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August 3, 2006

Mr. Norman Craig, President
Minnesota Association of County Planning & Zoning Administrators
Fillmore County Zoning Office
P.O. Box 655
Preston, MN 55965-0655

Dear Mr. Craig:

I am writing in reply to your letter of July 27, 2006. In that letter you request that I delay publication of the Request for Comments for EQB's Phase 2 environmental review rulemaking in order to consider adding an alternative proposal from AMC and MACPZA for new shoreland mandatory categories at the August Board meeting.

After giving the request consideration, I have decided, for the following reasons, not to delay publication of the Request for Comments and not to place the counties' request on the agenda of the EQB for August.

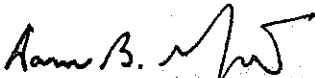
Suspending the process at this time to add new elements, even elements suggested by a group as critical to the successful implementation of the intended new rules as the county planning and zoning administrators, would be a distortion of the rulemaking process and could set an undesirable precedent for this and future rulemakings. My decision to proceed as indicated does not reflect in any way on the merits of the concerns the county officials are expressing. It is based entirely on procedural considerations. I simply believe that it would be inappropriate and set a bad precedent to allow any group to add an alternative proposal prior to the Request for Comments period.

The proposal regarding shoreland categories the EQB intends to include in the Request for Comments has been developed through a deliberate process. After the Phase 1 Request for Comments period, the EQB asked DNR staff to lead development of a proposal for new shoreland categories. The DNR organized an advisory group based on persons who had volunteered through the Request for Comments process. Several county representatives served on that committee. The proposal that the DNR put before the Board was based directly on the output of that advisory process. The EQB voted to authorize issuance of a Request for Comments incorporating the DNR's proposal for the shoreland categories at its June meeting.

As I am sure you are aware, the Minnesota rulemaking process provides ample opportunities for public input. The EQB is presuming that Phase 2 rulemaking will include the full public hearing procedure before an Administrative Law Judge. In addition, the fact that only the Board can propose and adopt rules means that all key decisions in the rulemaking process must be made at Board meetings, providing extra opportunities for interested parties to participate and provide input. In particular, the Board will review all comments received during the Request for Comments period and it will be the Board that chooses and approves the proposed wording for whatever new shoreland category ideas ultimately go to hearing. Based on our experience with Phase 1 rulemaking, I anticipate that the Board will discuss the content of the proposed rules over a period of several months before settling on the language that will actually proceed to hearing.

I invite the county associations to take full advantage of the participation opportunities that will be provided. I think I can speak for the full Board in saying that we want to work with you and give careful consideration to your concerns and ideas.

Sincerely,



Dana B. Badgerow
Chair

cc: Annalee Garletz, Association of Minnesota Counties
Michael Sullivan, EQB Executive Director