construction of a new bridge over the Mississippi River.

Document Availability: The FEIS will be available on the Mn/DOT Website after January 12, 2007 (www.dot.state.mn.us/d3/projects/interregionalconnection).

The document is available for review at the Becker Branch Library (Becker), the Clearwater Branch Library (Clearwater), the Monticello Public Library (Monticello), the St. Cloud Public Library (St. Cloud), the Legislative Reference Library (St. Paul), the Mn/DOT Library (St. Paul) and the Minneapolis Public Library (Minneapolis).

Comment Period: Written comments on the Adequacy of the FEIS will be accepted if postmarked no later than February 12, 2007. Comments may be submitted to:

Terry Humbert
Mn/DOT District 3
3725 12th St. North
St. Cloud, MN 56303
(320) 223-6527

Following the close of the FEIS comment period, Mn/DOT will determine the Adequacy of the FEIS, and will prepare a record of its decision. A notice of the Adequacy Determination will be published in the Environmental Quality Board *Monitor*. Minnesota Rules Chapter 4410 Part 2800 set forth the criteria by which the adequacy of a FEIS will be determined.

AUAR UPDATE ADOPTED

Cobblestone Lake Development

On December 27, 2006, the Apple Valley City Council adopted by motion the Updated Alternative Urban Areawide Review (AUAR) for the Cobblestone Lake Development, a 320-acre mixed residential and commercial project in southeastern Apple Valley. The City of Apple Valley had adopted the final version of the original AUAR by resolution on May 31, 2001. The Updated AUAR was distributed for comment on November 27, 2006. The City of Apple Valley received only one written public comment on the Updated AUAR during the comment period, in which the Metropolitan Council concluded that the Updated AUAR is

complete and accurate with respect to regional concerns. The City of Apple Valley received no objections to the Updated AUAR during the comment period. Consequently, the Apple Valley City Council adopted the Updated AUAR and Mitigation Plan on December 27, 2006.

Project: Excelsior Crossings Office Development

The City of Hopkins' City Council approved the December 2006 Update to the May Updated Alternative Urban Areawide Review (AUAR) and Updated Mitigation Plan for the Excelsior Crossings Office Development at the City Council meeting January 2, 2007, and provided a negative declaration on the need for an Environmental Impact Statement.

NOTICES

Minnesota Public Utilities Commission Notice of Annual Hearing

NOTICE IS HEREBY GIVEN that the Minnesota Public Utilities Commission will convene the annual public hearing on the Power Plant Siting and Transmission Line Routing Program from 2:00 to 4:00 p.m. on Tuesday, January 23, 2007, in the Small Hearing Room at the Commission's offices on the third floor of the Metro Square Building, 121 7th Place East, St. Paul, Minnesota.

The annual hearing is intended to advise the public of matters relating to the siting of large electric power generating plants and routing of high voltage transmission lines and to afford interested persons an opportunity to be heard regarding any aspects of the Commission's activities, duties, or policies pursuant to the Power Plant Siting Act, Minnesota Statutes section 216E.001-.18 (renumbered from 116C.51-.69), or its Power Plant and Transmission Line Siting Rules, Minnesota Rules chapter 4400.

The Commission has prepared an Agenda for the meeting, available on its webpage at <http://www.puc.state.mn.us/index.htm>

At the hearing the public will be afforded an opportunity to be heard through the presentation of oral or written statements. Written statements may also be submitted for inclusion in the annual hearing record by delivery to the Commission's offices by the close of business on February 2, 2007. The Commission staff will prepare a written report regarding the matters discussed at the annual hearing within thirty days after the close of the hearing. This report will be provided to the Commission and will appear on its webpage.

Direct all inquiries regarding the annual hearing to: Bob Cupit, Phone 651-201-2255, email: bob.cupit@state.mn.us.

RECLAMATION PROJECT PLANNED FOR LAKES- DNR DIVISION OF FISH & WILDLIFE

The DNR Division of Fish & Wildlife is planning potential rotenone treatments on the following lakes/locations:

Geneva Lake and associated wetlands/tributaries, Freeborn Co., DOW 24-15, DOW 24-13W (adjacent wetland)

Swan Lake and associated inlets/tributaries, Nicollet Co., DOW 52-34

Frank Lake, Swift Co., DOW 76-34

North and South Spellman Lakes, Yellow Medicine Co., DOW 87-60

These projects may involve the application of rotenone, a federally and state registered pesticide to eliminate less desirable fish species. Endangered or threatened species are not present in these water bodies. Bald Eagles nests are located adjacent to Swan and Geneva Lakes but there are no anticipated or known negative effects to this species. Project goals include removing undesirable fish species, primarily carp and bullheads, to improve water quality and wildlife habitat in these water bodies for wildlife and waterfowl.

These lakes have been drawn down prior to winter freeze-up, however, if there is remaining water under the ice in late winter, a small amount of chemical will be used to eliminate any remaining fish. If necessary, the chemical application would occur in February or March of 2007. Rotenone distribution will be done through the ice with a hand pump and by drip station if necessary. Target treatment concentration is 4 - 5 ppm of rotenone. Benefits of the project will be improved water quality, re-establishment of desirable aquatic vegetation, reduction of plankton algae, and improved habitat for wildlife and waterfowl.

For general information about any of these projects, contact:

Nicole Hansel-Welch
Wildlife Lake Specialist
1601 Minnesota Drive
Brainerd, MN 56401
218-833-8626

**STATE OF MINNESOTA
OFFICE OF ADMINISTRATIVE HEARINGS**

FOR THE MINNESOTA DEPARTMENT OF NATURAL RESOURCES

In the matter of Limited Permit No.
2006-0065, Ye Olde Mill Inn Marina.

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

TO: YE OLDE MILL INN MARINA c/o LES FOSTER, and its attorneys, Ryan J. Wood, Thomsen & Nybeck, P.A., 300 Edinborough Way, Suite 600, Edina, Minnesota 55435.

NOTICE OF HEARING

YE OLDE MILL INN MARINA c/o LES FOSTER, IS HEREBY NOTIFIED that the Minnesota Department of Natural Resources (“DNR”) has initiated this action as a result of Ye Olde Mill Inn Marina’s appeal of DNR’s issuance of Limited Permit No. 2006-0065.

ORDER FOR PREHEARING CONFERENCE

IT IS HEREBY ORDERED that, pursuant to Minn. Rules 1400.5600 and 1400.6500 (2005), a prehearing conference will be held on January 30, 2007, at 1:30 p.m., at the Office of Administrative Hearings, Suite 1700, 100 Washington Avenue South, Minneapolis, Minnesota.

ORDER FOR HEARING

IT IS FURTHER ORDERED that, pursuant to Minn. Stat. § 103G.311 (2004), a contested case hearing in this matter will be held at a time and place to be decided by the Administrative Law Judge at the prehearing conference.

The Chief Administrative Law Judge, Office of Administrative Hearings, has assigned this matter to Richard C. Luis, Administrative Law Judge, Office of Administrative Hearings, 100 Washington Avenue South, Suite 1700, Minneapolis, Minnesota 55401-2138, telephone (612) 349-2542.

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, Minnesota Rules 1400.5100-.8401, and Minnesota Statutes sections 17.495 and 103G.251 (2005). 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. Copies of the rules are also available at www.oah.state.mn.us. The rules generally provide for the procedural rights of the parties, including: rights to advance notice of witnesses and evidence, right to a prehearing conference, rights to present evidence and cross-examination, and right to purchase a transcript of the record.

The attorney for the DNR, David P. Iverson, Assistant Attorney General, 445 Minnesota Street, Suite 900, St. Paul, Minnesota 55101-2127; telephone (651) 296-0687, may be contacted to discuss discovery or informal disposition of this matter.

After the hearing in this matter, the record and the Administrative Law Judge’s recommendations will be forwarded to the Commissioner of Natural Resources to make a final decision. DNR staff involved in the pretrial conference and subsequent hearing will not participate in the deliberations of the Commissioner or his delegated decisionmaker in this matter. In addition, the Commissioner or his delegate will be advised by an attorney other than David P. Iverson.

ALLEGATIONS

1. Leslie Foster (“Foster”) is the owner and operator of Ye Olde Mill Inn Marina (“Marina”), located on the northwest shore of Green Lake, Kandiyohi County, Minnesota. The Marina lies between two lakes, Green Lake and Nest Lake. The lakes are connected by a dam and raceway, which passes through the Marina property. The Marina is a commercial watercraft mooring facility that is part of the Old Mill Inn Resort owned by Foster that includes rental cabins and a recreational vehicle (“RV”) park. The Marina provides watercraft mooring facilities on both Green and Nest Lakes. The present matter involves the mooring facility located on Green Lake.

2. Foster purchased the Marina in 1992. The Marina has been in operation in one form or another under previous owners for decades. July 1992 aerial photographs reveal that at that time the Marina included a

number of small seasonal docks located on Green Lake within a lagoon or harbor formed by a man-made peninsula that extends southeast into Green Lake approximately 150 feet. The peninsula acts as a breakwater, affording protection to boats moored at the numerous small docks located within the lagoon/harbor. In addition, an 80-foot seasonal dock extended off of the peninsula/breakwater into Green Lake. Five (5) 30-foot seasonal docks were also located along the shoreline outside of the lagoon to the northeast on the Marina property. Consequently, at the time of the Foster's purchase in 1992, the Marina had six (6) seasonal docks located outside of and in addition to those found within the lagoon. Aerial photography indicates that similar docking conditions existed from 1989-1992.

3. Kandiyohi County zoning ordinances classifies the area where the Marina is located as a Residential Shoreland Management District. Kandiyohi County Department of Environmental Services ("DES") considers the Marina a non-conforming use under its ordinance as it is a commercial operation. Kandiyohi County DES notified Foster in a letter dated May 9, 2006, that the Marina's nonconforming use is considered "grandfathered" to the size and configuration as existed at the time of Foster's purchase of the Marina in 1992—one 80-foot seasonal dock and five 30-foot seasonal docks located outside of the lagoon. Kandiyohi County DES stated that any increase in size or configuration from that existing in 1992 would require a conditional use permit ("CUP"). No CUP has been applied for or granted to the Marina or Foster.

4. Since his purchase in 1992, Foster has increased the number of mooring spaces and length of seasonal docks in use on Green Lake and, in doing so, increased the surface water use area of the Marina on Green Lake on an annual basis. Of particular note, the Marina has replaced the 80-foot seasonal dock located on the peninsula/breakwater with an "L-shaped" dock. On August 11, 2005, an inspection revealed that the "L-shaped" dock extended approximately 210 feet south into the lake, with a dogleg dock extending an additional 156-feet, for a total length of 366 feet. A May 31, 2006, inspection revealed the dock measured 190 feet south into Green Lake with a 64-foot leg for a total of 254 feet. The 2006 configuration provided 30 to 45 additional mooring spaces beyond that which was available in 1992 on Green Lake.

5. Pursuant to Minnesota Statute section 103G.245, subdivision 1 (2004), a public waters work permit is required from DNR for any work in public waters that results in the change in its course, current, or cross-section by means of placing materials in or on the beds of public water. Pursuant to Minnesota Rule 6115.0211, subpart 4a (2005), a public waters work permit is required for certain mooring facilities, including off-shore marinas.

6. By letter dated May 12, 2006, DNR issued Limited Permit No. 2006-0065 to the Marina authorizing the installation of one 80-foot long and five 30-foot long seasonal docks for the Green Lake facility in accordance with the authorization provided by Kandiyohi County DES in its letter to Foster dated May 9, 2006.

7. DNR's Limited Permit No. 2006-0065 is supported by reasons including, but not limited to, the following:

- a. Pursuant to Minnesota Rule 6115.0211, subpart 4a.D(3)(a) (2005), "offshore mooring facilities shall be approved if the area is zoned for such use or the local government land use authority grants a land use permit." The Marina is located in an area zoned as residential by Kandiyohi County. Consequently, the Marina is not sized or configured consistent with the zoning ordinances governing residential docks, which allows mooring facilities with no more than four (4) mooring sites for the sole use of the property owner. Kandiyohi County Ordinance No. 11-2.13. In addition, the Marina operates as a commercial mooring facility within an area zoned for residential use only. *Id.* at No. 10-2. Kandiyohi County DES informed Foster that, as a non-conforming use, the Marina must operate in the size and configuration existing at the time of Foster's purchase of the Marina. DNR's Limited Permit is consistent with the zoning determination of Kandiyohi County. *See also* Minn. R. 6115.0210, subpart 5.C (2005) (the

proposed structure must be consistent with applicable floodplain, shoreland and wild and scenic rivers management standards and ordinances for the waters involved).

- b. Minnesota Rule 6115.0211, subpart 4a.A (2005) states that a mooring facility shall be “designed in a compact fashion so as to blend in with the surrounding shoreline and so that all mooring and maneuvering activities can be normally confined to an area bounded by the property lines as extending into public waters while minimizing the surface area occupied in relation to the number of watercraft to be served.” Minn. R. 6115.0211, subp. 4a.B (2005) states that a mooring facility should “minimize encroachment waterward of the ordinary high water level.” The Marina’s unauthorized expansion, especially the “L-shaped” dock extending up to 254 feet into Green Lake from the lagoon peninsula, unreasonably encroaches waterward of the ordinary high water level of Green Lake, utilizing and occupying lake surface area in excess of that necessary for the operation of the marina.
 - c. Pursuant to Minnesota Rule 6115.0210, subparts 1A and 1B (2005), it is a DNR goal to limit the occupation of public waters by offshore navigational facilities in order to preserve the natural character of the public waters and their shorelands and to provide a balance between the protection and the utilization of public waters. The Marina’s configuration in excess of that described in the Limited Permit does not meet these stated goals because the Marina’s expanded docking system represents an unreasonable encroachment into Green Lake in a manner inconsistent with, and in violation of, local zoning requirements. In addition, shorter and more compact docking alternatives could be utilized to meet the mooring needs of the Marina while minimizing the occupation of public waters and preserving the natural character of the lake and its shoreline.
 - d. The expanded docking system violates the provisions of Minnesota Rule 6115.0210, subpart 3.A (2005), which prohibit placement of structures in public waters where a safety and navigational problem could result. The Marina’s docks, the configuration of which varies from year to year, extend farther into Green Lake than necessary for mooring purposes. With the unauthorized placement of the docks in a varying length and configuration each year, it is highly probable that they can and do create visual and navigational obstructions in the vicinity of the Marina. DNR’s Limited Permit reduces and standardizes the encroachment into Green Lake, alleviating safety and navigational concerns.
 - e. Pursuant to Minn. R. 6115.0210, subpart 5.A (2005), the proposed project must represent the minimal impact solution to a specific need with respect to all other reasonable alternatives. The “L-shaped” dock is not the minimal solution because the configuration extends excessively into Green Lake. Shorter and more compact docking systems have not been considered by the Marina that could minimize encroachment into Green Lake. *See also* Minn. R. 6115.0210, subp. 5.B (2005) (structure must not exceed minimal encroachment into public waters).
8. The Marina timely appealed Limited Permit No. 2006-0065 pursuant to Minn. Stat. § 103G.311, subd. 5 (2004).

ISSUES

Is Ye Olde Mill Inn Marina entitled to a public water work permit for a docking system beyond that permitted by Kandiyohi County zoning ordinances?

The relevant statutes and rules include, but need not be limited to, Minnesota Statutes section 103G.245 (2005); Minnesota Rule 6115.0210, subparts 3-5; Minnesota Rule 6115.0211, subpart 4a.D(3)(a and b); and Kandiyohi County Ordinances chapter 10.

ADDITIONAL NOTICE

1. Respondent's failure to appear at the prehearing conference may result in a finding that the Respondent is in default, that the DNR's allegations contained in this Notice and Order may be accepted as true, and its proposed action may be upheld.

2. If any party has good cause for requesting a delay of the prehearing conference, the request must be made in writing to the Administrative Law Judge at least five days prior to the prehearing conference. A copy of the request must be served on the other party.

3. Any party intending to appear at the prehearing conference must file a Notice of Appearance form and return it to the Administrative Law Judge within 20 days of the date of service of this Notice and Order. A copy must be served on the DNR attorney. A Notice of Appearance form is enclosed.

4. At the hearing, all parties have the right to be represented by legal counsel, by themselves, or by a person of their choice if not otherwise prohibited as the unauthorized practice of law. The parties are entitled to the issuance of subpoenas to compel witnesses to attend the hearing. The parties will have the opportunity to be heard orally, to present evidence and cross-examine witnesses, and to submit evidence and argument. Ordinarily the hearing is tape recorded. The parties may request that a court reporter record the testimony at their expense.

5. Persons attending the hearing should bring all evidence bearing on the case, including any records or other documents. Be advised that if data that is not public is admitted into the record, it may become public data unless an objection is made and relief is requested under Minnesota Statutes section 14.60, subdivision 2 (2004).

6. Requests for subpoenas for the attendance of witnesses or the production of documents at the hearing shall be made in writing to the Administrative Law Judge pursuant to Minnesota Rule 1400.7000 (2005). A copy of the subpoena request shall be served on the other parties. A subpoena request form is available at www.oah.state.mn.us or by calling (612) 341-7600.

7. This case may be appropriate for mediation. The parties are encouraged to consider requesting the Chief Administrative Law Judge to assign a mediator so that mediation can be scheduled promptly.

8. The Office of Administrative Hearings conducts contested case proceedings in accordance with the Minnesota Rules of Professional Conduct and the Professionalism Aspirations adopted by the Minnesota Supreme Court. A Guide to Participating in Contested Case Proceedings at the Office of Administrative Hearings is available at www.oah.state.mn.us or by calling (612) 341-7600. Pursuant to Minnesota Rules 1400.5100, subpart 3a, and 1400.5500 (2005), filing may be accomplished by mail, deliver, fax or licensed overnight express mail service. The fax number for the Administrative Law Judge is (612) 349-2665.

9. Any party who needs an accommodation for a disability in order to participate in this hearing process may request one. Examples of reasonable accommodations include wheelchair accessibility, an interpreter, or Braille or large-print materials. If any party requires an interpreter, including a foreign language interpreter, the administrative law judge must be promptly notified. To arrange for an accommodation or an interpreter, contact the Office of Administrative Hearings at 100 Washington Avenue South, Suite 1700, Minneapolis, Minnesota 55401, or may call (612) 341-7610 (voice) or (612) 341-7346 (TTY).



2007 LAND USE PLANNING WORKSHOPS

FOR LOCAL GOVERNMENT OFFICIALS – Appointed, Elected and Staff

Sponsored by Government Training Services (GTS)

Co-sponsored by Association of Minnesota Counties (AMC), The Initiative Foundation, League of Minnesota Cities (LMC), Metropolitan Council, Minnesota Association of Minnesota Townships (MAT), Minnesota Chapter of American Planning Association and Minnesota Regional Development Organizations (MRDO)

Each spring, GTS presents a series of Land Use Planning workshops in various Minnesota locations designed especially for citizen planners, and 2007 will be no exception! Sessions provide opportunities for in-depth study of current topics and hands-on applications. Faculty have extensive backgrounds in all aspects of land use planning. The following is a summary of our regular offerings and new workshops.

Brochures with complete details and registration forms will be available in late January and posted on our website www.mngts.org. To receive a copy, call GTS at 651-222-7409 ext. 205 (from metro area) or 800-569-6880 ext. 205 (from Greater Minnesota), or e-mail us at gts@mngts.org.

CORE PROGRAMS

YOUR ROLE AS PLANNING COMMISSION MEMBER (half-day)

For those interested in practical tips that can make the difference between results and regrets in this important position. Learn how to create and implement an annual work program, conduct productive meetings, work as an effective team with other commission members, facilitate public participation in the planning process. Obtain effective tools including a model planning report and findings of fact, primer on parliamentary procedures. Much more!

◆ **March 24 (morn) or April 19 (eve) – St. Paul** ◆ **May 23 (aft) – Little Falls**

THE BASICS OF PLANNING AND ZONING

Designed for those new to land use planning or interested in a review of the fundamentals, this workshop provides participants with an understanding of the nuts & bolts of planning, zoning & subdivision regulation. Participants learn where they fit into the planning & zoning process, how to maximize their impact & how to conduct public hearings plus lots of other basics!

◆ **April 5 or June 6 – St. Paul** ◆ **April 14 – Little Falls**

BEYOND THE BASICS OF PLANNING AND ZONING

Participants learn about preparing and using planning tools to deal with a wide variety of development problems, plus obtain an in-depth review of the planning process--from proper legal notice to development of sophisticated findings of fact. It is intended for those with general knowledge of the planning process or who have attended the "The Basics".

◆ **April 25 – St. Paul** ◆ **May 2 – Little Falls**

ADVANCED ZONING APPLICATIONS

This workshop follows the "The Basics" and "Beyond the Basics" and offers a more in depth exploration of land use issues. Participants learn more about variances, conditional use permits, planned use development ordinances and performance zoning. Emphasis is also given to discussion of recent court cases and their implications as well as regulating challenging uses.

◆ **May 16 – St. Paul** ◆ **June 13 – Little Falls**

SPECIAL FOCUS PROGRAMS

SHORELAND MANAGEMENT—THE NEXT STEP

NEW!

Discover the benefits of Minnesota's Alternative Shoreland Management Standards plus new and important principles in Shoreland management. Learn about the flexibility of this approach and become familiar with sample ordinance language. Topics include: open space requirements for shorelands, when and how to use conservation easements, the need for low impact design principles, case studies and emerging issues. Offered in cooperation with the MN Department of Natural Resources.

- ◇ **March 16 – Little Falls** ◇ **March 22 – Mankato** ◇ **March 28 – Duluth**
- ◇ **April 13 – Alexandria**

SITE PLANNING BASICS FOR NON-DESIGN PROFESSIONALS

Staff and citizen planners are often called upon to review site plans & render opinions about their compliance with local codes and ordinances; often with little if any design background. This course provides fundamentals of site analysis, checklists for subdivision & site plan review, insights into unintended results, and more!

- ◇ **April 11 – St. Paul**

GETTING THE MOST OUT OF YOUR COMPREHENSIVE PLAN

Is your jurisdiction facing the 2008 deadline set by the Metropolitan Council? OR do your land use plan and ordinances no longer match the current realities and future goals of your community? This special program takes you through the basics in the morning including required and optional elements, getting started, the step-by-step planning process, meaningful community involvement, research and mapping tools, and then offers how-to workshops in the afternoon. Choose from Community Design, Implementing Conservation Development & Open Space Preservation, Preparing & Implementing A Compelling Vision and Overcoming Challenges in Redevelopment.

- ◇ **April 18 – St. Paul**

SPOTLIGHT ON SUBDIVISIONS (half-day--morning)

Designed to provide a basic understanding of the issues surrounding review and approval of subdivisions, the program will cover creating and enforcing subdivision regulations, terms, the elements included in a subdivision proposal. Case studies will illustrate effective designs taking into account street rights of way, utility easements, grading and drainage, building pads, lot access, wetlands, and more.

- ◇ **May 3 – St. Paul**

SUBDIVISIONS: BEYOND THE BASICS (half-day--afternoon)

Added by popular demand, this workshop begins where the morning leaves off. Become familiar with examples of new subdivision designs around the country and the elements that are key to creating sustainable communities. Gain a more detailed understanding of the regulatory flexibility needed, plus how to use that knowledge to review and encourage private developers to be creative and sensitive to your community goals.

- ◇ **May 3 – St. Paul**

HOW TO AVOID DROWNING IN LAKESHORE DEVELOPMENT

This highly-rated program is designed to help participants understand how land use decisions made by local officials have far-reaching impacts on our water resources—particularly lake quality. Presenters discuss the issues created by changing demographic trends, conversion of resorts, variance abuse, etc. and describe effective tools for addressing the many economic & environmental challenges.

- ◇ **September 20 – Fergus Falls**

NEW!



CUSTOMIZED TRAINING

Call Carol Schoeneck at 651-222-7409 x205

Many of these workshops can be brought to your site. You choose the date and location; GTS provides the faculty and materials. Benefits include:

- ◆ Program is held exclusively for your community (or area of the state) at a lower per-person cost than sending them to the open enrollment presentations.
- ◆ You are guaranteed a date convenient to your participants.
- ◆ Workshop topics can be tailored to ensure that your current key community issues are covered.

**YOUR LINK TO COMPLETE INFORMATION ON
GTS SERVICES AND PROGRAM SCHEDULES:**

www.mngts.org

Complete Workshops Brochure Available Late January!

EQB Monitor Publication Calendar for 2007

Volume Number	Deadline for Submission	Publication Date	EAW Comment Deadline
31-1	December 22, 2006	January 1, 2007	January 31, 2007
31-2	January 8, 2007	January 15	February 14
31-3	January 22	January 29	February 28
31-4	February 5	February 12	March 14
31-5	February 16 (Friday)	February 26	March 28
31-6	March 6	March 12	April 11
31-7	March 19	March 26	April 25
31-8	April 2	April 9	May 9
31-9	April 16	April 23	May 23
31-10	April 30	May 7	June 6
31-11	May 14	May 21	June 20
31-12	May 25 (Friday)	June 4	July 4
31-13	June 11	June 18	July 18
31-14	June 25	July 2	August 1
31-15	July 9	July 16	August 15
31-16	July 23	July 30	August 29
31-17	August 6	August 18	September 12
31-18	August 20	August 27	September 26
31-19	August 31 (Friday)	September 10	October 10
31-20	September 17	September 24	October 24
31-21	October 1	October 8	November 7
31-22	October 15	October 22	November 21
31-23	October 29	November 5	December 5
31-24	November 9 (Friday)	November 19	December 19
31-25	November 26	December 3	January 2, 2008
31-26	December 10	December 17	January 16, 2008
31-27	December 24	December 31	January 30, 2008