

Next Steps for the EQB

The Environmental Quality Board provides Minnesotans with a public forum for raising and discussing state environmental policies and decisions. At the same time, it gives the Executive Branch of state government a place to discuss environmental issues that cut across department boundaries or that do not clearly fall within the mission of an existing agency. This paper suggests ways the board might focus its attention in addressing the wide array of authorities the Legislature has assigned it.

Authorities

The board is charged with investigating environmental problems of interdepartmental concern; coordinating the development of state environmental policies, strategies and plans; establishing a statewide process for reviewing proposed projects that would significantly influence Minnesota's environment; and ensuring state agency compliance with state environmental policy. The board is also charged with engaging the public in understanding how well it and other state agencies are doing in working for environmental improvement. In addition, the board is assigned a specific set of duties for routinely assessing water needs and trends, developing the state water plan and biennial policy reports in response and, in general, coordinating water planning and management activities in the state.

Key EQB Duties

Minnesota Statutes, Chapters 103A, 103B, 116C, 116D and 116G, directs EQB to:

- Ensure compliance with state environmental policy
- Oversee the environmental review process
- Coordinate agencies and programs that affect the environment
- Study environmental issues
- Coordinate biennial assessments of water resources
- Develop biennial water priorities and policy reports
- Develop the state water plan
- Administer critical areas designation and management
- Coordinate development of an integrated state energy and environmental strategy report
- Convene environmental congresses
- Advise the Governor and the Legislature

An assessment of the need and workability of all board authorities is attached to this paper.

History

The Environmental Quality Board was first established by an executive order of Governor Wendell Anderson in 1972 and then by an act of the Legislature in 1973. The interest in creating EQB grew out of a conviction that Minnesota needed a mechanism to coordinate its

environmental efforts. The perception then was that environmental problem solving in Minnesota was highly fragmented and the issues surrounding preservation and protection of Minnesota's resources complex.

The Legislature established the Environmental Quality Council in 1973 with the adoption of Minnesota Statutes, Chapter 116C and the companion Chapter 116D, the environmental policy act. In its findings, the Legislature argued that "problems related to the environment often encompass the responsibilities of several state agencies and that solutions to these problems require the interaction of these agencies." [*Minnesota Statutes*, Section 116C.01]

The Legislature gave the EQC authority to investigate problems of interdepartmental concern and included the following in its nonexclusive listing of problems that the EQB might address:

- Future population and settlement patterns
- Air and water resources and quality
- Solid waste management
- Transportation and utility corridors
- Economically productive open space
- Energy policy and need
- Growth and development
- Land use planning

[*Minnesota Statutes*, Section 116C.04]

It also authorized the board to review state programs that significantly affect the environment and coordinate those it finds to be interdepartmental in nature. It directed agencies to submit to the board all proposed legislative initiatives of major significance to the environment and the board to report to the Governor and Legislature with its comments on them. And, it gave the board the responsibility for calling environmental congresses to understand progress in, and exchange information on, activities affecting environmental improvement. In addition, the Legislature charged the board with administering three specific, inherently interdepartmental, programs: environmental review, critical areas management and electric power facilities siting.¹

In sum, the 1973 Legislature established the Environmental Quality Board as the forum for addressing interdepartmental programs, coordinating state agencies and engaging citizens in order to ensure compliance with state environmental policy.

Current Focus

Today, the board addresses two key jobs within its broader set of mandates: administering the state environmental review program and coordinating water policy development.

The board advises citizens and responsible governmental units on how to navigate within the environmental review law and rule. It receives and approves petitions and forwards them to the responsible governmental units it identifies. It develops the rule under which environmental review is carried out and the various guidelines upon which people depend for interpreting the law and rule. In essence, the board provides the institutional glue that holds this program together and lets it function. This is significant since environmental review is the program citizens look to when they need to understand or may want to influence decisions affecting the environment.

¹ The authority for siting energy facilities was transferred by the Legislature to the Public Utilities Commission in 2005.

In 2004, the board embarked on a concerted effort to reform the environmental review program in order to streamline its operation while maintaining the environmental protections it provides. The effort included a number of housekeeping and technical amendments, along with mandatory threshold revisions for the mandatory EAW categories of air pollution, wastewater systems and historical places, which will become effective in 2006.

In the water arena, the board works closely with the Governor's Clean Water Cabinet to address its duties. The board completed an assessment of water priorities for the 2005-2007 biennium in cooperation with the cabinet. It also advised the cabinet on a range of issues and helped staff the forum. In 2004 and 2005, these tasks included assisting with budget as well as policy priorities, and developing a wetland policy white paper, a cabinet web site and the cabinet newsletter, *On the Waterfront*.

In early 2005, the board began work with the Department of Natural Resources and other partners on a project called *Water Sustainability 2030*. The project addresses a requirement of *Minnesota Statutes*, Section 103A.43 to assess whether Minnesota has sufficient water to meet long range needs. It will estimate water demand at the county level to the year 2030 and compare the numbers with the amounts considered available on a sustainable basis. The study will help decision-makers consider where and how the state may need to give more attention to water supply planning and research.

Finally, the board initiated a review of trends in ground water quality in conjunction with the Pollution Control Agency, Department of Agriculture, the Department of Health and others as directed by *Minnesota Statutes*, Section 103A.43. The Clean Water Legacy focuses on surface water quality protection, but most Minnesotans depend upon ground water for their drinking supplies.

Future Focus

Most of the above activities will need to continue through 2006 and in some cases into 2007, and others will come due. For example, the board's efforts to reform the Environmental Review program are continuing and its water sustainability and ground water trends projects will not be completed until December. In addition, the board is required by law to adopt water priorities for the 2007-2009 biennium this year. Still, there is some opportunity to add to the board's agenda and focus on other areas of interest, particularly if the board is able to tap the expertise of others in addressing these opportunities.

The board was set up to be the state's chief environmental coordinating forum because "problems related to the environment often encompass the responsibilities of several state agencies and solutions to these problems require the interaction of these agencies." But what distinguishes the board from other forums? Several characteristics come to mind. The board:

- Involves the key state commissioners with responsibility for the environment and development
- Provides the public direct access to commissioners and policy deliberations
- Blends the perspectives of commissioners and citizen members
- Is free of most program administration duties and not tied down to any particular agenda or issue
- Has an ability to tap the resources and expertise of other agencies

The board could play a key role in those policy areas where several agencies have clear interests, the interests would benefit from board leadership, and the issues warrant public engagement.

How should the board determine where to focus? Both current and past efforts offer possible answers. First, the board could have a systematic discussion of the opportunities at a retreat. In preparation for this, members would each identify one or two issues that they felt were: a) of strategic importance to the state, yet not currently being adequately addressed, and b) an issue in which they would be willing to invest time, staff or other resources. Board staff, in turn, would work to flesh out the details of possible projects, and lay out work plans, the agency participation that might be desired, and the outcomes expected.

Second, the board could establish either an ad hoc or a permanent strategic planning committee. The board used such a committee in the mid-nineties to plan conferences and coordinate its sustainable development initiative. Much like the Clean Water Cabinet does for water issues today, a strategic planning committee could bring a focus to discussions of the board's future directions.