

## June 2023 Environmental Quality Board meeting

**Wednesday, June 21 from 1 – 4 p.m.**

### Join in person or online

- In person: [520 Lafayette Road, St. Paul, MN 55155](#), lower level conference rooms
  - Online: For the meeting link and more information, visit the [board meeting webpage](#).
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### Participating in board meetings

#### Attending in person

The Environmental Quality Board (EQB) will convene its meeting in person in the lower level conference rooms at the Minnesota Pollution Control Agency St. Paul office building. All visitors must sign in at the front desk. Transportation options:

- Bicycle: Visit the [Saint Paul Bike Map](#) webpage for route information. Outdoor bicycle parking is available to the left of the front doors near the loading dock.
- Transit: Use [Metro Transit's Trip Planner](#) to determine the best routes and times.
- Car: You may park in a Visitor Parking space in the parking lot just outside the front door, or park in one of the visitor lots. The visitor lots are the Blue Lot (Olive St. and University Ave.) and the Jupiter Lot (on Grove St. across from the Ramsey County Law Enforcement Center); please see the [parking map](#). Parking in these lots is free of charge. You must register your vehicle at the front desk upon arrival.

#### Attending virtually

Members of the public may join the meeting virtually using the Teams link at the board meeting webpage link above. Please review the [Guide to Teams Participation](#) for additional information.

#### Accessibility

Please contact Environmental Quality Board (EQB) staff at least one week prior to the event at [info.EQB@state.mn.us](mailto:info.EQB@state.mn.us) to arrange an accommodation. Meeting materials can be provided in different forms, such as large print, braille, or on a recording.

## Public engagement opportunities at EQB meetings

EQB encourages public input and appreciates the opportunity to build shared understanding with members of the public. The opportunities for public engagement for this meeting are below.

### Oral public comment

In this meeting, EQB will accept oral public comment during agenda item 6.

Procedure and guidelines for giving oral public comment:

- If you wish to speak:
  - In person: sign up at the welcome table before the meeting starts.
  - Virtual: when prompted, use the “raise hand” feature in Teams, located at the top of your screen.
- Your remarks will be limited to two (2) minutes. When necessary, the chairperson may limit commenters’ time for remarks to ensure there is equal opportunity for the public to comment.
- When the chairperson calls on you to speak:
  - Introduce yourself before beginning your comment.
  - Please keep your remarks to those facts which are relevant and specific, as determined by the chairperson, to the agenda item at hand.
  - Please be respectful of board members, staff, and other meeting participants. Avoid questioning motives. The chair, vice-chair, or other presiding officer will not tolerate personal attacks.
  - Please note that the chair will use their discretion for directing public comment to ensure the board’s ability to effectively conduct business.

### Written public comment

You may submit written comment to EQB by emailing your letter to [info.EQB@state.mn.us](mailto:info.EQB@state.mn.us) or mailing to: Environmental Quality Board, 520 Lafayette Road, Saint Paul, MN 55155. Comments must be received by EQB staff **by noon the day before the meeting**.

Staff will compile letters, make them available to members and the public online, and attach them to the public record. Any written comments received after this deadline will be included in the next EQB meeting packet.

All comments will be made available to the public. Please only submit information that you wish to make available publicly. EQB does not edit or delete submissions that include personal information. We reserve the right to not publish any comments we deem offensive, intimidating, belligerent, harassing, bullying, or that contain any other inappropriate or aggressive behavior.

# Agenda

## 1. Welcome and roll call

Nancy Daubenberger – Chair, EQB; Commissioner, Department of Transportation

## 2. Approval of consent agenda

- Meeting minutes from the May 17, 2023, Environmental Quality Board meeting on packet page 5
- Preliminary agenda for the June 21, 2023, Environmental Quality Board meeting

## 3. Executive Director’s report

Catherine Neuschler – Executive Director, EQB

## 4. Continuous improvement tool finalization

**Type of Item:** Decision

**Summary:** The board will hear an update from staff and consultants regarding the Environmental Review Program continuous improvement effort, including a ranked list of improvements. The board will review the continuous improvement process steps and vote on whether to use them moving forward. More information can be found on board packet page 13.

**Outcome:** Decision on whether to use the CI process steps to continue in evaluating the improvements EQB has received.

**Presenters:** Kayla Walsh – Environmental Review Program Administrator, EQB; Karen Gaides – Management Consultant, Minnesota Management and Budget

## 5. Follow-up to May 17 board meeting public comments

**Type of item:** Informational

**Summary:** Staff will provide additional information regarding the process taken by the city of Duluth in responding to a citizen petition for an EAW that resulted in the concerns raised by the public commenters. EQB staff are not recommending any action on the specific project in Duluth, but the questions raised point to larger issues that could be considered in conjunction with continuous improvement. More information can be found on board packet page 60.

**Outcome:** The Board understands the concerns raised and the actions that the petitioners wanted the Board to undertake; connects those concerns to ideas for programmatic improvement raised in the continuous improvement discussions; and may provide input for the development of the staff’s workplan for environmental review improvements.

**Presenter:** Catherine Neuschler – Executive Director, EQB

## 6. Environmental congress

**Type of item:** Informational

**Summary:** The board will hear an update on the planning for a 2023 Environmental Congress, likely to be held in late fall. More information can be found on board packet page 65.

**Outcome:** The board will provide input on the general direction of the Environmental Congress, including the event format, topics, and speakers.

**Presenter:** Catherine Neuschler – Executive Director, EQB

## **7. Public comment**

The board welcomes oral public comment. Please see guidance and procedures on packet page 2.

Comment is especially requested on the topics in agenda items 4 and 6, and comments on those topics will be prioritized if time constraints exist.

## **8. Closing and adjournment**



# May 2023 Environmental Quality Board meeting

Wednesday, May 17, 2023 | 1:00-4:00 p.m. | 520 Lafayette Road, St. Paul, MN 55155, Conference Room 100 and online via Webex.

## Minutes

### 1. Welcome and roll call

Vice Chair Nicholas Martin called to order the regular meeting of the Environmental Quality Board.

Members present: Peter Bakken, Joseph Bauerkemper, Nancy Daubenberger (late arrival), Kenneth Foster, Rylee Hince, Daniel Katzenberger, Katrina Kessler, Mehmet Konar-Steenburg, Nicholas Martin, Kevin McKinnon, Paul Nelson, Thom Petersen, Alice Roberts-Davis, Sarah Strommen, Gerald Van-Amburg

Members excused: Grace Arnold, Brooke Cunningham, Charles Zelle

Proxies present: Dan Huff (for Cunningham), Louise Miltich (for Arnold)

EQB staff present: Catherine Neuschler, Rebeca Gutierrez-Moreno, Hazel Houle, Jesse Krzenski, Kayla Walsh, Denise Wilson

Other staff present: Karen Gaides (Minnesota Management and Budget)

### 2. Approval of consent agenda

- Meeting minutes from April 19, 2023, Environmental Quality Board meeting
- Proposed agenda for May 17, 2023, Environmental Quality Board meeting

Motion: Board Member Kessler moved the consent agenda; Board Member Petersen seconded. Motion carries with a unanimous vote.

### 3. Executive Director's report

Catherine Neuschler – Executive Director, EQB

- Petition comments

- Comments were received from petitioners regarding the Kinseth Hotel Corp Project in Duluth, MN; there are a lot of questions about the environmental review process and procedure for this project
- Tribal coordination policy
  - We are still in the early phases of draft a FY24/25 biennial workplan. EQB would like a tribal coordination policy. Catherine requested that board members contact her if interested in helping with this, which would likely involve helping review EQB drafts and potentially participating in meetings with tribal staff
- Odyssey project/new *EQB Monitor* submission service
  - The project launched as of today, May 17
- Increasing Diversity in Environmental Careers program (IDEC)
  - EQB has asked to start getting connected to the IDEC program - a three-year, cohort-based program that is a partnership between the Minnesota Department of Natural Resources (DNR), Conservation Corps Minnesota and Iowa (CCMI), MN Pollution Control Agency (MPCA), and the MN Board of Water and Soil Resources (BWSR)
  - IDEC intends to reduce and eliminate barriers that inhibit under-represented students from completing STEM degrees and obtaining environmental careers post-graduation
  - After completing the first-year rotational internship, IDEC fellows choose one of the three agencies to intern at for their second and third summer in the program
  - EQB will be partnering with MPCA in giving an overview of the environmental review program, participating in the firstyear cohort where they learn about all the work the agencies do
  - In the future, if we are able to commit the funding, EQB can have a student worker from this program

#### 4. Genetically engineered organism update

**Presenter:** Rebeca Gutierrez-Moreno – State Pollinator Coordinator, EQB

**Type of item:** Informational

Rebeca gave an overview of the following authorities, which are also described in the materials starting on page 7 of the packet:

**Summary:** The board is given powers in statute (Minnesota Statutes, section 116C.91 through section 116C.95) and rule (Minnesota Rules, chapter 4420 and Minn. R. 4410.800) related to the permitting and the environmental review of genetically engineered organisms (GEOs).

Rebeca gave an overview of the history of genetically engineered organisms (GEOs) regulations at a federal and state level. She also noted potential upcoming GEO projects in Minnesota: common carp, spotted-wing drosophila, mice, and mosquitos.

**Discussion:**

- There are permitting structures in place that already cover some organisms, so EQB should look at how these overlap or are different, and also find out if the federal government is already planning regulations so that this permitting will not be redundant.

- Is a GEO mosquito considered an insecticide? What is the definition of an insecticide under existing regulatory framework, and does the framework that calls out GEO's mandate that they be considered outside of those existing frameworks?
- Need to make sure EQB is not creating regulatory redundancies, especially in the agricultural sector.
- What is the jurisdiction of EQB regarding medication or medical devices?

**Outcome:** Staff will continue to monitor this subject and will likely come back in the fall with more information.

## 5. Continuous improvement update

**Presenters:** Kayla Walsh – Environmental Review Program Administrator, EQB; Karen Gaides – Management Consultant, Minnesota Management and Budget

**Type of Item:** Informational and Discussion-based

**Summary:** Kayla and Karen presented on the updated draft criteria, criteria definitions, and draft matrix for prioritizing improvements. The continuous improvement (CI) memo starts on page 10 of the board packet. Kayla noted that parallel to the matrix, EQB plans to continue engaging with the Minnesota Tribal Environmental Council and reaching out to coordinate with tribes on this process and building the larger coordination policy.

**Discussion:** The board reviewed and commented on a test of the matrix. There were specific questions and comments about these items, including:

- Work needs to be done on framing the improvement statements so that they're consistent in structure.
- CI team tried to eliminate ambiguities and duplication in the matrix.
- There is concern and questions around how the environmental review process interacts with permitting processes.
- Possibly add a -1 to the scoring system.
- The judgement part of the equation could be made clearer.

**Outcome:**

At the June board meeting there will be more discussion on the continuous improvement process and any integrated changes. EQB will present more information on progress on the tribal coordination policy at a future board meeting.

## 6. Public comment

- Amelia Voss, environmental attorney: commented on the environmental protection component of the matrix.
- Mark Baker: RGU decision on citizen's petition for environmental review was overturned. Would like the board to investigate the process that allowed this to happen.
- Mark Baker, Becca Mulenburg, and Jill N. Crawford-Nichols submitted written comments (attached).

**Follow-up:** EQB will discuss the Duluth petition/RGU issue with Assistant Attorney General Anne Kealing.

## **7. Closing and adjournment**

Board Member Petersen motioned to adjourn. Board Member Katzenberger seconded. All in favor; meeting adjourned.

DRAFT



**From:** Mark A. Baker  
**Sent:** Tuesday, May 16, 2023 10:39 AM  
**To:** MN\_EQB\_Info <[info.EQB@state.mn.us](mailto:info.EQB@state.mn.us)>  
**Subject:** Comment

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Hello:

This may appropriately come under item #4 on Continuous Improvement, but also in general:

In the city of Duluth, we have a situation which may be one of first impression in the state. On a citizen's petition, the responsible governmental unit as determined by the EQB, the city itself and by city code,(the Planning Commission) made a decision to require an EAW. However, the city allowed this decision to be overturned by another agency of the city(City Council) which is not the RGU, and outside of the 30 days allowed for an RGU to make a decision on a petition..

In anticipation of this happening, petitioners implored EQB staff for guidance. While staff was very responsive to petitioner's questions, they seemed impotent to give any real guidance or assistance to petitioners to prevent this from happening, apparently leaving petitioners with only option, which is an appeal to the Court of Appeals, a heavy lift indeed..

While it is understandable that staff cannot weigh in on any side in a contested case, it would seem that when a situation like this occurs,one which is outside of the normal experience of staff, that there would be some way that the staff could work with the Board and any outside resources to prevent a situation like this from happening.

Thank you!

Mark A. Baker  
1721 E. 3rd Street, #207  
Duluth, MN 55812  
3194718877

**From:** Becca Mulenburg  
**Sent:** Tuesday, May 16, 2023 11:27 AM  
**To:** MN\_EQB\_Info <[info.EQB@state.mn.us](mailto:info.EQB@state.mn.us)>  
**Cc:** Jill N. Crawford-Nichols  
**Subject:** Public comment for EQB meeting 5/17/23

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Dear EQB Board,

In the city of Duluth, we have a situation which may be one of first impression in the state. On a citizen's petition, the responsible governmental unit as determined by the EQB, the city itself and by city code, (the Planning Commission) made a decision to require an EAW. However, the city allowed this decision to be overturned by another agency of the city (City Council) which is not the RGU, and outside of the 30 days allowed for an RGU to make a decision on a petition.

In anticipation of this happening, petitioners implored EQB staff for guidance. While staff was very responsive to petitioner's questions, they seemed paralyzed to give any real guidance or assistance to petitioners to prevent this from happening, apparently leaving petitioners with only one option, which is an appeal to the Court of Appeals, a heavy lift indeed.

While it is understandable that staff cannot weigh in on any side in a contested case, it would seem that when a situation like this occurs, one which is outside of the normal experience of staff, that there would be some way that the staff could work with the Board and any outside resources to prevent a situation like this from happening.

Seeking advisement.

Thank you!  
Becca

Becca Mulenburg  
1649 W Page St  
Duluth, MN 55811  
218-464-1251 (home/landline)  
218-380-7349 (cell/text)

**From:** Jill N. Crawford-Nichols  
**Sent:** Tuesday, May 16, 2023 11:42 AM  
**To:** MN\_EQB\_Info <[info.EQB@state.mn.us](mailto:info.EQB@state.mn.us)>  
**Subject:** Public Comment for EQB Board 5/17/23

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Dear EQB Board,

This is in regards to the Citizen's Petition for an EAW on Sundby Rd. in Duluth, MN.

The EQB has allowed an RGU to change their minds at the assertion of a developer against state statute. In fact, this retroactive decision came 17 days after the Final Decision was published in the EQB Monitor. Because the RGU decision is time barred, and there is no variance process or written exception outlined within state statute or rules, this should not have been allowed to happen. By the State allowing the ex post facto decision to occur, a negative, state-wide precedent is being set that is against the State's best interest and the EQB's own mission statement.

***The EQB's mission is to enhance Minnesota's environmental quality for current and future generations by leading interagency work to advance meaningful public engagement and facilitate informed decision-making on critical environmental issues.***

You have now sent the message that anyone aggrieved by an EAW decision can bully the RGU into changing their minds, despite state statute and rules. It is understood that there is no administrative appeal to the EQB, but we think the EQB Board should take this matter very seriously and fully consider the implications this decision has on the EQB's integrity. By the EQB remaining silent on this matter and allowing the city of Duluth to mistreat the citizen's of Minnesota, at the sole benefit of a developer, you aren't remaining neutral. Silence is still a choice and it has consequences. Consequences that we will have to pay for.

The Minnesota citizens of this EAW Petition would like the Board to address the following questions:

- How can a Final Decision be reversed after the 30-day time bar? And if so, please provide a legal description.
- Who oversees and enforces the statutes and rules of the EQB?

Thank you.

Jill Crawford-Nichols

Duluth, MN

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Jill N. Crawford-Nichols

## Memo

**Date:** June 21, 2023

**To:** Environmental Quality Board Members

**From:** Environmental Quality Board Members and Management Analysis and Development

### **RE: Environmental review continuous improvement effort**

During the May 2023 meeting, Environmental Quality Board (EQB or Board) members provided feedback on the draft criteria for an effective environmental review program and draft matrix. The interagency continuous improvement team also provided feedback. EQB staff refined a version 3.0 of the matrix based on this feedback.

### **How to use the packet information (attachments)**

The June 21, 2023 board packet information for item 4 includes the following:

1. Draft matrix version 3.0 (attachment 1)
2. Matrix results (attachment 2)

Attachment 1, the draft matrix version 3.0, includes criteria definitions that were edited based on board and interagency continuous improvement team feedback. Once finished, the matrix is intended to be used by EQB staff to order the improvements. Attachment 2, Matrix results, contains the improvements which met the highest number of criteria in the matrix as EQB staff scored them, using matrix version 3.0. Board members may take all of this information into consideration to inform their vote on the resolution at the June 21, 2023 board meeting.

### **Continuous Improvement Process**

The draft continuous improvement process includes more than the matrix. It consists of the following six steps:

1. EQB staff solicit ideas for program improvements.
2. EQB staff review the scope of the improvements.
3. EQB staff evaluate and score improvements using a program effectiveness prioritization matrix.
4. EQB staff plan for implementation of improvements.
5. ERIS completes review of implementation planning.
6. Board completes review and directs staff to implement selected projects.

### **Goal of June 21, 2023 board meeting**

The goal of the meeting is for the Board to vote on the CI process steps, so that staff can begin planning for implementation. If approved, EQB staff will work toward implementation planning (step four). Management Analysis and Development staff will issue a final report to the EQB by June 30, 2023.

### **Attachment 1: Draft matrix version 3.0**

### **Attachment 2: Matrix results**

## Draft matrix version 3.0 (attachment 1)

### Scoring instructions

Each criterion will receive a score of either 2, 1, or 0 points.

**2 Points:** Does an improvement directly or fully increase a criterion as defined below? Award 2 points

**1 Point:** Does an improvement indirectly or partially increase a criterion as defined below? Award 1 point

**0 Points:** Does an improvement maintain or not address a criterion? Award 0 points

### Criteria of an effective environmental review program in Minnesota

1. **Scientific integrity** - means considering, encouraging, or making available the most up-to-date, reputable, and complete science-based information for analysis of environmental and human health impacts or mitigation
2. **Environmental protection** - means using information in government decisions to safeguard the environment and people in Minnesota
3. **Measurability** - means identifying quantifiable data for understanding project and/or environmental review program impacts to human health and the environment
4. **Inclusivity** - means inclusion of voices that have historically been marginalized, excluded, or disproportionately impacted by pollution and the ability for those voices to influence the conversation so that disproportionate impacts are reduced going forward; engagement and outreach is emphasized for environmental justice areas<sup>1</sup> making public participation easier, more systematic, and more intentional
5. **User-friendliness** - means clear communication, clear procedures, or understandable information to interact with environmental review; ease or efficiency to thoroughly and accurately complete environmental reviews
6. **Accessibility** – means access to decision-makers and processes so that the public can provide meaningful input into decision making and receive explanations and updates for why certain decisions are made
7. **Consistency** - means uniformity of environmental review processes thereby promoting dependability and reliability in environmental reviews; eliminates ambiguities; promotes comparability
8. **Quality Assurance** – means EQB’s ability to verify accuracy and completeness of information used in the environmental review program
9. **Accountability** - means the project proposer’s, RGU’s, and Board’s ability to better demonstrate meeting the program’s obligation to the public and to the environment through reporting, data sharing, transparently explaining decisions, taking responsibility for actions, and being able to explain, justify, and take consequences for them

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<sup>1</sup> “Environmental justice areas” has the same definition as given in MN Stat. 115A.03.

## Documented major changes from version 1 to version 2

- Removed “public engagement” and grouped it with “inclusivity” while recommending that it also be highlighted in the EQB’s overall strategic plan
- “Understandable” was re-titled to “user-friendly”
- Removed “transparent” and grouped it with “accessible,” while recommending that it also be highlighted in the EQB’s overall strategic plan
- Removed “programmatic integrity” while recommending that it also be highlighted in the EQB’s overall strategic plan
- Updated definitions based on interagency team and Board member feedback
- Added scoring on a scale of 0-2

## Documented major changes from version 2 to version 3

- Clarified several definitions, including updates to “scientific integrity” and “environmental protection”
- Clarified that EQB staff does the scoring
- Added a step where ERIS would review the EQB staff’s matrix and planning; ERIS would then make sequencing recommendations to the Board for Board discussion and direction
- Changed the phrasing of the scoring to: *Does an improvement directly or fully increase a criterion as defined below? Award 2 points. Does an improvement indirectly or partially increase a criterion as defined below? Award 1 point. Does an improvement maintain or not address a criterion? Award 0 points.*
- Clarified that the inclusivity definition will reference the environmental justice area definition in statute 115A.03
- Removed “access to information” in “accessibility” since that felt duplicative with “scientific integrity”
- Specified in “quality assurance” that it means EQB’s ability to verify
- Changed from running the process annually to running it at least once a biennium

## Frequently asked questions

**Question:** Why is *health* included in criteria definitions?

**Answer:** When there is a negative impact to the environment, that also causes negative health impacts to people. For example, some types of air pollution can lead to increased rates of asthma. People are a part of the environment, and protecting the environment also means protecting people, their health, and their ability to live without undue pollution burdens impacting their health.

**Question:** Does “quantifiable data” also include modeling?

**Answer:** Yes. This is especially including modeling future climate scenarios, showing trends, scenarios, and ranges, and in estimating greenhouse gas emissions, all of which are included in our understanding of *quantifiable* data.

**Question:** How do you define “environmental justice area”?

**Answer:** Environmental justice area has the meaning given to it in Minnesota Statutes section 115A.03:

Subd. 10b.

**Environmental justice area.**

“Environmental justice area” means one or more census tracts in Minnesota:

- (1) in which, based on the most recent decennial census data published by the United States Census Bureau:
  - (i) 40 percent or more of the population is nonwhite;
  - (ii) 35 percent or more of the households have an income at or below 200 percent of the federal poverty level; or
  - (iii) 40 percent or more of the population over the age of five has limited English proficiency; or
- (2) located within Indian Country, as defined under United States Code, title 18, section 1151.

**Question:** Why is MN Rule 4410.0300 objective “C” not included in the organization of the criteria?

**Answer:** Objective C reads, “delegate authority and responsibility for environmental review to the governmental unit most closely involved in the project.” Objective C is singular and prescriptive, like a task for EQB. It did not feel like a higher-level concept that criteria would fit into. Organization of the improvements by rule objectives occurred after the engagement and theming of comments as a way to think about how the criteria might fit with existing rule. It was meant to see if we had balanced criteria. The objectives, themselves, did not inform the criteria.

**Question:** Why is “streamlining” not a criteria on its own?

**Answer:** The idea of “efficiency” or “streamlining” did come up occasionally in feedback. In most cases, it was in reference to efficient permitting, which the environmental review program cannot control. EQB can only improve the ease and efficiency of environmental review and not the permitting of projects. Environmental review is meant to expedite permitting by providing similar information necessary for completing permits. RGUs have discretion to determine which topics they want to address, so in this way, they may already exercise discretion to streamline how they do their own reviews. Opportunities for streamlining happen in the way that environmental review documents interact with permitting documents, but not necessarily in the design of the program. The idea of efficiency is added under the definition of user-friendliness.

**Question:** How will we ensure that future improvements require less wordsmithing prior to running them through the matrix?

**Answer:** EQB plans to offer a template when collecting future improvements. This will ensure that all improvements are structured in similar ways, with similar levels of specificity. Respondents may also self-select which criteria their ideas seek to improve.

**Question:** How will we make sure that improvements are valid?

**Answer:** After running the matrix, EQB staff will exercise professional judgement and perform research to verify the validity and approach of improvements. Staff execute this during step four of the CI Process where staff plan for implementation. Staff determine validity, time, resources, etc. to execute an improvement.



**Question:** How will matrix scoring remain consistent year to year?

**Answer:** EQB staff will internally document any comments and assumptions made during matrix scoring. This includes assumptions surrounding criteria definition interpretations and interpretations of the improvements, themselves. This will provide instructions and a template for consistency in future years. An example is that EQB staff presume that any improvement will be executed well, and with adequate staff and resources for an optimal outcome.

**Question:** Why isn't there an option to give a negative one score if an improvement detracts from a criterion?

**Answer:** Both the board and the interagency team suggested this technique. As EQB staff scored this first round of improvements, we noted that none lent themselves to a negative scoring. Using a negative scoring would not have changed the outcome. However, as this continuous improvement process unfolds, this could be an excellent strategy to further refine the scoring. Staff recommend reconsidering this in the future.

## **MN Rule 4410.0300**

### **Subp. 4. Objectives.**

The process created by parts [4410.0200](#) to [4410.6500](#) is designed to:

- A. provide usable information to the project proposer, governmental decision makers and the public concerning the primary environmental effects of a proposed project;
- B. provide the public with systematic access to decision makers, which will help to maintain public awareness of environmental concerns and encourage accountability in public and private decision making;
- C. delegate authority and responsibility for environmental review to the governmental unit most closely involved in the project;
- D. reduce delay and uncertainty in the environmental review process; and
- E. eliminate duplication.

Criteria for information (objective A)			Criteria for engagement (objective B)			Criteria for process (objectives D and E)		
Scientific integrity	Environmental protection	Measurability	Inclusivity	User-friendliness	Accessibility	Consistency	Quality assurance	Accountability
<p><i>Does an improvement directly or fully increase a criterion as defined below? Award 2 points.</i></p> <p><i>Does an improvement indirectly or partially increase a criterion as defined below? Award 1 point.</i></p> <p><i>Does an improvement maintain or not address a criterion? Award 0 points.</i></p>								
means considering, encouraging, or making available the most up-to-date, reputable, and complete science-based information for analysis of environmental and human health impacts or mitigation	means using information in government decisions to safeguard the environment and people in Minnesota	means identifying quantifiable data for understanding project and/or environmental review impacts to human health and the environment	means inclusion of voices that have historically been marginalized, excluded, or disproportionately impacted by pollution and the ability for those voices to influence the conversation, etc.	means clear communication, clear procedures, or understandable information to interact with environmental review; ease or efficiency to thoroughly and accurately complete environmental reviews	means access to decision-makers and processes so that the public can provide meaningful input into decision making and receive explanations and updates for why certain decisions are made	means uniformity of environmental review processes thereby promoting dependability and reliability in environmental reviews; eliminates ambiguities; promotes comparability	means EQB's ability to verify accuracy and completeness of information used in the environmental review program	means the project proposer's, RGU's, and Board's ability to better demonstrate meeting the program's obligation to the public and to the environment through reporting, data sharing, transparently explaining decisions, taking responsibility for actions, and being able to explain, justify, and take consequences for them

## Matrix results (attachment 2)

EQB staff completed the first review and matrix scoring of improvements for the continuous improvement process for the Minnesota environmental review program.

### Methodology

EQB staff followed the continuous improvement proposed process steps:

1. EQB staff solicit ideas for program improvements.
2. EQB staff review the scope of the improvements.
3. EQB staff evaluate and score improvements using a program effectiveness prioritization matrix.
4. EQB staff plan for implementation of improvements.
5. ERIS completes review of implementation planning.
6. Board completes review and directs staff to implement selected projects.

Staff completed the scoring of improvements using the matrix. Improvements ranged in topic, specificity, and format. Staff combined many improvements by topic, when appropriate, and assigned each improvement a “likely mechanism” for completion (i.e., Guidance, Rule change, EAW Form change). Staff did not edit the improvements as they were submitted, except to take an excerpt from a long submittal that isolates the action for improvement. Staff internally documented any assumptions made throughout the process. For instance, staff assumed that each improvement would be implemented at a high quality and be fully resourced.

Any improvements related to a mandatory category were not run through the matrix. Instead, they will be evaluated during the process to write the 2024 Mandatory Categories Report. The Mandatory Categories Report is a legislatively mandated report. It is required to be completed by EQB and member agencies every three years. The comments that EQB received regarding changes to any mandatory category will support EQB’s evaluation of each mandatory category for this report. Development of this report includes a public process, so there will be more opportunities for public comment on environmental review mandatory categories.

Additionally, all Tribal-related improvements are being considered separately, with precedence. EQB is working to speak with Tribes to ensure that all ideas are accounted for and verified. Building meaningful relationships with Tribes is a priority for EQB staff. This begins with building a Tribal Coordination and Consultation Policy and with reaching out to Tribes directly to engage on which changes to prioritize. Many ideas related to Tribes are listed on page 19. A complete compilation of improvements related to Tribes and treaty rights will be provided to ERIS for decision-making after EQB has finished reaching out to Tribes, directly.

Any comments or recommendations which EQB could not evaluate in the matrix or put on the mandatory categories list can be found in the section titled, “Comments to inform criteria.” Commonly, these comments or recommendations were used to inform the criteria of an effective environmental review program. Others needed more information before they could be effectively run through the matrix. Some comments and ideas are reflected both in the matrix and in the section titled, “Comments to inform criteria.”

### Next steps

Once the continuous improvement process steps are formally accepted by the Board, EQB staff will research a selection of highly ranked improvements and the continuous improvement process will continue, as described by the process steps above.

## Matrix results, total scores

EQB staff have scored the following improvements as meeting the highest number of criteria for program effectiveness. Anything scoring “8” or less was not included in this ranking.

Total Score	Improvement
12	What I would suggest is a neutral body possibly funded by EQB, that is simply a pool of experts, who are independent and have no interest except getting the science of an environmental document right, this could function like peer review for scientific journals. If there's money available, and the idea would help stop the logjam of lawsuits, the model I go by is the UN intergovernmental panel on climate change, it is a large pool of unpaid scientists, but do it out of dedication to the integrity of science. This objective independent panel could function that way, and free up this whole amount of money and time and effort that this spent in these factual wars, yet it is not about the facts we are warring on opinion. If you have got money, I suggest that is how you might spend it..... I suggest EQB Improve the Science with informal or formal Peer Review – Most easily done by separating public comments by credentialed experts from lay comments and requirement to disclose conflicts of interest. More effective formal peer review would emulate scientific literature review by having pool of independent experts on retainer (not consultants) review EAWs and EISs for scientific integrity. ER could emulate scientific literature, professional publication undergoes multiple rounds of objective, disinterested peer review. EQB could create a pool of experts to provide this service and have funding available for these independent expert's work.
11	Establish Threshold Criteria for Significance of Impact - Improved guidance and criteria for RGU decisions on whether significant environmental effects are predictable from a proposed project.
11	Require a full assessment of the environmental impacts over the lifetime of a proposed project or facility. Consider realistic expansion plans and how the product and its production materials will be disposed of, including for example, complete environmental assessment of a project's impact including greenhouse gas emissions, health impacts, stream flows, water quality impacts, air quality impacts, and landfill impacts. An assessment should provide not just the direct emissions or outputs, but the environmental context of the project so that its cumulative impact can be addressed.
11	Improve annual public reporting on the accumulative impact of all approved projects, including impacts on water and projected GHG emissions; additional review requirements to better assess and protect waters from cumulative impacts.
11	A Findings Statement should be issued by each permitting and approval authority documenting the final course of action chosen (including mitigation measures to be carried out); how review documents were used to arrive at it (including reasons for rejection and selection of alternatives), and how the decision complies with MEPA's policy goals.
10	It would be very useful if the EQB could serve as a go between when permits are issued during a prohibition or other process issues arise. EQB could issue advisory opinions that petitioners could use. EQB could provide some sort of redress to petitioners short of bringing a lawsuit. Evaluate What possible role could EQB play to provide independent advisory (only) review for ER challenges, agency actions and/or decisions? The goal being to reduce unnecessary legal challenges, costs, wasted time, resources and divisiveness.
9	Strengthen EQB capacity for oversight and assistance in implementation of environmental review

9

EQB could address this by improving guidance on the cumulative impacts analysis and/or clarifying what is required in rule. Create cumulative impacts standards. Until they exist, reviews must consider pre-existing conditions. Properly consider cumulative environmental impacts of individual projects in context of overall pollution burden in watershed/airshed. Incorporate an analysis of a project's contribution to cumulative pollution burdens that will occur in concert with other, neighboring industries and sources of emissions and pollution discharge. Consider cumulative pollution burden already existing in a community before allowing additional burdens. Include overall environmental status of area when determining an EAW in reviewing a project's impact (example: pre-existing conditions like level of use in the area, type of use, waterways, logging roads, etc) The ER process should determine significant cumulative impacts and consider them in reviews

### Matrix results, scored by objectives

The following improvements received four points or more for *Criteria for providing usable information (objective A)* which includes the criteria for scientific integrity, environmental protection, and measurability.

Score: Criteria for providing usable information	IMPROVEMENTS	Included in top ranking
6	Establish Threshold Criteria for Significance of Impact - Improved guidance and criteria for RGU decisions on whether significant environmental effects are predictable from a proposed project.	✓
6	Require a full assessment of the environmental impacts over the lifetime of a proposed project or facility. Consider realistic expansion plans and how the product and its production materials will be disposed of, including for example, complete environmental assessment of a project's impact including greenhouse gas emissions, health impacts, stream flows, water quality impacts, air quality impacts, and landfill impacts. An assessment should provide not just the direct emissions or outputs, but the environmental context of the project so that its cumulative impact can be addressed.	✓
6	Improve annual public reporting on the accumulative impact of all approved projects, including impacts on water and projected GHG emissions; additional review requirements to better assess and protect waters from cumulative impacts.	✓
6	A Findings Statement should be issued by each permitting and approval authority documenting the final course of action chosen (including mitigation measures to be carried out); how review documents were used to arrive at it (including reasons for rejection and selection of alternatives), and how the decision complies with MEPA's policy goals.	✓

5	EQB could clarify further—either through guidance or a regulatory change to the EIS decision criteria—that RGUs should evaluate the significance of greenhouse gas emissions in the context of broader statutory and policy goals.	
5	EQB could address this by improving guidance on the cumulative impacts analysis and/or clarifying what is required in rule. Create cumulative impacts standards. Until they exist, reviews must consider pre-existing conditions. Properly consider cumulative environmental impacts of individual projects in context of overall pollution burden in watershed/airshed. Incorporate an analysis of a project's contribution to cumulative pollution burdens that will occur in concert with other, neighboring industries and sources of emissions and pollution discharge. Consider cumulative pollution burden already existing in a community before allowing additional burdens. Include overall environmental status of area when determining an EAW in reviewing a project's impact (example: pre-existing conditions like level of use in the area, type of use, waterways, logging roads, etc) The ER process should determine significant cumulative impacts and consider them in reviews	✓
5	What I would suggest is a neutral body possibly funded by EQB, that is simply a pool of experts, who are independent and have no interest except getting the science of an environmental document right, this could function like peer review for scientific journals. If there's money available, and the idea would help stop the logjam of lawsuits, the model I go by is the UN intergovernmental panel on climate change, it is a large pool of unpaid scientists, but do it out of dedication to the integrity of science. This objective independent panel could function that way, and free up this whole amount of money and time and effort that this spent in these factual wars, yet it is not about the facts we are warring on opinion. If you have got money, I suggest that is how you might spend it..... I suggest EQB Improve the Science with informal or formal Peer Review – Most easily done by separating public comments by credentialed experts from lay comments and requirement to disclose conflicts of interest. More effective formal peer review would emulate scientific literature review by having pool of independent experts on retainer (not consultants) review EAWs and EISs for scientific integrity. ER could emulate scientific literature, professional publication undergoes multiple rounds of objective, disinterested peer review. EQB could create a pool of experts to provide this service and have funding available for these independent expert's work.	✓

<b>4</b>	Please include full lifecycle accounting of greenhouse gas emissions related to all project (EAW, EIS, AUAR) in addition to direct and indirect emissions. For example, without looking at lifecycle emissions, the climate impact of the actual oil in an oil pipeline isn't counted – only the impact of the electricity to run the pumps that push it through the pipe. I ask that you update the agency guidance and/or the EAW to include a full lifecycle accounting of greenhouse gas emissions related to a project, in addition to the currently required calculation of direct and indirect emissions. Proposed projects requiring environmental review must include an accounting of lifecycle greenhouse gas emissions; Require full lifecycle accounting on EAW guidance	
<b>4</b>	Now that EAWs consider GHG emissions, add guidance about what level of GHG emissions should require an EIS.	

The following improvements received four points or more for *Criteria for engagement (objective B)* which includes the criteria for inclusivity, user-friendliness, and accessibility.

<b>Score:</b> Criteria for engagement (objective B)	<b>IMPROVEMENTS</b>	<b>Included in top ranking</b>
<b>6</b>	EAW petitions should be automatically granted if 50 or more signees live within 10 miles of the proposed project.	
<b>6</b>	The public should also be able to petition for an EIS if 100 or more people who live within 10 miles of the proposed project sign a petition.	
<b>6</b>	Hold a public hearing in the county where a project is being proposed to take official public comment and answer questions about the proposal.	
<b>5</b>	create an appeal process that does not involve going to District Court. An administrative appeal process should be established to hear appeals of RGU decisions.	
<b>5</b>	The EQB should develop best practices around notification policy, including tribal notification.	
<b>4</b>	It would be very useful if the EQB could serve as a go between when permits are issued during a prohibition or other process issues arise. EQB could issue advisory opinions that petitioners could use. EQB could provide some sort of redress to petitioners short of bringing a lawsuit. Evaluate What possible role could EQB play to provide independent advisory (only) review for ER challenges, agency actions and/or decisions? The goal being to reduce unnecessary legal challenges, costs, wasted time, resources and divisiveness.	

<b>4</b>	Provide guidance to RGUs on how to format documents meeting Section 508 requirements for accessibility and also consider multiple languages as well	
<b>4</b>	<p>1. The EQB should more actively recruit tribal representatives on future panels as the panel observed a lack of representation of tribal voices in the ER process.</p> <p>2. The ER program should intentionally recruit and engage diverse audiences, with particular emphasis on people who are traditionally underrepresented and underserved.</p> <p>3. Recommend RGUs to use accepted best practices for public engagement that are appropriate for their project needs.</p>	
<b>4</b>	Modify Minn. R. 4410.1500 to include a mechanism requiring all RGUs to notify local/state agencies when a proposed project will be undergoing environmental review to ensure agencies do not make final governmental decisions on the proposed project until environmental review has been completed.	
<b>4</b>	The EQB should continually identify, document, and disseminate define best practices through its website; trainings or workshops for RGUs, project proposers, and consultants; and supporting documents. 4. Encourage RGUs to bring the public into project discussions early in the process and provide guidance for initiating conversations with the public.	

The following improvements received four points or more for *Criteria for process (objectives D and E)* which includes the criteria for consistency, quality assurance, and accountability.

<b>Score:</b> Criteria for process (objectives D and E)	<b>IMPROVEMENTS</b>	<b>Included in top ranking</b>
<b>6</b>	It would be very useful if the EQB could serve as a go between when permits are issued during a prohibition or other process issues arise. EQB could issue advisory opinions that petitioners could use. EQB could provide some sort of redress to petitioners short of bringing a lawsuit. Evaluate What possible role could EQB play to provide independent advisory (only) review for ER challenges, agency actions and/or decisions? The goal being to reduce unnecessary legal challenges, costs, wasted time, resources and divisiveness.	✓
<b>6</b>	The EQB, in conjunction with the attorney general's office and the PCA, should develop monetary penalties to be applied to project proponents who fail to conduct review when required.	



5	Strengthen EQB capacity for oversight and assistance in implementation of environmental review	✓
5	The EQB should automatically review all environmental documents-- EAWs, EISs, responses to comments--for completeness. Incomplete documents should be returned to RGUs with the missing items identified and the understanding that the review process will not proceed until the missing information is supplied.	
5	Establish Threshold Criteria for Significance of Impact - Improved guidance and criteria for RGU decisions on whether significant environmental effects are predictable from a proposed project.	✓
5	What I would suggest is a neutral body possibly funded by EQB, that is simply a pool of experts, who are independent and have no interest except getting the science of an environmental document right, this could function like peer review for scientific journals. If there's money available, and the idea would help stop the logjam of lawsuits, the model I go by is the UN intergovernmental panel on climate change, it is a large pool of unpaid scientists, but do it out of dedication to the integrity of science. This objective independent panel could function that way, and free up this whole amount of money and time and effort that this spent in these factual wars, yet it is not about the facts we are warring on opinion. If you have got money, I suggest that is how you might spend it..... I suggest EQB Improve the Science with informal or formal Peer Review – Most easily done by separating public comments by credentialed experts from lay comments and requirement to disclose conflicts of interest. More effective formal peer review would emulate scientific literature review by having pool of independent experts on retainer (not consultants) review EAWs and EISs for scientific integrity. ER could emulate scientific literature, professional publication undergoes multiple rounds of objective, disinterested peer review. EQB could create a pool of experts to provide this service and have funding available for these independent expert's work.	✓
5	Eliminate the comparative environmental analysis process for pipeline environmental review.	
5	MEPA should be amended to give the EQB the authority to intervene and reverse RGU decisions for all state and local projects it believes are inconsistent with MEPA, EAWs as well as EISs.	
4	Require a full assessment of the environmental impacts over the lifetime of a proposed project or facility. Consider realistic expansion plans and how the product and its production materials will be disposed of, including for example, complete environmental assessment of a project's impact including greenhouse gas emissions, health impacts, stream flows, water quality impacts, air quality impacts, and landfill impacts. An assessment should provide not just the direct emissions or outputs, but the environmental context of the project so that its cumulative impact can be addressed.	✓

4	Improve annual public reporting on the accumulative impact of all approved projects, including impacts on water and projected GHG emissions; additional review requirements to better assess and protect waters from cumulative impacts.	✓
4	Language in the rules regarding the range of alternatives to be examined, the depth of examination, and the format of such analysis should be strengthened.	
4	A Findings Statement should be issued by each permitting and approval authority documenting the final course of action chosen (including mitigation measures to be carried out); how review documents were used to arrive at it (including reasons for rejection and selection of alternatives), and how the decision complies with MEPA's policy goals.	✓
4	MEPA should be amended to allow that judicial appeals for projects for which a state agency is the RGU be held either in the county where the project is to be located or in the county where the principal office of the RGU is located, at the discretion of the party filing the appeal.	

## Mandatory Categories

The following improvements are categorized to be considered in development of 2024 EQB Environmental Review Mandatory Categories Report.

### Mandatory Categories Report Considerations

Add a new threshold for dams to Mn. Rules Ch. 4410.4300, subp. 24, requiring a mandatory EAW for construction of a dam with an upstream drainage area of 50 square miles or more.

Add a new threshold for highways to Mn. Rules Ch. 4410.4300, subp. 22, requiring a mandatory EAW for: "D. the reconstruction of an existing road two miles or greater in length if the road is substantially without well-defined right-of-way, or if it involves an increase in right-of-way width of 40% or more including temporary slope easements and borrow areas taken during construction."

All feedlots with more than 400 animal units should be required to complete an Environmental Assessment Worksheet (EAW).

Calling 25,000 tons [of GHG] per year a "de mini-mis" threshold—and requiring less analysis for smaller projects—creates a risk of inaccurately implying that smaller quantities of greenhouse gas emissions may not be significant under MEPA. To gather the most relevant information about climate impacts and best inform significance determinations, Minnesota RGUs should be required to include more detailed context and mitigation discussion in all EAWs, regardless of a project's total emissions.

Clarify exemption from review of highway projects consisting of modernization of an existing roadway or bridge that may involve the acquisition of minimal rights-of-way. This exemption has been used to avoid environmental review. Clarify exemption from review of highway safety improvement projects in Mn. Rules Ch. 4410.4600, subp. 14A. Such exemptions should apply only to specific locations where safety problems exist; they should not be used to exempt entire linear projects from review, as happen currently.

Clarify the criteria for MN Rule 4410.4300 Subpart 26 and Subpart 27.

Environmental reviews must take into account community demographics due to health disparities and socioeconomic effects on vulnerability. I think it is very important when an environmental justice community is impacted that elevates environmental review, to the extent that it is not explicit enough in EAW form, perhaps it could be somehow incorporated so that whenever something is going to be geographically connected to environmental justice areas it would also be a mandatory category.

EQB should provide clarity for all interested parties, including downstream landowners and public citizens, by promulgating a mandatory environmental review category for drainage projects. Also, a mandatory EAW category is necessary for agricultural drainage. Addition of mandatory EAW categories specific to drainage projects that address cumulative water quality impacts of drain tile systems on our state waters.

For quality reviews, broaden the scope to include ALL proposed trails in Minnesota - require at least an environmental worksheet or EIS.

I have been involved in many Stream Restoration projects. EAW's are not intended for this type of work and costly and do not add value

I strongly believe that the Mandatory Category, which is currently based on scale and project intent, should also have a geographic element. We have sufficient geographic environmental quality data to base establish a critical area basis

Lower the mandatory EAW threshold for projects converting forested or other land with native vegetation to a different open space land use from 640 acres to 40 acres.

Lower the mandatory EAW threshold for the permanent conversion of forested or other land with native vegetation, including native pasture, from 80 to 20 acres.

Recommend modifying this category to exempt stream realignment projects on streams (both trout and warm water streams) that fit the following criteria: the project 1) is ecologically-based, 2) is grant-funded, 3) adds sinuosity to the project reach, and 4) is implemented by the RGU

Recommends that EQB add a new mandatory category with reasonable thresholds to address cumulative water quality impacts. Like the mandatory EAW category for animal feedlots in Minn. R. 4410.3200, subp. 29, this category could include a general threshold that applies across the State and a more conservative threshold that applies to sensitive areas, such as waterbodies impaired for turbidity and total suspended solids ("TSS") like the Minnesota River Basin....The thresholds for this category should focus on increases in flow volume and annual peak flows, because these are the critical measures to capture how much flow regime change a watershed can endure before physical and biological degradation starts to occur. Possible thresholds that respond to recent state water quality goals for the Minnesota River Basin include any drainage project in the Minnesota River Basin that will lead to a 10% increase in discharge (added volume) from the system for a 1.5-2-year flood event, or any project in the Minnesota River Basin that will increase peak flow for a 1.5-2-year flood event.

Re-evaluate the criteria for trail construction on public lands.

Remove Mining from Agricultural. Keep it away from housing clusters.

Require a comprehensive environmental review for all motorized recreation trails - EAW for short and EIS for longer systems.

Require an EAW for all agricultural drainage projects in the Minnesota River Watershed. River Watershed EIS seems to be required for assessing individual EAW's for agricultural drainage on individual projects, to facilitate farming as well as protecting the waters of Minnesota

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Require an environmental impact assessment (EIS) prior to considering making new hiking trails or ORV trails

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Require mandatory EAWs for all new OHV trails/areas other than minor re-routes as recommended by a 2003 Legislative Audit OR define OHV "trail" vs. OHV "area"

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Revise EAW to consider broader issues or effects

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Revise threshold for wetlands to require mandatory EAWs for 1) wetland impacts greater or equal to 1 acre that are within 500 ft of the ordinary high water mark of recreational development, natural environment, and general development lakes, and 2) cumulative impacts to 5 or more wetland basins and or cumulative wetland impacts equal to or greater than 1 acre.

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Second, the EQB should consider a much broader mandatory EAW category, or else provide more guidance as to what level of emissions should require a discretionary EAW.

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The EQB should create mandatory EIS categories based on the amount of GHGs a project emits. equiring an EIS for large emitters will help project proposers, decision-makers, and the public to understand where the emissions are coming from and provide information about alternatives, mitigations, and new approaches that could decrease emissions. EQB should commence a rulemaking process that would add this as a mandatory category and that would explore appropriate levels that would trigger an EIS for different types of projects.

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The EQB, in consultation with its member agencies, should develop mandatory Environmental Assessment Worksheet (EAW) and Environmental Impact Statements (EIS) review thresholds for the following project types:

- 1) Commercial composting
  - 2) aquaculture operations
  - 3) agri. feedlots (EIS only)
  - 4) golf courses (EAW only)
  - 5) facilities discharging sewage, industrial and other wastes into the waters of the state, including indirect discharges to wastewater treatment plants, in amounts greater than 200,000 gallons per day, facilities discharging toxic chemicals into waters of the state, facilities generating air emissions of toxic chemicals
  - 6) facilities generating hazardous wastes
  - 7) storage of toxic chemicals
-

The mandatory EAW category for new water appropriations should be changed in two ways: (1) revising the category for appropriations for commercial or industrial purposes to projects that use an average of 5 million gallons of water per month, and (2) revising the category for appropriations for irrigation so it is not limited to projects in one continuous parcel or from one source of water.

Trails and Ditches-fencing. This is to be added to previous issues with trails and ditches. Fencing along trails had typically been split rail where needed. Most recently the additional trail added on was a chain link fence. This is Cass County, Cty Rd. 77. Many wetlands line the sides of the road. I frequently assist turtles in June crossing the road to lay their eggs. A chain link fence does not allow them to travel to the area of laying eggs. They cannot pass under the fence. This is similar to GPS that has been ingrained in them for 1,000's of years. Where they live and where they lay eggs are 2 different areas and we should respect that.

When you look at Upper Mn watershed, it is listed hydrologically as eradicat and biologically listed as impaired. We have petitioned to drain in an over drained watershed. My recommendation is that it would be extremely wise to put that watershed and watersheds like it into a mandatory EAW category.

Whenever something is going to be geographically connected to environmental justice areas it would also be a mandatory category.

Wind turbine siting permits should have actual environmental review. EIS level or higher.

## Comments to inform criteria

The following feedback was received and could not be run through the matrix due to the reasons stated below for each section.

Improvement ideas/ responses/ recommendations	Source
<b><i>EQB acknowledges these ideas and has used these concepts in the formulation of the criteria of an effective environmental review program.</i></b>	
Within the working group, the climate action framework, they had talked about the fact that government entities cannot provide feedback on grants like U of M extension can, it is multiple rounds - it's a wonderful process. They bring up things you might not have known and ways to enhance your projects and include the community- which for us has been huge. The more the community is involved the better, it helps provide a level of transparency, they better understand what is going on, they are also more inclined to come up ways to help and projects they might want to start. The feedback in that meeting was that it cannot be a government entity that serves that role but that the government could be a partner in it, if it is something more like at Indiana University they have the environmental resilience institute, they serve as the assistance entity for LGUs they also provide fellowships that are kind of like Green Corps.	Listening session
Bring EQB publications into line w/ Current Science – Publications such as the biennial report to the Legislature, the Climate and Energy Report Card, Pollinator Report, the Emerald Ash Report all need to reflect the current science on the top five drivers of biodiversity losses including land use, habitat losses, chemical pollutants, invasive species and the climate crises	Listening session

<p>I do not have experience with the EAW. I have tried to prod and ask and listen in on a lot of the meetings within the cities I work in. I do work a lot with the public, I was in the climate action framework resiliency workgroup, and we just talked a lot about the need for technical assistance for Greater MN in general, not just citizen volunteer kind of work. There was conversation about, there needs to be some other entity created, that can also help with filling those things out and helping with grant applications and bolstering project plans and the best management practices that somebody might implement. I think there might be a similar thought between technical assistance for an EAW and that.</p>	<p>Listening session</p>
<p>I just have a quick historical note, that I can follow-up with the information, the original powerplant signing act actually had a similar map, that is being discussed here, it identified environmentally sensitive areas of the state, and it as a requirement of the power plant sighting process it predetermined where/which areas were available particularly for long projects like power lines and pipelines and required if a project could not avoid those areas it had to explain why and what its alternatives were. It was put into a book as a model that I ran into in grad school. It's very interesting that idea comes up again, because it was in the original power plant sighting act.</p>	<p>Listening session</p>
<p>Evaluate a permit application in the context of previous granted applications to weigh effects of cumulative impacts on all health facets</p> <p>Consider cumulative effects of multiple permit grants on human health: physical, mental, spiritual, and on integrity of ecological systems.</p>	<p>Engagement HQ</p>
<p>Make sure all submitted projects receive a fair review before granting so said projects will not have negative impacts on the environment.</p> <p>The environmental review has to be strong and have the integrity to not put short term profits ahead of long term negative impacts. The EQB's job is to strengthen and defend our water, land, and air, not be lax about protecting it</p>	<p>Engagement HQ</p>
<p>Minnesota environmental review currently allows a "bait-and-switch" process where project proponents propose the smallest possible "project" for review so that the full impacts on water, air, lands, health, Treaty-reserved rights, and climate are not considered before a project is studied and approved. Not only is cumulative environmental review deferred until after developments are in the ground, but once the initial project is constructed state agencies do all they can to ensure that a comprehensive review of later stages and impacts is never done. Minnesota's current environmental review process lacks scientific integrity and emphasizes short-term profits over long-term cumulative adverse impacts. It is a distortion of the purpose of environmental review. Relatively simple rule changes could address these fundamental problems.</p>	<p>Engagement HQ</p>

## More Checks & Balances within the MnDNR License to Cross Public Lands & Waters Program

I had a project for which an ACOE NWP and a MnDNR License to Cross Public Water License were required (among others) for a federal waterway crossing. We submitted the applications, and received the ACOE NWP in a few weeks. Much later we inquired with MnDNR about the status of the License request, and were informed that the project was being held up at the ACOE for a NWP (the same crossing the ACOE had already issued a NWP for). So we contacted both ACOE project managers - the one that had already issued our NWP for this crossing the one that was in the process of writing a duplicate NWP for this same crossing, and discussed with them. The duplicate NWP was abandoned and the MnDNR issued the License. The MnDNR reviewers need to know that their work is not occurring in a vacuum - our scope of work (as an environmental consultant) is to acquire ALL environmental permits necessary for our client's projects - wetlands, waterways, licenses, endangered species, archaeological, etc. Thus the License request is just one small part of the overall project scope. The MnDNR staff should have asked us about the ACOE NWP before sending the request on to the ACOE, thereby saving all involved parties much time and effort. There needs to be a better system of checks and balances within the Licensing program to prevent duplication of effort with other permitting entities.

Engagement HQ

My suggestion is to look backwards, and look at all the indicators that show continued decline, in biodiversity we have bird populations, amphibians, every class of living things in decline, and if a project is proposed that is going to contribute to that, that should be a key indicator for everyone, yet we do not do that, tie outcomes to past outcomes, the old adage continuing to do the same thing expecting different results is insanity, that's what we are doing, continue to do environmental review in the same way, continue to get degradation of resource, there are ways to turn that needle in the opposite direction, right now environmental review is not doing that conversation needs to be continued

Listening session

Please do not allow "bait-and-switch" practices to occur when it comes to MN's environmental health.

I've seen "bait-and-switch" practices in action in MT where we live 5 months of the year. MT's governor and majority of the state legislators don't believe in regulations or restrictions on business expansion that directly impacts human and environmental health. MT DEQ and DNRC ramrodded an approval for an expansion of a gravel pit in my community with an addition of a 23-acre open-cut mining permit without adequate environmental impact research. It also allows the company to add an asphalt and cement factories on the premises, with very little oversight on current (and future) environmental mitigation efforts by the gravel pit located on the shores of the Madison River, a Mecca for fly-fisher-people from around the world. And the MT DEQ and DNRC almost got away without a town hall meeting!! Thankfully, there are conscientious environmentalists in MT, swimming against powerful, reactionary folks who are against regulations and restrictions on businesses. The environmentalists rallied support for a town hall meeting after the permit was approved. We are still waiting for the final decision from the state. Don't let MN turn into a MT. That's not a good thing.

Engagement HQ

<p>A thorough analysis of the short term and long-term effects on Minnesota's water, air, lands, health and climate.</p> <p>A policy that forseees the destructive nature of a request. A policy that protects rather than turns over the management, use and rights to wild areas. This would include the protection of our forests and open spaces from the expansion and use of all terrain vehicles of any kind.</p>	Engagement HQ
<p>I live in the Arrowhead region and would like to remind decision makers that "this is somebodies backyard". Wildlife impact important</p>	Engagement HQ
<p>Accept science. Acknowledge that industry is driven by money and legal loopholes to avoid accountability. Treaty rights matter. Toxins kill</p>	Engagement HQ
<p>Comment response to "Include Scope 3 Emissions in All Environmental Review"</p> <p>This is very well put - there are a couple other proposals noting the need for full life cycle / scope 3 emissions, which highlights how important this update is to improve accuracy and holistic approach.</p>	Engagement HQ
<p>An effective environmental review provides information actually used to make decisions and meaningfully involves the public in the process.</p> <p>An effective environmental review process includes:</p> <p>Information that is actually used to make decisions, improve projects, and avoid environmental harms.</p> <p>Information that is understandable and useful for decision makers and project proposers and is written in common sense language without technical jargon so it is accessible to anyone.</p> <p>Information that is provided early enough in the process to be able to inform and affect outcomes.</p> <p>Information sufficiently supported by data and widely accepted science.</p> <p>Information presented through a process that meaningfully involves members of the public, educates the public about environmental effects, and responds to their concerns. Members of the public should feel like their input is welcome, not like adversaries in the process.</p>	Engagement HQ
<p>When reviewing future projects &amp; the impact on the environment, the environmental impact has to be prioritized over jobs/money.</p> <p>Earth trumps jobs</p>	Engagement HQ
<p>Environmental reviews should always be based on the available science and data, not dollars. Focus on future generations</p>	Engagement HQ



<p>Project expansions are so foreseeable!-So require initial environmental review to include reasonably foreseeable project expansions.</p> <p>We don't need EQB "streamlining" -- We need up-front EQB care and caution to protect the environment. Project proponents propose the smallest possible "project" for review, but project expansions quickly take shape, with the result that the full impacts on water, air, lands, health, Treaty-reserved rights, and climate are not considered before a project is studied and approved. Cumulative environmental review is deferred until after developments are in the ground. And once the initial project is constructed, state agencies do all they can to ensure that a comprehensive review of later stages and impacts is NEVER done. Minnesota's current environmental review process lacks scientific integrity and emphasizes short-term profits over long-term cumulative adverse impacts. It is a distortion of the purpose of environmental review. Relatively simple rule changes could address these fundamental problems.</p>	Engagement HQ
<p>transparency</p> <p>There have been many projects that been approved that don't support the environment long term. MN has pristine environments that have been damaged with approved plans that include unrealistic expectations that those environments will become pristine after the project is finished. There is no logic in expecting the environment to become repaired after oil leaks, chemical releases, and additional roads that have been constructed to complete projects. There needs to be full realization and communication of any damage short term and long term on our part of this planet.</p>	Engagement HQ
<p>We know the majority of these mining proposals are just a "foot in the door". Proposing a minimal project when it is obvious that only a larger project will make it more profitable.</p>	Engagement HQ
<p><b><i>EQB acknowledges these ideas and has used these concepts in the formulation of the criteria of an effective environmental review program, but EQB has no authority over the contents of these comments.</i></b></p>	
<p>Better consistency within the MnDNR License to Cross Public Lands &amp; Waters program</p> <p>Better consistency within the MnDNR License to Cross Public Lands &amp; Waters program is needed. In my experience, projects are not regulated uniformly across different review personnel. For example, for a project with three parallel conduits crossing state lands in multiple review areas, one reviewer licensed all three conduits as a single crossing; in another review area each conduit is licensed separately (and fees are thus triple). In some cases license fees end up in the thousands of dollars.</p> <p>Additionally, for a project crossing multiple review areas, one reviewer required the company name to be on the license a very specific way and another reviewer required it in a different, very specific, way. This wasted a lot of time with attorneys and company admin having to signing draft licenses multiple times until an agreement could be reached.</p>	Engagement HQ

Consistency and Transparency

Many of the projects I work on require us to complete the environmental review more than once. For example, a project on a Wastewater Treatment Facility could have funding through the Clean Water Revolving Fund (administered by MPCA), Small Cities (administered by DEED), and MN DNR Local Trails (administered by DNR). If the facility is large enough it will also have an EAW. Each of these has its own requirements for environmental review forms, public notices, and processes. And most of these will not accept an environmental review prepared for the other. This gets confusing for the Public that sees multiple environmental review notices for the same project. It wastes a lot of money and time and can result in contradictory findings from different agencies even though they all reviewed the same information in a previous review.

It would be great if there was consistency and improved transparency so that State Agencies were comfortable accepting a completed review done for another State-administered program for the same project instead of requiring a new report covering the same information.

Engagement HQ

***EQB acknowledges these ideas and has used relevant concepts in the formulation of the criteria of an effective environmental review program, but EQB has no authority over the contents of these comments, especially related to permitting.***

Final decisions on permits should be made no sooner than 30 days after the final EAW or EIS decision. In cases where the permit is non-controversial, as evidenced by the absence of intervenors during the draft permit process, this period could be waived.

Past EQB evaluation recommendations

Permits for expansions by facilities which have a history of non-compliance should contain conditions requiring more stringent monitoring and reporting of environmental conditions than would be imposed otherwise.

Past EQB evaluation recommendations

Require the MNPUC to strictly follow the MN ERP in their approval process whenever their decision could impact state waters or wetlands.

Engagement HQ

Since agencies (MPCA feedlots) use MN Department of Health's rural well map, MDH should have more than 20% of rural wells on their map. MPCA feedlot permits require that the applicant provide a rural well map of wells within one mile of the proposed project. In my area that map - under the responsibility of the MDH - had about 20% of the wells. Either wells and their locations matter, or the MPCA is proving that their feedlot permitting is just a checkbox exercise - not an environmental assessment.

Engagement HQ

Environmental quality in the State of Minnesota is 50 years behind where it should be. The MPCA is really the Minnesota Pollution Agency! Look up the Washington County Landfill history and see all the decades of endless mistakes made there by the MPCA. This was Solid Waste Landfill #1 (SW-1) approved by the MPCA and placed in a chain of Lakes area in an unlined gravel pit with standing groundwater in it. The MPCA has aerial photographs of the trash being pushed into the groundwater. Because of all the negligent actions of the MPCA over many decades, 3M PFC chemical pollution was spread far and wide by the MPCA from the Washington County Landfill in Lake Elmo to a huge area of South Washington County.	Engagement HQ
Since the MPCA is responsible for enforcing air quality standards around feedlots, they should do continuous monitoring. The only way to assess whether a feedlot is meeting state air quality standards is to continuously monitor air quality in all directions for one year. Do that.	Engagement HQ
Answer: Do NOT assume you have to accept a permit and that you are just working out the details. You can say no, it is not a Yes, but scenario.	Engagement HQ
Better coordination between MPCA and Department of Agriculture and local County feedlot officials on manure application. Also, MPCA and feedlot officials should actually READ and analyze the annual manure/ nutrient reports. If half a field is a "do not apply area" and the math shown that the application rate is for the entire field, then they either didn't avoid the setbacks, or they are overapplying on half.	Engagement HQ
Ensure that when mining companies apply for permits, they are including expansion plans. No bait and switch!	Engagement HQ
Feedlot permit review by the MPCA should be an environmental review - not a legal review. If info is , reject the permit. MPCA gathers a lot of information. But if the info is - can't possibly be x - MPCA helps the applicant fix the information rather than tell them "No." Currently this is a check-box rubber-stamp process. Regardless of the information gathered, it is approved as long as all the documents were completed.	Engagement HQ
<b><i>EQB has implemented or is in the process of implementing these suggestions. Or, these suggestions may already be possible under current authorities.</i></b>	
The EQB should fully computerize its environmental review record-keeping system to enable immediate access to individual project status and the dates actions were taken, as well as the generation of statistics regarding project types, length of the process, RGU types, etc.	Past EQB evaluation recommendations
Require RGUs to notify the public of opportunities for participation in the environmental review process by one of the following means: a paid legal notice or ads in a general circulation newspaper, notice posted in the vicinity of the project site, or notice mailed to property owners in the vicinity of the project site.	Past EQB evaluation recommendations
Support reinstating the MPCA Citizens' Board with a focus on representation from both rural and urban residents of environmental justice communities,	Engagement HQ

The RGU selection procedures in Minn. R. 4410.0500, subp. 5, should be revised to give preference to the selection of state agencies as RGUs over local governmental units that do not have the same experience with environmental review.	Engagement HQ
customize EAW forms	Past EQB evaluation recommendations
Develop an easier process for RGU re-designation. Modify the process for redesignating a responsible governmental unit and develop criteria to help potential responsible governmental units determine whether they have sufficient expertise and experience to conduct environmental reviews.	Engagement HQ
I agree that more solid guidance on when review is necessary and also potential issues to look at more carefully would be really useful.	Listening session
Returning to using the EQB website to answer the Cumulative Potential Effects (CPE) question, I have found that the interactive map doesn't match what I find in the Monitor. Seems to be far less projects on the map than are published in the Monitor.	Listening session
The record should be a separately prepared document, so that the facts the RGU relies upon to make its decision are unambiguously set out in a form easily obtainable by the public.	Past EQB evaluation recommendations
I might build off the suggestion of GIS map, rather than having a fixed category of mandatory review. A GIS map could be developed that shows portions of state that are under significant degradation, such as a MN river watershed. If you have a water-related project, in that water shed, you could go to GIS map and see automatically that would be a mandatory review because it is already significant where the resources have been degraded. if you have biodiversity loss in other parts of the state, a similar GIS map, could show if you are going to be an extractive process or even a mineral component, it would be mandatory EIS because that area has been degraded by the kind of land use change you are proposing. So it would be a real time updated feedback mechanism where people would understand just by going to a map that they are proposing a project that has already the type of which has already contributed to degradation so it would be real-time feedback, everybody would know where and what kind of project requires closer scrutiny So I think an interactive GIS map that plots these things out would be very functional and very real-time responsive.	Listening session
<p>Climate change considerations, including greenhouse gas calculations</p> <p>Problem statement: There isn't a consistent approach for assessing climate change-related impacts in the ER process.</p> <p>Panel recommendations:</p> <ol style="list-style-type: none"> <li>1. To support RGUs in the quantification of their GHG emissions in metric tons of carbon dioxide equivalent for all mandatory categories, the EQB should develop and disseminate guidance and tools, including a consistent and simple calculation method.</li> <li>2. All EAWs should provide a narrative discussion of the project's climate adaptation planning and emission mitigation opportunities.</li> <li>3. Additional stakeholder engagement should take place before any recommendations are implemented.</li> </ol>	Past EQB evaluation recommendations

Need a better search tool for the EQB Monitor and SONAR Archives.	Listening session
develop EQB's relationship with Tribes and to implement any Tribal recommendations received that will promote coordination with Tribes both before and during environmental review. This may include the development of internal EQB procedures for Tribal coordination and guidance for other agencies conducting environmental review. EQB should be working with Tribes on a one-on-one basis to ensure that tribal concerns are fully understood by the EQB, and an open dialogue is maintained during these types of institutional processes.	Engagement HQ
The ER materials should be accessible right on that site, practitioners should be able to update with results from the process (rather than resubmit a form that isn't tied to the original information for the ER); there should be an ability to search even previous years activity.	Listening session
The following questions should be added to the EAW form: 1) If the project emits criteria air pollutants, is the project site located within a prevention of significant deterioration area for any of these pollutants? If so, what is the size of the remaining increment for those pollutants? 2) If the project emits criteria air pollutants (e.g. sulfur dioxide, particulates), is the project site located in a non-attainment area for any of those pollutants? Which ones? 3) Discuss any inconsistencies between project impacts and any applicable state, regional or local plans.	Past EQB evaluation recommendations
The EQB and member agencies should comply with MEPA's requirement for issuing annual environmental quality reports.	Past EQB evaluation recommendations
MN should offer proposers of projects for which an EIS is not mandatory but which "have the potential for significant environmental effects" the option of avoiding preparing an EIS if the proposer agrees to implement mitigation measures which lower the impacts below that significance threshold.	Past EQB evaluation recommendations
am reluctant to suggest a conference sort of apparatus and we have so many of these right now. That said, EQB, created in 1973 it may be very important and useful to kick around the concept of a backward look, how well is this doing, with the resources the agency representation, the intersection with our legislative political process it might be worthwhile to at least discuss of concept of taking the residue from this discussion and thoughtfully looking at the opportunities to improve. We have so many issues confronting us we do need to better; it is fun to praise the past and recognize the good, but the fact is we are severely challenged and our systems much work better than they are. Thank you.	Listening session
<b><i>EQB acknowledges these ideas and has used these concepts in the formulation of the criteria of an effective environmental review program. EQB is also incorporating this guidance into a draft Tribal consultation and coordination plan.</i></b>	
Environmental review decisions need to be made in light of treaties signed w/ the Indigenous people of this state, which are still valid...	Engagement HQ
Thank you for your time!	
Tribal governments as elected officials representing a sovereign nation have a right to petition the state as a governmental body and not as a "citizen group". Tribes	Engagement HQ

should not have to procure 100 signatures to request any form of environmental review.	
Remember that Treaty Rights come before company rights.	Engagement HQ
Treaties are the supreme law of the land and should be honored in every project under consideration; Honor treaties and Indigenous sovereign nations' rights and requests to land use	Engagement HQ
<p>Engage in Meaningful Tribal Consultation</p> <p>Throughout this improvement process, EQB should engage in meaningful consultation with Tribes. If EQB proactively engages with Tribes now, it can better promote coordination with Tribes both before and during environmental review.</p> <p>Tribes are governments, not special interest groups. Due to Tribes' sovereign status and the subject-matter expertise of their environmental departments, Tribal concerns must be given "significant weight" in environmental review. In re City of Cohasset's Decision on Need for an EIS for Proposed Frontier Project, ---N.W.2d ---, No. A22-0550, 2023 WL 1770149, at *8 (Minn. Ct. App. Feb. 6, 2023). Accordingly, all parties to environmental review would benefit from early and meaningful consultation.</p> <p>The importance of Tribal consultation is rooted in the longstanding relationship between Tribal Nations, the United States, and the individual states. Although there are some state statutes that discuss consultation, the principle of intergovernmental coordination runs much deeper - it is necessary to the legitimacy of state decisionmaking and strong governmental relationships, which ultimately benefit all Minnesota citizens.</p> <p>If needed, there are training programs available to help EQB consult effectively with Tribal governments. Generally, meaningful consultation requires direct engagement with appropriate Tribal officials and staff. A letter or notice inviting Tribal comment does not constitute meaningful consultation, but too often that is all Tribes receive.</p> <p>I encourage EQB to develop its relationship with Tribes throughout this revision process and to implement any Tribal recommendations that will promote coordination before and during environmental review. This may include the development of internal EQB procedures for Tribal coordination and guidance for other agencies conducting environmental review.</p>	Engagement HQ

Tribes should be consulted during projects that impact Tribal Land

#### Coordination Policies for Collaborative Work between Tribal Staff and State Agency Staff

Federally recognized Indian tribes are sovereign nations. Within the boundaries of Minnesota, tribes retain hunting, fishing, and other usufructuary rights that extend throughout the state. To protect usufructuary rights, or property rights, tribes have a legal interest in the natural resources and co-management responsibilities that are shared with the state. At the earliest opportunity, to demonstrate respect for the unique legal relationship with tribes, state agencies are required to conduct meaningful consultation on matters of common interest to purposely achieve mutually beneficial solutions.

At a minimum, a EQB should:

1. As early in the process as possible, provide tribal staff all relevant information.
2. Provide the tribe with technical assistance and/or data, if requested.
3. Ensure the tribe has sufficient time to consider the information provided.
4. Collaboratively set meeting or conference call dates and times.
5. Address tribal concerns in a timely manner, and keep the tribes informed of project or process developments or changes.
6. Consider alternatives. Act in good faith and be open to looking at things from the tribe's perspective.
7. Document the coordination process by sending minutes or a summary after phone calls or meetings.
8. Accept the tribe's recommendations unless compelling reasons require otherwise.

Engagement HQ

After the first coordination meeting on a topic, the EQB should provide written updates demonstrating that tribal recommendations have been considered, and how they were resolved. Rationale for not accepting a recommendation must be provided, as well as indicating where Tribal suggestions will be included. If no tribal recommendations are going to be included from the first meeting, tribes may reasonably conclude that meaningful consultation thresholds have not been met, and further coordination meetings or teleconferences on that topic would not be productive for tribal staff with limited resources. In this situation, tribal leaders may choose to engage with agency leaders to determine alternative outcomes. However, if an approach to an issue substantially changes from the first meetings where no suggestions were incorporated from Tribes, the meetings can begin again if the Tribes express an interest.

There are training programs available to help EQB learn how to properly work with Tribal governments. Generally, meaningful consultation requires direct engagement with appropriate Tribal officials and staff. A simple letter or notice does not constitute meaningful consultation.

I strongly encourage EQB to develop its relationship with Tribes throughout this revision process and to implement any Tribal recommendations that will promote coordination in environmental review. This may include the development of internal EQB procedures for Tribal coordination and guidance for other agencies conducting environmental review.

***EQB acknowledges this idea and addresses it in the environmental review mandatory categories report.***

The EQB and its members agencies should review mandatory categories and thresholds biennially to determine if changes or additions need to be made, i.e., if certain project types that should undergo review are not captured by the current rules.

Past EQB evaluation recommendations

***EQB acknowledges receipt of these comments.***

I was just told it's extremely difficult for a small municipality to even approach EAWs

Listening session

The new climate change ER requirements are built around making it easier to deny new housing projects - California is working at reducing its ER requirements for housing,

Listening session

Trails and Ditches

Ditches, a valuable source of food and wildlife habitat for birds, small mammals, and pollinators are being replaced by trails. Trails can be enriching for humans, but most are not eco-friendly. The replacement is 8-12 ft. wide of asphalt that emits heat and can burn feet of dogs and wildlife. Black dirt and grass fills the ditch where it had been loamy soil, wildflowers, native grasses, and nesting areas. Another negative impact, straw laced with plastic netting that entangles wildlife, birds and inserts plastic into their diet.

Engagement HQ

What additional review requirements are necessary to better assess and protect state waters (and other critical green infrastructure) from cumulative impact

Listening session

What is the purpose of regional representatives on the EQB? Few of these board members actually have a broad environmental knowledge on the landscapes they represent.

Listening session



## Housing Industry Feedback

Housing First Minnesota respectfully offers the following comments on the Environmental Quality Board's (EQB) Environmental Review (ER) continuous improvement project. By way of background, Housing First Minnesota is the state's leading voice for the housing industry, representing member firms engaged in all aspects of housing, including new home construction, land development, remodeling and the related trades. Our organization also operates Minnesota's Green Path, the state's leading energy-efficient new construction program. On volume, our members build the most energy-efficient new homes in the country, helping to make Minnesota the leader in energy-efficient construction among growing states.

Crafting effective policy requires an understanding of how Minnesota's critical industries operate, as well as understanding of how the proposed policies can be both used and misused. It also requires an understanding of how a new or amended policy will work into the broader regulatory environment for that sector.

During the recent update to the EAW (specifically question 7), our organization experienced challenges with the process used by the ER team

Understanding Housing, A Critical Industry: From our viewpoint, ER staff did not engage in a meaningful discussion regarding the potential negative impact the proposal could have on the state's troubled housing market. The bulk of the discussion centered around debating the merits of the proposal without much focus on how it would fit into Minnesota's housing market today. Minnesota has underbuilt new housing for a decade and a half. This critical lack of housing in a growing state is what is driving up existing home prices and monthly rents.

Understanding Housing's Challenges: One of the greatest challenges to the construction of needed new housing is the steady presence of opposition to housing growth and development projects. These anti-housing efforts and groups are known colloquially as NIMBYs, which stands for Not-In-My-Back-Yard. This term applies to those who oppose new housing for a variety of reasons, which includes being opposed to change or who may live in their community. These groups sometimes rely on coded exclusionary language and often utilize regulatory structures to achieve growth opposition objectives.

Illustration and Case Study: In California, the creator of state-level environmental reviews is now working to exempt housing from ER requirements because anti-housing groups have weaponized ERs as a tool to block housing. ERs in California were used as a tool to exclude segments of the population from finding housing in growing communities.

Conclusion: Across the nation, states are working to remove barriers to the construction of new and needed housing. Ten states have or will have enacted housing policy reforms by 2024. Minnesota, which has a housing crisis as severe or worse than these ten states, stands apart as a state failing to lift barriers while working to create new ones.

Engagement HQ

<p>Environmental review should balance environmental protection with the needs of Minnesota farmers.</p> <p>As a farmer, I would like to see greater representation from the agriculture industry on the EQB. Activists and lawyers like to use our permitting and review process to bully farm families who want to do nothing more than grow their businesses for the next generation. I want clean water and air and a livable environment as much as any Minnesotan, but I do not believe balancing a thriving agriculture industry with environmental concerns is a zero sum game. Too many people want to oversimplify agricultural permitting and operate as if certain farm projects are inherently bad even when all legal and engineering requirements have been met. In many cases farm permitting cases, whether they be drainage or livestock facilities can actually represent an opportunity for environmental improvements.</p>	Engagement HQ
<p><b>Policy and Assistance</b></p> <p>The EQB administers the Environmental Review program and makes certain decisions at the policy level as described in “EQB’s Historical and Present Role in Environmental Review” section of this report. Overall, EQB staff and Technical Representatives do not recommend any changes in this role.</p>	Past EQB evaluation recommendations
<p>EQB should ask for more funding and staff.</p> <p>The EQB is entrusted with critical jobs—investigating environmental problems, coordinating state programs that may affect the environment, ensuring agency compliance with state environmental policy, and reviewing environmental rules and permitting criteria, among others. Minn. Stat. § 116C.04, subp. 2. Now, the EQB has embarked on an important and ambitious project to update the environmental review process in our state. But the EQB has very limited staff, and it has been without an executive director for a significant period of time. The EQB plays a critical and necessary role in preserving Minnesota’s environment. This key agency should be fully staffed to successfully carry out all of its statutorily required duties. To that end, the EQB should request more funding for additional staff positions from the Legislature to ensure the agency has the staff to implement the agency’s programs and important directives.</p>	Engagement HQ
<p><b>EQB staffing</b></p> <p>I usually have EQB staff on speed dial because I always have questions. I was actually gone for a year in a military deployment, as I am getting back into things, I continue to have questions. Denise has been awesome, others have been awesome, are they the only ones or do they need help?</p>	Listening session
<p>Never trust mining or pipeline companies to say what they mean or mean what they say. If there is a loop hole, they will find it.</p>	Engagement HQ
<p>Please listen to the experts on water quality for the state's water. I'm talking about the dedicated people at Water Legacy, MCEA, etc.,.</p>	Engagement HQ

That would be great, honestly (if all projects in specific areas with a significant portion of waters on the 303d list). However, I was told at the WinLaC 1W1P approval meeting that most small municipalities have to hire a consultant to fill out the EAW, at a cost of ~\$30k 😞	Listening session
I know it's super frustrating to hold these sessions and be told it's not enough, but deeper convos with groups after the use the new EAW would be wise for some time	Listening session
<p>No specific details right now, it's more just an overview; instead of sending an e-mail out to the required distribution list if that was feasible through the EQB website. I know the Monitor is a great resource, just a matter of reducing e-mail traffic, we all get a lot these days.</p> <p>Naadha: Is it more about submission of environmental documents? Angie: Yes, a lot of the environmental documents are housed on the respective RGU websites. That's not as big of a deal, we are not having to print massive amounts of copies and things like that any longer, but it's just more of instead of potentially missing an e-mail address or something like that. You asked for magic wand moments and I figured I would throw one out there.</p>	Listening session
Don't allow issues/mitigations to get kicked down the road by saying they will be dealt with later "in permitting"	Engagement HQ
So, I live in Winona and there is one person who is tasked with all natural resources and sustainability work. He does not have the time to do the job really well if he is learning something. Having an entity that can provide assistance in general on these things, that intersection between policy and science and development. Just because most people do not have that interdisciplinary combination.	Listening session

## Scoring: raw data

EQB staff exercised best professional judgement to score the following improvements using the matrix. Results appear in order of likely mechanism.

### Scoring Instructions

*2 Points: Does an improvement directly or fully increase a criterion as defined below? Award 2 points*

*1 Point: Does an improvement indirectly or partially increase a criterion as defined below? Award 1 point*

*0 Points: Does an improvement maintain or not address a criterion? Award 0 points*

Likely Mechanism	IMPROVEMENTS	Scientific integrity	Environmental protection	Measurability	Inclusivity	User-friendliness	Accessibility	Consistency	Quality assurance	Accountability	Total Score
Additional staff and structural reform and rule change	Strengthen EQB capacity for oversight and assistance in implementation of environmental review	1	1	0	0	2	0	2	2	1	9
Additional staff and structural reform	EQB staff really help with process but technical assistance on hard environmental issues is not a role EQB staff have been allowed or equipped to do. Having a pool of independent experts available would be very useful.	2	1	0	0	1	0	1	1	0	6
EAW Form and Guidance	The EAW form should direct RGUs for toxics-related projects to contact the Minnesota Technical Assistance Project re: the existence of feasible pollution prevention measures that would reduce the generation of toxic chemicals.	1	0	0	0	0	0	1	0	0	2

Rule Change and EAW Form Change	Add alternatives analysis to EAWs or ammend the EAW to require alternatives assessments. EAWs should include analysis of a specified range of alternatives to the project. provide some method of alternatives development in the EAW, that would be scoped and further developed in an EIS, if required. the alternatives and mitigations analysis required for EISes should be incorporated into the EAW as well	0	1	1	1	0	0	1	0	1	5
Statute and Rule Change	Update definition of Cumulative Environmental Impacts or Effects in EQB guidance and EAW form to comport with the scientific definition rather than the confusing Card Decision. U.S. EPA has just issued guidance for federal environmental review agencies that can now be authoritatively incorporated into EQB guidance and EAW forms. EQB needs to go to a scientific definition on what cumulative effects and impact are. For help you can go to the EPA and the president's council on environmental quality go to these for definitions.	1	1	0	0	1	0	1	1	0	5
EAW Form Change	The alternative EAW form for feedlots should be revised to require the same climate change information included in the new EAW form.	1	1	1	0	1	0	2	0	0	6
EAW Form Change	Revise EQB guidance and EAW form to both reflect and capture the urgency, scope and scale of the on-going dual Biodiversity/Climate crises. Begin by changing the narrative; use "climate crises or emergency" and "ecosystem dysfunction crises" rather than softer terms like "climate change"	0	0	0	0	0	0	0	0	0	0
EAW Form change	Environmental Assessment Worksheets do not consider potential economic or social impacts. These impacts should be considered in EAWs.	0	0	1	1	0	0	1	0	0	3
EAW Form Change and Rule change	Cost Accounting of GHG lifetime emissions with estimations on a yearly basis. Cost Accounting should be standard, including loss of traditional plant medicines and ecological/traditional value as well as the full environmental footprint as determined through life cycle analysis methods. This is important to account for even when it happens outside the State of Minnesota as the climate of the earth as a system will still impact us in Minnesota.	1	0	1	1	0	0	1	0	0	4

EAW Form change and rule change	Please include full lifecycle accounting of greenhouse gas emissions related to all project (EAW, EIS, AUAR) in addition to direct and indirect emissions. For example, without looking at lifecycle emissions, the climate impact of the actual oil in an oil pipeline isn't counted – only the impact of the electricity to run the pumps that push it through the pipe. I ask that you update the agency guidance and/or the EAW to include a full lifecycle accounting of greenhouse gas emissions related to a project, in addition to the currently required calculation of direct and indirect emissions. Proposed projects requiring environmental review must include an accounting of lifecycle greenhouse gas emissions; Require full lifecycle accounting on EAW guidance	2	1	1	0	0	0	1	0	0	5
Statute change and Enforcement	Enforce existing law; order EIS for large-scale feedlots.	1	2	0	0	0	0	0	0	2	5
Enforcement	Stop Bait & Switch programs where mining companies get a small project environmentally oked but then can switch it to a much larger project	0	0	0	0	0	0	0	0	0	0
Enforcement and structural reform	It would be very useful if the EQB could serve as a go between when permits are issued during a prohibition or other process issues arise. EQB could issue advisory opinions that petitioners could use. EQB could provide some sort of redress to petitioners short of bringing a lawsuit. Evaluate What possible role could EQB play to provide independent advisory (only) review for ER challenges, agency actions and/or decisions? The goal being to reduce unnecessary legal challenges, costs, wasted time, resources and divisiveness.	0	0	0	1	1	2	2	2	2	10
Enforcement and structural reform	The EQB should automatically review all environmental documents--EAWs, EISs, responses to comments--for completeness. Incomplete documents should be returned to RGUs with the missing items identified and the understanding that the review process will not proceed until the missing information is supplied.	1	0	1	0	1	0	2	2	1	8
GEIS	Anaerobic digesters, ethanol, nuclear should be studied	2	0	0	0	0	0	0	0	0	2
GEIS	Low Frequency Noise from wind turbines causes sickness in people and animals. Assess it.	2	0	0	0	0	0	0	0	0	2
Guidance	Develop a pilot screening tool for EAW development and early coordination process.	0	0	0	1	1	0	1	0	0	3
Guidance	Require clear language standards and document length limits	0	0	0	1	1	0	1	0	0	3

Guidance	Identify best practices of the environmental review process and encourage their widespread use where appropriate.	0	0	0	1	1	1	1	0	0	4
Guidance	Burning biomass should not be counted as carbon neutral in greenhouse gas emissions calculations. Accordingly, the guidance should be changed to count emissions from biomass regardless of its provenance.	1	0	0	1	1	0	1	0	0	4
Guidance	issue clear guidance for how far upstream and downstream a source needs to look at its impact.	1	0	0	1	1	0	1	0	0	4
Guidance	provide guidance to RGUs on how to format documents meeting Section 508 requirements for accessibility and also consider multiple languages as well	0	0	0	2	1	1	1	0	0	5
Rule change for Enforcement	<p>Improve Federal Endangered Species Act Compliance</p> <p>Section 9 of the federal Endangered Species Act ("Act") prohibits ANY PERSON from "taking" an endangered species of fish or wildlife. Note "person" under the Act includes businesses and other corporations. The Section 9 take prohibition applies to federal and non-federal activities, including activities on private property. "Take" is broadly defined under the Act. To take a species is to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect. Harm includes activities that destroy or significantly modify habitat to an extent that it actually kills or injures the endangered species. Harassment includes intentional or negligent act or omission which creates the likelihood of injury by annoying it in a way that disrupts normal behavioral patterns.</p> <p>Despite the Act's applicability to state and private projects, state EAWs typically fail to adequately discuss effects to federally endangered and threatened species. EAWs also typically fail to address compliance strategies for projects that are reasonably certain to result in "take" under the Act. Absent this information, RGUs are making project approval decisions without taking a hard look at the proposed project's effects to species protected by the Act.</p> <p>Note that many proposed projects occurring within the Twin Cities metro are reasonably certain to result in take (i.e., adverse effects) for the federally endangered rusty-patched bumble bee per USFWS guidelines. In greater Minnesota, take of northern long-eared bats is also reasonably certain to occur in many cases.</p>	0	2	0	0	0	0	0	1	2	5

Guidance	All projects should provide a short description of the project's purpose in environmental documents. Further, all projects proposed by public entities should discuss the need the project will address as well as the beneficiaries of the project.	0	0	0	1	1	0	1	0	0	<b>3</b>
Guidance and EAW Form	To truly assess whether water resources are available for appropriation, the EAW should provide sufficient information to determine whether the proposed water appropriation meets the statutory standards. This issue can be resolved by revising EQB's guidance to state that when DNR requires an aquifer test as part of the water appropriation permit process, the results of that aquifer test must be included in the EAW. When a project requires an aquifer test for a water appropriations permit, the aquifer test must be included in the EAW.	0	0	1	0	0	0	1	0	1	<b>3</b>
Guidance and EAW Form	Supplement the EAW form climate question with guidance for project proposers on calculating the social cost of carbon (which can be done with a simple formula—the social cost of carbon is measured in dollars per ton).	0	0	1	1	0	1	1	0	0	<b>4</b>
Guidance and engagement	<ol style="list-style-type: none"> <li>1. The EQB should more actively recruit tribal representatives on future panels as the panel observed a lack of representation of tribal voices in the ER process.</li> <li>2. The ER program should intentionally recruit and engage diverse audiences, with particular emphasis on people who are traditionally underrepresented and underserved.</li> <li>3. Recommend RGUs to use accepted best practices for public engagement that are appropriate for their project needs.</li> </ol>	0	0	0	2	0	2	1	0	0	<b>5</b>
Guidance and Rule Change	EQB should provide more guidance on how to incorporate human health impacts into environmental review. Moreover, this guidance should provide a variety of options, including but not limited to how to complete the EAW form with greater human health impacts considered in each question; using EAWs as a screening tool for an HIA; including HIAs in EISs—particularly in scoping of the EIS and any other method that could better integrate a human health perspective into ER.	2	0	1	1	0	0	1	0	0	<b>5</b>
Guidance and Rule Change	Establish Threshold Criteria for Significance of Impact - Improved guidance and criteria for RGU decisions on whether significant environmental effects are predictable from a proposed project.	2	2	2	0	0	0	2	1	2	<b>11</b>
Guidance and Rule Change	EQB could clarify further—either through guidance or a regulatory change to the EIS decision criteria—that RGUs should evaluate the significance of greenhouse gas emissions in the context of broader statutory and policy goals.	2	2	1	0	1	0	1	0	1	<b>8</b>



Rule change	RGU conflict of interests should be resolved. The RGU or acting authority over the MEPA process for projects needs to not have a vested interest, or a real or perceived conflict of interest. For example, a City government should not be the RGU for its own City project. This is a conflict of interest and should be accounted for in the ER rules. The entity that completes the EAW should be unrelated to the proposed project, the project developer and the RGU. The most “disinterested” level of government should be assigned as RGU - not the most local, who are often fully committed to the project. Seek RGU's that can fairly evaluate the public interest	0	0	0	0	0	0	0	0	2	<b>2</b>
Rule change	Project proposers should no longer be allowed to fund the preparation of environmental review documents for their own projects	0	0	0	0	0	0	0	0	0	<b>0</b>
Rule change	Third party contractors should no longer be allowed to draft environmental review documents	0	0	0	0	0	0	0	0	0	<b>0</b>
Rule change	Require a full assessment of the environmental impacts over the lifetime of a proposed project or facility. Consider realistic expansion plans and how the product and its production materials will be disposed of, including for example, complete environmental assessment of a project’s impact including greenhouse gas emissions, health impacts, stream flows, water quality impacts, air quality impacts, and landfill impacts. An assessment should provide not just the direct emissions or outputs, but the environmental context of the project so that its cumulative impact can be addressed	2	2	2	1	0	0	1	1	2	<b>11</b>
Rule change	Improve annual public reporting on the accumulative impact of all approved projects, including impacts on water and projected GHG emissions; additional review requirements to better assess and protect waters from cumulative impacts	2	2	2	1	0	0	1	1	2	<b>11</b>
Rule change	Environmental review must require inclusion of an assessment of environmental justice issues. Stricter criteria in the revised ER rule for assessing potential climate effects in EJ defined communities. The EQB should require projects to use tools such as EPA’s EJScreen, MPCA’s MNRisk cumulative pollution modeling, and MDH health data, along with localized community knowledge in assessing and getting a full picture of these impacts. Establish a robust EJ Engagement Strategy for all Environmental Review processes and proposed rule changes. EQB must have a strong definition of Environmental Justice to inform its engagement processes and criteria for EAWs and EISs.	1	1	1	2	0	0	1	1	1	<b>8</b>

Rule change	Any GHG mitigation plans for projects must have meaningful engagement, transparency, accountability and benefit to communities where projects are located. A project should be able to quantify and demonstrate that community benefit. Emission reductions/benefit must occur where the pollution impacts are. Offsets and other mitigative measures in other locations are fundamentally unjust, as they inherently increase the pollution burden within an already impacted community.	0	0	0	2	0	0	0	0	0	<b>2</b>
Rule change	EAW petitions should be automatically granted if 50 or more signees live within 10 miles of the proposed project.	0	1	0	2	2	2	0	0	1	<b>8</b>
Rule change	The public should also be able to petition for an EIS if 100 or more people who live within 10 miles of the proposed project sign a petition.	0	1	0	2	2	2	0	0	1	<b>8</b>
Rule change	Hold a public hearing in the county where a project is being proposed to take official public comment and answer questions about the proposal.	0	0	0	2	2	2	0	0	1	<b>7</b>
Rule change	Make the standard public comment be 60 days from when notice is given to local communities.	0	0	0	0	2	0	0	0	0	<b>2</b>
Rule change	Modify Minn. R. 4410.1500 to include a mechanism requiring all RGUs to notify local/state agencies when a proposed project will be undergoing environmental review to ensure agencies do not make final governmental decisions on the proposed project until environmental review has been completed.	0	0	0	0	2	2	0	0	2	<b>6</b>
Rule change	Sending a postcard to all Minnesotans who live within a 10-mile radius of a proposed project with details on how they can learn more about the project, how they can provide input, and what the timeline is.	0	0	0	1	1	1	0	0	0	<b>3</b>
Rule change	The deadline for requests for the EQB to make the EIS adequacy determination should be extended to the end of the draft comment period, or five days after the date of the public hearing, whichever is later	0	0	0	0	0	0	0	0	0	<b>0</b>
Rule change	Language in the rules regarding the range of alternatives to be examined, the depth of examination, and the format of such analysis should be strengthened.	2	1	0	1	0	0	1	1	2	<b>8</b>
Rule change	streamline review for clean energy projects like wind, solar, energy storage, and transmission lines	0	0	0	0	1	0	0	0	0	<b>1</b>
Rule change	Now that EAWs consider GHG emissions, add guidance about what level of GHG emissions should require an EIS.	2	1	1	1	1	0	0	0	1	<b>7</b>

Rule change	Authorize judicial review of scoping decisions	1	1	0	0	0	1	0	0	2	5
Rule change	Construction on a project should not be allowed to begin until all judicial appeals under MEPA or MERA have been decided. Courts should be instructed to give preference to such cases in order to prevent undue delay.	0	1	0	0	1	0	0	0	2	4
Rule change	create an appeal process that does not involve going to District Court. An administrative appeal process should be established to hear appeals of RGU decisions.	1	1	0	2	2	1	0	0	1	8
Rule change	<p>The EQB should consider a pilot for a new process for an application for exception to an EAW when an EAW is mandatory pursuant to Minnesota Rules 4410.1000. Instead of an “expedited” process, a new process for an “application for exception” should be created.</p> <ul style="list-style-type: none"> <li>o The process would be similar to the petition process, except that it would be initiated by a project proposer for an exception.</li> <li>o A project proposer could submit an application, with sufficient information that an RGU would be able to use the criteria in Minnesota Rules 4410.1700 to decide whether an EAW must be prepared because the project may have has the potential for significant environmental effects.</li> </ul>	0	1	1	0	1	0	1	0	1	5
Rule change	The definition of what constitutes a “mitigation” under Minnesota Rule 4410.1700, subd. 7 should be modified to include the definition that the Minnesota Supreme Court established in Citizens Advocating Responsible Dev. v. Kandiyohi Cnty. Bd. of Comm'rs, 713 N.W.2d 817, 835 (Minn. 2006) (“CARD”).	0	0	0	0	0	0	1	0	0	1
Rule change	A Findings Statement should be issued by each permitting and approval authority documenting the final course of action chosen (including mitigation measures to be carried out); how review documents were used to arrive at it (including reasons for rejection and selection of alternatives), and how the decision complies with MEPA's policy goals.	2	2	2	0	1	0	2	1	1	11
Rule change	Include health impact assessments and prioritize consideration of impacts pollutants that adversely impact existing health issues locally. Health assessments should be included with all environmental reviews	1	0	1	2	1	0	1	0	1	7
Rule change	Past stages of a project should be counted towards the mandatory threshold. Review is mandatory when the total of past and present phases exceeds the applicable threshold.	0	2	1	0	1	0	1	0	2	7

Rule change	There should be public transparency in discussions between project proposers and RGUs. Sharing how a project proposer has been willing to change the design of its project to mitigate the project's possible environmental effects will help build more trust in the environmental review process and in the RGUs that perform it. If this information is never shared with the public, the public can only assume that projects are rarely, if ever, asked by RGUs to change in order to reduce their impacts, leading to pervasive distrust of the environmental review process and the agencies and governments that perform environmental review. If projects are modifying their designs to reduce their impacts, this is something the public should know as part of the environmental review process.	0	0	1	0	0	0	0	0	0	1
Rule change	EQB could address this by improving guidance on the cumulative impacts analysis and/or clarifying what is required in rule. Create cumulative impacts standards. Until they exist, reviews must consider pre-existing conditions. Properly consider cumulative environmental impacts of individual projects in context of overall pollution burden in watershed/airshed. Incorporate an analysis of a project's contribution to cumulative pollution burdens that will occur in concert with other, neighboring industries and sources of emissions and pollution discharge. Consider cumulative pollution burden already existing in a community before allowing additional burdens. Include overall environmental status of area when determining an EAW in reviewing a project's impact (example: pre-existing conditions like level of use in the area, type of use, waterways, logging roads, etc) The ER process should determine significant cumulative impacts and consider them in reviews	2	1	2	0	1	0	0	2	1	9

Rule change and additional staff and structural reform	<p>What I would suggest is a neutral body possibly funded by EQB, that is simply a pool of experts, who are independent and have no interest except getting the science of an environmental document right, this could function like peer review for scientific journals. If there's money available, and the idea would help stop the logjam of lawsuits, the model I go by is the UN intergovernmental panel on climate change, it is a large pool of unpaid scientists, but do it out of dedication to the integrity of science.</p> <p>This objective independent panel could function that way, and free up this whole amount of money and time and effort that this spent in these factual wars, yet it is not about the facts we are warring on opinion. If you have got money, I suggest that is how you might spend it..... I suggest EQB Improve the Science with informal or formal Peer Review – Most easily done by separating public comments by credentialed experts from lay comments and requirement to disclose conflicts of interest. More effective formal peer review would emulate scientific literature review by having pool of independent experts on retainer (not consultants) review EAWs and EISs for scientific integrity. ER could emulate scientific literature, professional publication undergoes multiple rounds of objective, disinterested peer review. EQB could create a pool of experts to provide this service and have funding available for these independent expert's work.</p>	2	1	2	0	2	0	2	2	1	12
Rulemaking and enforcement	The EQB, in conjunction with the attorney general's office and the PCA, should develop monetary penalties to be applied to project proponents who fail to conduct review when required.	0	0	0	0	1	1	2	2	2	8
Statute change	Eliminate the comparative environmental analysis process for pipeline environmental review.	0	0	0	0	1	0	2	2	1	6
Statute change	MEPA should be amended to allow that judicial appeals for projects for which a state agency is the RGU be held either in the county where the project is to be located or in the county where the principal office of the RGU is located, at the discretion of the party filing the appeal.	0	0	0	0	0	1	2	0	2	5
Statute change	MEPA should be amended to direct that the 30-day period for judicial appeals to be filed on the day the RGU's decision is published in the EQB Monitor.	0	0	0	0	0	0	0	0	0	0
Statute change and enforcement	MEPA should be amended to give the EQB the authority to intervene and reverse RGU decisions for all state and local projects it believes are inconsistent with MEPA, EAWs as well as EISs.	1	1	0	0	0	1	1	2	2	8

Rule change	<p>Revise language regarding MEPA appeals in Minn. R. 4410.0400 to be consistent with MEPA.</p> <p>MCEA proposes revising language about the format of appeals in Minn. R. 4410.0400, subp. 4 because the Rule is inconsistent with MEPA.</p> <p>The Rule provides that decisions on the need for an EAW, the need for an EIS, the adequacy of an EIS, and the adequacy of an alternative urban areawide review (“AUAR”) document may be reviewed through a declaratory judgment action in district court. This language came from the 1980 version of MEPA, which was enacted before the Court of Appeals was created. However, in 2011, the Minnesota Legislature revised MEPA to authorize review of decisions on the need for an EAW, the need for an EIS, or the adequacy of an EIS pursuant to the Minnesota Administrative Procedure Act in the Court of Appeals. Minn. Stat. 116D.04, subd. 10. Accordingly, the rule is now inconsistent with the statute with regard to the method of obtaining judicial review for such decisions.</p>	0	0	0	0	1	0	2	0	0	3
	<p>The Rule should be revised to be consistent with MEPA. This would ensure parties are aware that (1) these decisions are now reviewed in the Court of Appeals and (2) a petition for writ of certiorari must be filed and served within 30 days of notice of the final decision in the EQB Monitor. In addition, because the statutory language does not specifically provide for judicial review of an AUAR, MCEA proposes that the language of the rule be changed to provide for review of an AUAR in the Court of Appeals as well, to ensure that review of all decisions may be obtained in the same manner. See Final Alternative Urban Areawide Review and Mitigation Plan For the Upper Harbor Terminal Development, 973 N.W.2d 331 (Minn. App. 2022).</p> <p>MCEA proposes the following rule language:</p> <p>Decisions by an RGU on the need for an EAW, the need for an EIS, the adequacy of an EIS, or the need for or adequacy of an AUAR are final decisions and may be reviewed as provided in Minn. Stat. 116D.04, subd. 10.</p>										
Structural reform	Consider addition of a toxics review board	0	0	0	0	0	0	0	0	0	0
Structural reform	Remove the administration of the environmental review program from the EQB and place it in the hands of an independent agency for which such administration is the sole function.	0	0	0	0	1	0	0	0	0	1

Training	Improved training around the AUAR process and how that provides additional flexibility as LGUs work through their comprehensive and economic development planning while promoting sustainable development and conserving our natural and cultural resources.	0	1	0	0	2	0	1	1	0	5
Training	Train folks with regional reach (universities, extension offices like RSDP, etc.) to be able to help small LGUs effectively complete review	0	1	0	0	2	0	1	1	0	5
Training	Anti-racism training by state employees and EQB board members working on Environmental Review should be required. State employees and others such as board members working on the environmental review process should be required to take annual and ongoing anti-racism development courses.	0	0	0	2	0	0	0	0	0	2
Training and grants	work with associations of local governments to 1) identify resources to assist local governments that lack experience or expertise with environmental review, and 2) develop and promote environmental review training for continuing education of association members. Additional training opportunities for LGU's, especially small LGU's that deal infrequently with EAW's especially on how a project does/does not fall into a mandatory category. obtain and grant funding to smaller LGUs to help complete reviews. Provide training and funding for small LGUs to ensure they're in compliance with MN regulations. 4. Provide training for local RGUs to ensure consistent approaches for implementing Minnesota Rules 4410. create and administer cost share options that smaller RGUs could access to ensure they are following MN Rules and that they understand them.	0	1	0	0	2	0	1	1	0	5
Training and guidance	The EQB should develop best practices around notification policy, including tribal notification.	0	0	0	2	2	1	0	0	0	5
Training and guidance	EQB should facilitate technical support from state experts for topic areas outside of their permitting authority.	0	0	0	0	1	0	1	0	0	2
Training and guidance	The EQB should build capacity among RGUs, project proposers, and consultants to advance effective public engagement.	0	0	0	0	1	0	1	0	0	2
Training and guidance	The EQB should continuously identify, document, and disseminate best practices through its website; trainings for RGUs, project proposers, and consultants; workshops for sharing best practices among practitioners; and supporting documents.	0	1	0	0	2	1	1	0	0	5

Training and guidance	Convene a practitioners group of RGUs, specialized consultants, and other interested parties for recurring meetings to increase information sharing and identification of new and emerging issues.	0	1	0	0	2	1	1	0	0	5
Training and guidance	The EQB should continually identify, document, and disseminate define best practices through its website; trainings or workshops for RGUs, project proposers, and consultants; and supporting documents. 4. Encourage RGUs to bring the public into project discussions early in the process and provide guidance for initiating conversations with the public.	0	0	0	1	2	1	1	1	0	6
Unknown	Automate the notifications to required agencies and public locales when an environmental review document is submitted.	0	0	0	0	2	0	1	0	0	3
Unknown	The description of projects in the EQB Monitor should succinctly state the project's major environmental impacts, e.g., type and quantity of air or water pollutants emitted or discharged, acreage of wetlands or forested diminished, etc.	0	0	0	0	2	0	1	0	0	3
Unknown	Assess any actions EQB may take to prevent gaps in federal versus state procedures, specifically to prevent approvals without full environmental reviews (including foreseeable expansions)	0	2	0	0	0	0	0	0	0	2
Unknown	Expand the use of Alternative Urban Areawide Review (AUAR) or AUAR-like alternative review processes	0	0	0	0	0	1	0	0	0	1
Unknown	Explore why so few EISs are ordered by RGUs and propose changes to guidance or rules that would ensure projects that have the potential to significantly affect the environment undergo an EIS, as required by MEPA.	0	0	0	0	0	0	0	0	0	0



## **RESOLUTION OF THE MINNESOTA ENVIRONMENTAL QUALITY BOARD**

### **Approval of the 2023 continuous improvement process for the environmental review program**

#### **Introduction**

Minnesota's Environmental Review Program (ER Program) was created in 1973 to provide usable information to communities, decision makers, and project proposers for a wide variety of projects. Historically, program updates occurred through legislative direction, mandatory category evaluation, and other initiatives – usually in response to a specific issue. EQB wants to ensure that the environmental review program continues to serve the needs of Minnesota well into the future. To this end, EQB has chosen to build a continuous improvement approach to be more proactive and systematic in making necessary changes.

The goal of the continuous improvement process is to identify and prioritize program changes in a strategic, transparent, and efficient manner to support continuous evolution and optimization of the program.

#### **Board authorities**

The Board is responsible for monitoring the effectiveness of the state environmental review program and is directed by rule to take appropriate measures to modify and improve the effectiveness (Minn. R. 4410.0400).

#### **Background**

The Minnesota Environmental Quality Board (EQB) contracted with Management Analysis and Development (MAD) to help coordinate the development of a continuous improvement process.

MAD consultants conducted research on:

- Recommendations from past EQB evaluations: A review of recommendations from ten reports consisting of past EQB evaluations conducted between 1994 and 2021.
- Notable examples of successes and best practices: Interviews with environmental review program state representatives in California, Massachusetts, Washington, and Wisconsin.
- Best practices in the literature: A focused literature review examining best or emerging practices in environmental review.

Between January and March 2023, MAD and EQB staff gathered input in two main ways:

- A listening session held on Monday, January 30, 2023.
- Written feedback gathered through the online Engagement HQ platform from January through March 2023.

MAD and EQB staff conducted regular meetings to gain feedback from:

- A continuous improvement interagency team.
- Board members at EQB monthly meetings.

This effort culminates in a proposed continuous improvement process, to be executed at least once a biennium, with the following proposed procedural steps:

1. Solicit ideas for program improvements.  
*The process will begin with a call for suggestions for programmatic improvements from governmental partners, stakeholders, and the public. Ideas for improvements will be collected through multiple channels including, but not limited to an engagement HQ on-line platform, phone calls, emails, and meetings.*
2. Review the scope of the improvements.  
*All improvements must pertain to EQB's purview or represent ideas that could reasonably fit under EQB purview. Ideas that pertain solely to the authority of other agencies would not move forward in the process. EQB staff will make and document such determinations.*
3. Evaluate and score improvements using a program effectiveness prioritization matrix.  
*EQB staff will run scoped-in improvements through the prioritization matrix, scoring improvement ideas based on how they meet the criteria for program effectiveness. Improvements will be ordered based on how they contribute to overall program effectiveness.*
4. Plan for implementation of improvements.  
*EQB staff will consider logistics and resource needs for undertaking the improvements that met the most criteria for program effectiveness. Staff will present this information to the Environmental Review Implementation Subcommittee (ERIS) and make a recommendation for which improvements to act upon.*
5. ERIS completes review of implementation planning.  
*ERIS will review the improvement ideas, matrix scoring, and the implementation considerations. ERIS will make a recommendation to the Board on which improvement projects the EQB should implement.*
6. Board completes review and directs staff to implement selected projects.  
*The Board will review ERIS's recommendation and reach a consensus on which improvements EQB would like to focus on for a time period as determined by the board.*

## Findings

Regular implementation of this standardized six-step process will provide consistency in assessment and implementation of environmental review program improvement suggestions. The process steps are comprehensive, action-oriented, and inclusive. They are the result of over six months of research, engagement, and board member feedback.

This process will:

- Provide clarity on the Board's definition of an effective program, through the criteria in the prioritization matrix;
- Allow the board to clearly identify areas of improvement and maintain knowledge of needed improvements over time;
- Create a standardized way of prioritizing needed improvements; and
- Provide a transparent evaluation process showing why improvements are (or are not) pursued.

## Resolution

**The board resolves to adopt and use the following continuous improvement procedural steps at least once a biennium for the environmental review program:**

1. **EQB staff solicit ideas for program improvements.**
2. **EQB staff review the scope of the improvements.**
3. **EQB staff evaluate and score improvements using a program effectiveness prioritization matrix.**
4. **EQB staff plan for implementation of improvements.**
5. **ERIS completes review of implementation planning.**

**6. Board completes review and directs staff to implement selected projects.**

**These steps will be re-evaluated at least every four years, so the board may make any necessary adjustments.**

The board approved and adopted this resolution on June 21, 2023.

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Nancy Daubenberger, Chair  
Minnesota Environmental Quality Board

Date: 6/21/2023

## Memo

**Date:** June 9, 2023

**To:** EQB Board Members

**From:** Catherine Neuschler and Environmental Review Staff Team

### **RE: Recent public comments on environmental process and related programmatic improvements**

At the May Board meeting, Board members heard comments from citizens petitioning for an EAW of the Kinseth hotel project on Sundby Road in Duluth. The citizens raised several concerns and asked EQB to take action. This memo lays out the basics of the situation in Duluth, where and why staff felt they could or could not act, etc. While EQB staff are not recommending any action on the specific project in Duluth, the questions raised point to larger issues that could be considered in conjunction with continuous improvement.

### **Duluth project**

On March 8, 2023, EQB staff received a citizen petition requesting preparation of an Environmental Assessment Worksheet (EAW) for the Kinseth Hotel project, to be located in the city of Duluth. EQB staff determined that the City of Duluth was the appropriate responsible governmental unit (RGU), because they have the key governmental approvals, and sent the petition to the staff of the City of Duluth's Planning Department.

The petition was published in the EQB Monitor on March 14. On April 18, EQB staff received notice from City of Duluth staff that the Planning Commission voted to approve the petition and required preparation of an EAW, along with a notice of the approval to be published in the *EQB Monitor*, as required by rule. The notice of approval of the petition was published in the *EQB Monitor* on April 25 ("first notice").

On May 11, EQB staff received notice from City staff that the Duluth City Council had reversed the decision of the Planning Commission, and decided to deny the petition and not conduct an Environmental Assessment Worksheet (EAW). City staff made a request to publish the notice to deny the petition in the *EQB Monitor*; that notice was published in the *EQB Monitor* on May 16 ("second notice").

The first and second notices were both provided by City of Duluth staff. In the second notice, City staff stated "The RGU originally noticed a positive decision on the need for an EAW on April 25th. As indicated by the City of Duluth, the decision was reversed by way of a City of Duluth administrative appeal."

As EQB staff came to understand during this process, the Duluth City Code indicates that the planning commission was delegated the authority to serve as the RGU and conduct environmental reviews under Minnesota Statutes, Chapter 116D. However, the Duluth City Code also indicated that the Planning Commission is an advisory body for to the Duluth City Council with respect to environmental review. The City Code indicated that decisions of the Planning Commission were subject to oversight by the Duluth City Council, by way of an appeal to the Council.

Throughout this period staff had extensive engagement with petitioners – by email, phone, and meetings – providing assistance in understanding the rules and the authorities of the EQB and the RGU. The petitioners told EQB staff, and stated in their comments at the May 2023 Board meeting, that they thought that the City Council’s reversal of the decision to order an EAW was inappropriate because the Planning Commission is the RGU, not the City Council.

## Issues

Through this process, petitioners raised several questions, many of which relate to suggestions for program improvements. Primarily their concerns relate to the Board’s ability to exercise oversight and to compel RGUs to act when there has been a violation of Minnesota’s environmental review rules.

### Question 1 – Internal processes and interaction with RGU designation

The petitioners raised several questions concerning the interaction between the EQB’s designation of the RGU, the Duluth City Code, and the actions taken by the City that resulted in the publication of two notices on the same petition.

The environmental review rules at Minn. R. 4410.1100, Subp. 3 require the petition be filed with EQB for EQB’s determination of the RGU. There are no requirements around how a city, or any RGU, further defines or delegates decision-making processes within the RGU. We fully expect any RGU to have internal structures to implement their own decision-making authority, and that structure should be up to them. EQB staff are only equipped to interpret our own rules and not those administered by others, including city ordinances. However, this does bring up the question of receiving two notices about the same decision and the inference that once a notice is published, it is final and may be relied upon for the purpose of triggering the applicable appeal period.

#### *Applicable Minnesota statutes and rules*

The publication of a notice on a decision to conduct or not conduct environmental review starts a 30-day process whereby a party can challenge that outcome. Minn. Stat. § 116D.04, Subd. 10 requires that any person aggrieved by a final decision on the need for an environmental assessment worksheet must file the appeal with the Minnesota court of appeals and serve the responsible governmental unit.

EQB staff are considering whether additional procedures should be put in place to ensure RGUs have completed all internal processes before publishing the notice. One example might be a check box or other requirement in the *EQB Monitor* submittal service that requires the submitter to make certifications such as:

- The submitter is authorized by the RGU to submit this notice;
- That all internal appeals processes have been completed; and
- That the decision submitted for public is the final decision of the RGU.

### Question 2 – Substantive review of notices

During this process, petitioners asked EQB staff if EQB could refuse to publish the second notice in the *EQB Monitor*. The question of EQB review of notices has also come up in other situations, such as project notices described as being a “supplemental EAW,” which is not a category specified in rule. After consulting with legal counsel, staff determined that, generally, we cannot refuse publication of an environmental review-related notice sent to us by an RGU where action by the RGU, and publication of that action, is required by the rules.

#### *Applicable Minnesota statutes and rules*

The environmental review program is delegated to RGUs, and the language in the rules generally states that EQB staff “shall” publish a notice. For example, the rules state: “this copy shall serve as notification to the EQB staff to publish the notice of availability of the EAW in the *EQB Monitor*” (Minn. R. 4410.1500, Part A), along with the excerpt provided above. Language such as “shall” is generally construed as directive.

Furthermore, Minn. R. 4410.5200 provides a list of notices that are required to be published in the *EQB Monitor* and directs the RGUs to publish them. Nothing in the rules directs EQB to review the substance of notices, and Minn. R. 4410.0400, Subp. 2 states “RGU’s shall be responsible for verifying the accuracy of environmental documents and complying with environmental review processes in a timely manner.”

In general, substantive objections to the notice and decision of the RGU are reserved for those aggrieved by a decision of the RGU (typically parties in the process), and substantive review of an RGU’s decision is reserved for the court system, as stated in Minn. Stat. § 116D.04, subd. 10: “A person aggrieved by a final decision on the need for an environmental assessment worksheet, the need for an environmental impact statement, or the adequacy of an environmental impact statement is entitled to judicial review of the decision...A petition for a writ of certiorari...must be filed with the court of appeals and served on the responsible governmental unit not more than 30 days after the responsible governmental unit provides notice of the final decision in the EQB Monitor.”

### Question 3 - Timelines

The petitioners also asked about the requirements (for RGU decisions to occur within 15 days, with a potential for a 15-day extension.

#### *Applicable Minnesota statutes and rules*

Minn. Stat. § 116.04, subd. 2a(e) states, “A decision on the need for an environmental assessment worksheet must be made by the responsible governmental unit within 15 days after the petition is received by the responsible governmental unit. The board’s chair may extend the 15-day period by not more than 15 additional days upon request of the responsible governmental unit.” Minn. R. 4410.1100, subp. 7 adds that the chair “shall” provide the extension. There is no authority for EQB to grant further extensions. However, there are remedies available to parties aggrieved by the delay.

The staff find that the EQB is limited by the rules to extend timelines for no more than 15 days, resulting in a total 30-day period. However, according to Minn. Stat. § 116D.04, subd. 11, the remedy for failure of an RGU to act within the given timeline is for a person to seek an order from a district court compelling the RGU to act or, according to Minn. Stat. § 116D.04, subd. 14, for EQB to request that the attorney general seek an order compelling action by the RGU. Staff has been advised by counsel that failure to meet the deadlines set forth in Chapter 116D does not deprive the RGU of its jurisdiction to make the substantive determinations related to the environmental review (such as the need for an EAW or EIS).

### Question 4 – Staff and board review

The petitioners, in their written comments, raised several questions concerning the ability of the EQB staff and board members to review what was happening in this situation and, in some way, prevent it. (See written comments attached to the minutes of the May Board meeting.) A key question asked was “Who oversees and enforces the statutes and rules of the EQB?” No oversight mechanism for EQB to review the actions of an RGU and determine its compliance with the process is spelled out in statute and rule, and it is not clear that the Board could play such a quasi-judicial role. Staff directed petitioners to the portions of statute and rule concerning judicial appeals.

### Consideration for programmatic improvements

The situation with this project, and the concerns raised by the petitioners, are most instructive as they illustrate some potential avenues for programmatic improvement. The petitioners were asking questions about EQB’s ability to review the actions of the RGU and to compel them to act in accordance with the rules. Many of the concerns align with input received during the continuous improvement process.

As shown in the continuous improvement item, some of the highest ranked options included:

*Strengthen EQB capacity for oversight and assistance in implementation of environmental review.*

*It would be very useful if the EQB could serve as a go between when permits are issued during a prohibition or other process issues arise. EQB could issue advisory opinions that petitioners could use. EQB could provide some sort of redress to petitioners short of bringing a lawsuit. Evaluate what possible role could EQB play to provide independent advisory (only) review for ER challenges, agency actions and/or decisions? The goal being to reduce unnecessary legal challenges, costs, wasted time, resources and divisiveness.*

Lower ranking options also suggested during the project include:

*The EQB should automatically review all environmental documents--EAWs, EISs, responses to comments--for completeness. Incomplete documents should be returned to RGUs with the missing items identified and the understanding that the review process will not proceed until the missing information is supplied.*

*Create an appeal process that does not involve going to District Court. An administrative appeal process should be established to hear appeals of RGU decisions.*

Each of these ideas could be implemented in various ways, with options ranging along a continuum from proposing statute or rule revisions that would provide direct oversight or clearer enforcement to internal staffing and process changes to improve assistance. The discussion below provides preliminary thoughts, which would need to be further reviewed for the level of resources needed, legal authority, and similar considerations.

Minn. R. 4410.0400, Subp. 1, defines one of EQB's general responsibilities as to "assist governmental units and interested persons in understanding and implementing the rules." One option would be to ask for increased funding to support additional staff, strengthening our internal capacity to provide oversight and assistance in implementation. With additional funding and staff, EQB could develop and provide more guidance and training on environmental review for RGUs and those who might file petitions. Staff could also provide more substantive review of environmental documents and notices with resulting advice and suggestions to the RGU on those items. Given that the program places the responsibility of compliance on the RGUs, requiring RGUs to follow guidance or make corrections in response to EQB staff review would likely require rule or statute changes.

EQB could also further expand the idea of an "environmental review ombuds" or similar position that would have a defined role of providing a mediator or independent advisory review role when questions arise about whether the environmental review process was followed appropriately. This would not be a formal appeal process, but a mechanism of attempting to find reasonable solutions between two parties. Establishing such a role appears to be something EQB could do under its own authority; requiring its use would require changes to rule.

Similarly, creating an administrative appeal process or providing some sort of redress to the public, petitioners, or others – short of bringing a lawsuit – would almost certainly require rulemaking and might require statutory changes. The Board does have some enforcement related authorities; these could be further explored to determine if a more structured process or plan for using such authorities would improve program effectiveness.

#### ***Applicable Minnesota statutes and rules***

Minn. Stat. 116C.04 allows the Board to enter into stipulation agreements to enforce its statutes and rules. Minn. Stat. 116C.06 allows the Board to hold "public hearings on matters that it determines to be of major environmental impact." Minn. Stat. 116D.04, Subd 13, states that "This section may be enforced by injunction, action to compel performance, or other appropriate action in the district court of the county where the violation takes place. Upon the request of the board or the chair of the board, the attorney general may bring an action under this subdivision."

## Next steps

As shown and discussed in the continuous improvement board item, staff have been reviewing and ranking potential environmental review program improvements. As described above, at least two highly ranked improvements have the potential to mitigate some of the process concerns raised by the petitioners in Duluth. The staff expect to bring some suggested program improvements to ERIS and then to the full Board as part of a fiscal year 2024 workplan.

At this time, staff request direction as to whether the Board would prioritize certain programmatic improvements in order to address some of the concerns raised by the petitioners.



## Memo

**Date:** June 9, 2023

**To:** Members of the Environmental Quality Board

**From:** Catherine Neuschler, Executive Director and Kayla Walsh, ER Program Administrator

### RE: Environmental Congress Planning

Since last year, there has been ongoing discussion about hosting an Environmental Congress in 2023. Per Minnesota Statute 116C.04, subd. 7,

*At its discretion, the board shall convene an annual Environmental Quality Board congress including, but not limited to, representatives of state, federal and regional agencies, citizen organizations, associations, industries, colleges and universities, and private enterprises who are active in or have a major impact on environmental quality. The purpose of the congress shall be to receive reports and exchange information on progress and activities related to environmental improvement.*

Environmental Congress events have been held sporadically since the 1980s. The most recent was held in 2019, with the theme “the climate for action is changing”. The stated goals were “to learn about innovative climate work happening across the state and explore ways to apply solutions in your community.”

### Goals and Expected Outcomes

As described in the statute, the purpose of the congress is an exchange of information on progress and activities related to environmental improvement. We believe the congress should also provide a strong showing of an “all of Minnesota” (holistic, connected, integrated) effort on environmental issues, beginning with climate and expanding to consider other topics that need this kind of approach.

Following up on the 2019 climate work, attendees should come away from the event with an understanding of the progress being made and activities being undertaken to respond to climate change, especially through Minnesota’s climate action framework and new state and federal laws. They know who is leading which actions, where to plug in, and what they can do.

Expanding from climate work, a goal is for attendees to hear about and discuss key topics in environmental protection that need an “all of Minnesota” effort with new and innovative actions.

Key outcomes include:

- Report the progress Minnesota is making in climate action
- Demonstrate an “all of Minnesota” approach to climate – show that the pieces are embedded in the work of all agencies
- Engage Minnesotans on the work of EQB and future strategies for environmental quality, especially around identified topic areas that need new approaches
- Advance networking, planning, and action

The Congress should also allow for:

- Learning about the role of EQB and considering the role EQB could play on key environmental issues

- Effective engagement around environmental issues through conversations that demonstrate a One Minnesota effort toward tackling environmental issues
- Improved understanding of state agency actions and how others can connect and partner with environmental programs
- Gaining input on what other actions or issues EQB and member agencies can take to protect their environment

## Theme and Plan

The preliminary plan is to develop a half-day event that is primarily in person, with one Metro location and three regional locations around Minnesota. We envision this event would likely happen in mid-November.

While some speakers/presentations might be pre-recorded or live streamed from a central location, a key goal will to be encourage conversation at the in-person locations.

There would be essentially three blocks or themes of programming. These include:

- Welcome
  - A welcome address
  - Introduction to/reminder of the role of the EQB
- Climate – Past requests were to continue a climate focus; this follows up on the 2019 “the climate for action is changing” with clear identification of actions that are occurring
  - A report out on the work of the Climate Action Framework
  - Updates on upcoming state work (climate pollution reduction grant to access federal funding)
  - Discussion on climate (input on upcoming state work, discussion on climate justice)
- Look Back and Look Forward – Many key environmental laws have reached their 50<sup>th</sup> birthdays; this looks at what they have done well and what gaps and opportunities exist for the future
  - Review key state (Minnesota Environmental Policy Act, public water law) and federal laws (Clean Air Act, Clean Water Act, Safe Drinking Water Act, National Environmental Policy Act)
    - Identify what problems they have addressed well
    - Call out that environmental issues have evolved - identify the different environmental challenges we face and the different considerations needed
    - Demonstrate that different approaches will be needed moving forward
  - Speaker or panel on a topic that needs a new approach, followed by facilitated discussion
    - One topic would be chosen for each location – the topic could be focused on a regional environmental issue or on better tools and approaches for reaching environmental outcomes

## Next Steps

- ☐ Agree on general approach
- ☐ Identify regional locations, and board members who could host at each one
- ☐ Evaluate the need for a steering committee or state agency support on each agenda block
- ☐ Identify potential topics for breakout discussions, as well as preferred locations
- ☐ Identify speakers for each topic
- ☐ Identify funding needs and sources