



# Environmental Quality Board

*Agency Update 2017*  
*MSBA*

Will Seuffert, Executive Director

Environmental Quality Board

November 9, 2017



# Environmental Quality Board

- Founded in 1972
- 9 agency heads and 8 citizen members
- 4 year terms; appointed by Governor, confirmed by Senate
- Board Chair, MDA Commissioner Frederickson
- *Minnesota Statutes*: Chapters 103A, 103B, 116C, 116D and 116G
- Administrative Relationship with MPCA

# Purpose



→ *Effective and Efficient*

Our mission is to lead Minnesota environmental policy by responding to key issues, providing appropriate review and coordination, serving as a public forum, and developing long-range strategies to enhance Minnesota's environmental quality.

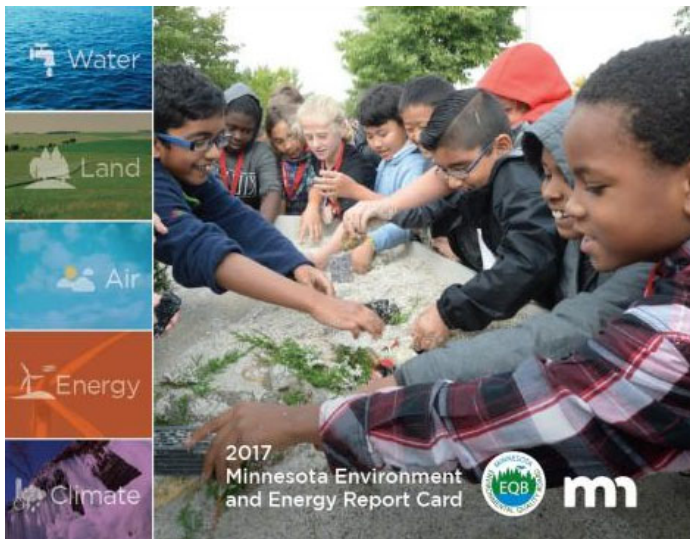
## Our Role

**Strategic  
interaction of  
multiple state  
agencies**

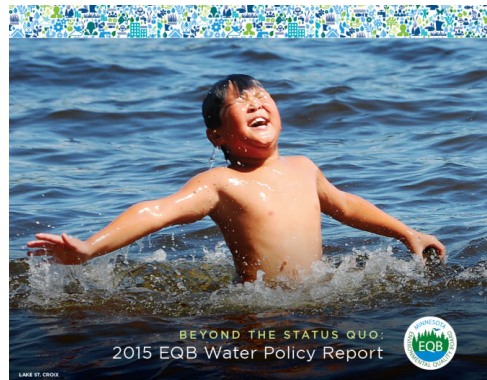
**Stewards  
environmental  
review  
processes that  
cross domains  
and jurisdictions**

**Provides forums  
for the public to  
engage in policy  
making  
processes**

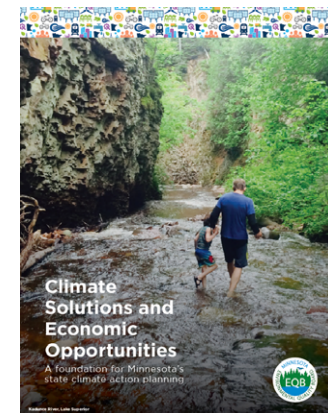
# Strategic Interaction Among Agencies



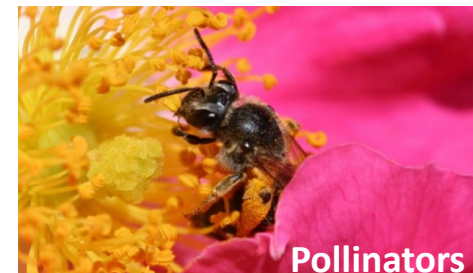
**2017 Environment and Energy Report Card**



**Water Policy Report**



**Climate Solutions and Economic Opportunities**

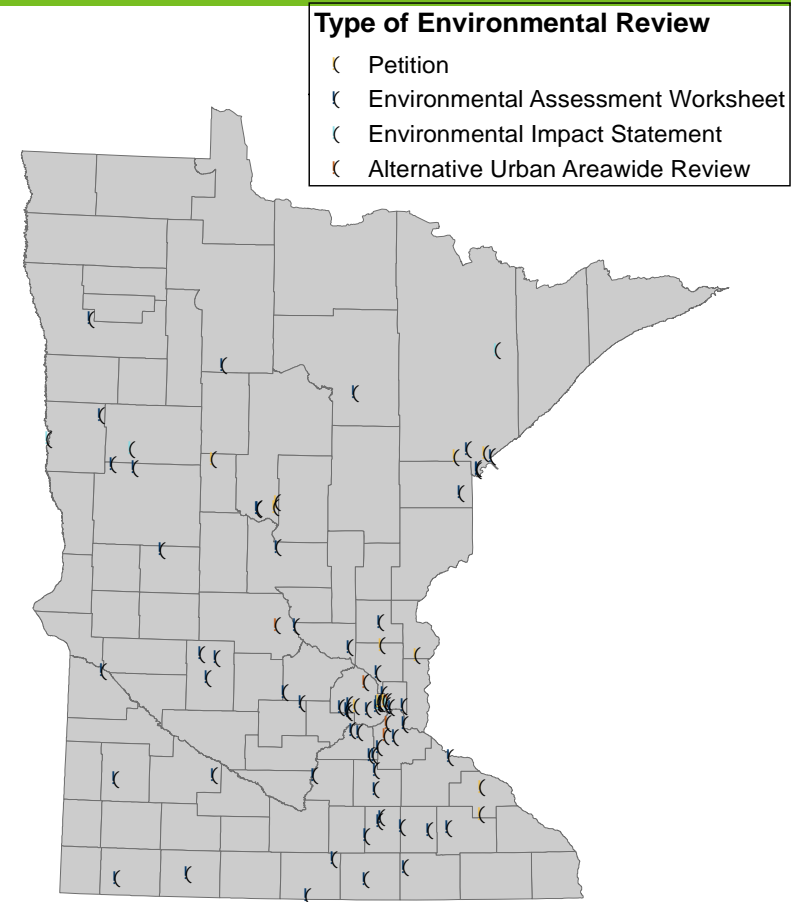


# Environmental Review Oversight

- 1) Assist governmental units, citizens, and project proposers
- 2) Monitor effectiveness and efficiency, and make improvements

## 2016 Environmental Review Projects

- 60% of environmental reviews completed by local units of government
- 65% of environmental reviews completed outside the 7-county metro area



# Public Engagement



Minnesota's Water Quality Improvement Goal



Environmental Review Advisory Panel



Minnesota Environmental Congress

OUR VOICE. OUR FUTURE. FEBRUARY 3, 2017

2017 Environmental Congress



Pollinators Committee

# 2017 Legislative Session

- Membership Changes:

- 8 citizens instead of 5, 1 from each Congressional District
- At least 4 must have “knowledge of or be conversant in Environmental Review or Permitting”
- No lobbyists or legislators
- **What are the impacts of these changes?** Balance—citizens vs. agency heads, geography, business emphasis

- Jurisdiction:

- Deletions to topical areas of study
- Deletion of sections pertaining to legislation review and Regional Development Cooperation
- **What are the impacts of these changes?** Narrowed focus



# 2017 Legislative Session

- 116D.04, subd. 2a (new “i”). Permit review during environmental review.
  - New requirement: Agencies must begin reviewing any permit application identified in the draft EAW scoping document upon publication of the EIS preparation notice.
- 116D.04, subd. 5b. Mandatory category report.
  - New date: December 1, 2018 and every three years thereafter, rather than five years
  - New requirement: “recommendations” for whether categories should be changed based on the “intended outcome” and relationship to permitting.
- 116D.04, subd. 10. Judicial review.
  - New time-clock: Aggrieved parties have 30 days from publication date of the EQB Monitor to file an appeal.
- 116D.045, subd. 1. EIS assessments.
  - New rulemaking: Board must adopt rules for RGUs to allow project proposers to prepare draft EISs.
- Laws 2013, chapter 114, article 4, section 105
  - New requirement: “shall” to “may” regarding EQB obligation to write silica sand rules.

# Environmental Review

- 2016 Data and Trends
- Survey Responses
- What's the Problem?
  - Timeliness and costs
  - Health Impacts and Environmental Review (Pending petition: HIA/HRA for nonferrous mining)
  - Climate Change: Category or Potential Impact to Analyze?
  - Environmental Justice: Does the current model enable broad participation?
  - Alternatives
- Program Updates
  - Rules, ER Advisory Panel



# Minnesota Environmental Quality Board



- [25% by 2025](#)
- [Environment & Energy Report Card](#)
- [Initiatives](#)
- [Environmental Review](#)
- [Silica Sand](#)
- [About](#)

## Environmental Review Program

The Environmental Quality Board (EQB) oversees the environmental review program for the state of Minnesota. The EQB's environmental review duties are directed by [Minnesota Statutes 116D.04](#). Environmental review is conducted by a Responsible Governmental Unit (RGU) such as a county, city or state agency. The requirements for environmental review are based on the nature, size, and location of the proposed project, and are described in [Minnesota Rules 4410](#).

Please contact EQB Staff with any questions related to the environmental review program at 651-757-2873 or [Env.Review@state.mn.us](mailto:Env.Review@state.mn.us).

### In this section:

[EQB Monitor](#)

[Guidance for Practitioners and Proposers](#)

[Guidance for Citizens](#)

[Environmental Review Advisory Panel](#)

Related Links
<a href="#">EQB Monitor</a>
<a href="#">Guidance for Practitioners and Proposers</a>
<a href="#">Guidance for Citizens</a>
<a href="#">Information Request (via MPCA)</a>

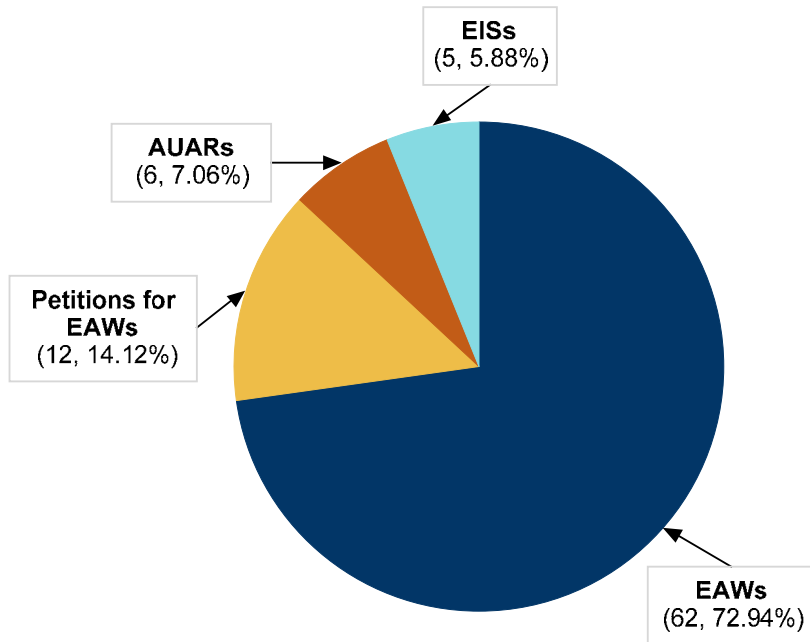
### Sign up for email notices

Sign up for our [email notices](#) at [GovDelivery!](#)

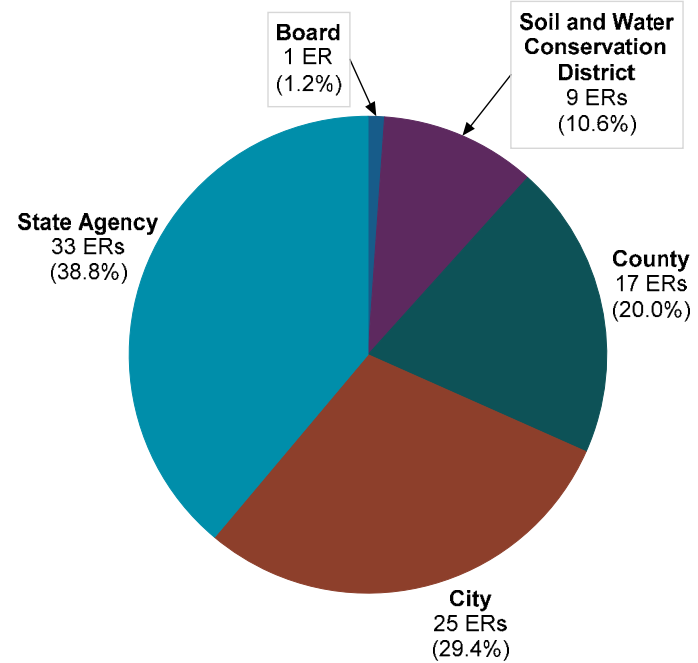
Quick Links
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# ERs Completed in 2016

## Types of ER Completed, 2016

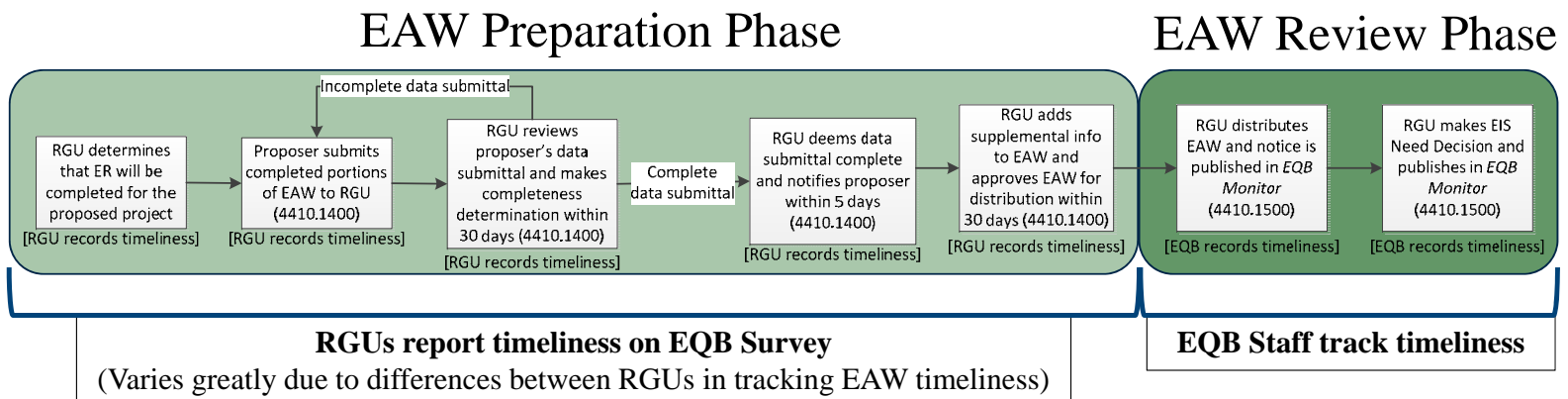


## RGUs that Completed ERs, 2016



# Limited Tracking of the ER Process

- Tracking of the ER process varied widely
  - Most respondents (72%) did not track costs
  - Most respondents (61%) did not track staff time
- Reporting on ER timeliness varied widely



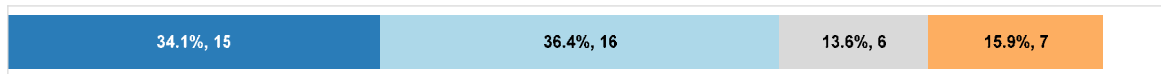
# 2016 Survey Results: The ER process

## Level of Agreement

■ Strongly Agree   
 ■ Somewhat Agree   
 ■ Neutral   
 ■ Somewhat Disagree   
 ■ Strongly Disagree

The ER Process as a whole provided usable information to [see category below] regarding the proposed project's potential environmental effects. (n=44)

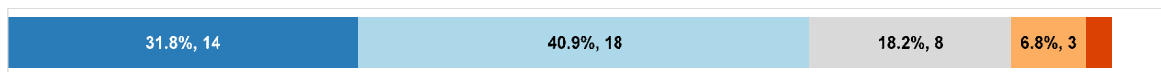
### Governmental Units



### Project Proposers



### Citizens



## Level of Agreement

■ Very Likely   
 ■ Somewhat Likely   
 ■ Neutral   
 ■ Somewhat Unlikely   
 ■ Very Unlikely

How likely is it that the mitigation measures identified exclusively through the ER process will be included in required governmental approvals? (n=29)



# Environmental Review Advisory Panel

## Convened

- February, 2017

## Purpose

- Modernizing the Environmental Review Program

## Outcomes

- Report with actionable recommendations to the Environmental Quality Board

### Panel Members:

- David Zoll, Lockridge Grindal Nauen P.L.L.P.
- Willis Mattison, Citizen
- Peder Larson, Larkin Hoffman Attorneys
- Kathryn Hoffman, Minnesota Center for Environmental Advocacy
- Jason Agenes, Cliffs Natural Resources
- Carissa Slotterback, University of Minnesota
- James Atkinson, ALLETE, Inc.
- Halston Sleets, City of Minneapolis
- Lucas Sjostrom, Minnesota Milk Producers
- Michele Ross, Sambatek
- Andi Moffatt, WSB & Associates, Inc.
- Timothy Nelson, Cook County
- Randall Doneen, DNR
- Louise Miltich, COMM
- Josh Fitzpatrick, Federal Aviation Administration

# PANEL-SELECTED FOCUS AREAS

- April/May
  - Climate Impacts
- June
  - Mandatory Categories
- July
  - Streamlining the Process
- August
  - Human Health
- September
  - Public Engagement
- November
  - Flexibility and Alternatives
- December
  - Education and Outreach



# CLIMATE IMPACTS

## PROBLEM STATEMENT

A consistent GHG calculation methodology and/or broader climate impact analyses have not been established for the environmental review process.

## PANEL RECOMENDATION

- A panel of experts should be convened to evaluate if the current GHG threshold in the Air Pollution Mandatory Category, should be:
  - ✓ Eliminated
  - ✓ Raised
  - ✓ Lowered
- The threshold should be evaluated to determine appropriate connections to federal air permitting requirements
- There should be a consistent GHG calculation method and guidance for RGUs and project proposers
  - The guidance should include recommendations for how GHG emissions should be addressed in both the EAW and EIS processes

# MANDATORY CATEGORIES

## PROBLEM STATEMENT

Existing mandatory categories need to be reviewed and potentially updated.

## PANEL RECOMENDATION

- The Panel selected 11 mandatory categories they felt should be prioritized for updates.
- Of the 11, the Panel selected 4 mandatory categories to provide specific language improvements
- The panel recommended that the technical team consider ways to make applicability thresholds easier to determine.

# STREAMLINING THE PROCESS

## PROBLEM STATEMENT

Change is needed for when the intersection of federal, state and local permitting creates redundancies that needlessly slow the process.

## PANEL RECOMENDATION

- When local comprehensive plans, TMDLs, etc. are accepted or approved by the state; applicable project-related information included in those plans could be included to partially satisfy the environmental review requirements.
- Consider flexibility within the current review process and new alternative review processes to help reduce redundancy.
- Bring all stakeholders together earlier in the process to better coordinate the process.

## PROBLEM STATEMENT

The environmental review process does not include a consistent approach for how to incorporate human health considerations into the environmental review process.

## PANEL RECOMENDATION

Develop guidance to incorporate human health impacts

- How to complete the EAW Form with greater human health impacts considered in each question
- How to use EAWs as a screening tool for completing an HIA
- How to scope health impacts into an EIS

# PUBLIC ENGAGEMENT: PROBLEM STATEMENT

## PROBLEM STATEMENT

EQB needs to understand what enables meaningful engagement and how to adapt the environmental review process.

## PANEL RECOMENDATION

To be determined in December.

# NEXT STEPS



# Rulemaking

- Mandatory Categories Rulemaking (RD-4157)

**Scope:** Gain efficiencies in the mandatory categories through aligning rules and statutes; making technical updates and corrections.

- Combined of three legislative initiatives:
  - Mandatory Categories Report
  - Silica Sand Projects (RD-4305)
  - Recreational Trails (RD-4381)
- Preliminary Draft EIS Rulemaking – 2017 Legislative Directive
  - Allow proposers to prepare a preliminary draft EIS (RD-4502)



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**Minnesota Environmental  
Quality Board**

