

**PROPOSED
RESOLUTION OF THE ENVIRONMENTAL QUALITY BOARD**

**Recommendations for Environmental Governance and Coordination
as Mandated by Executive Order 11-32**

WHEREAS, Governor Dayton issued Executive Order 11-32 on November 16, 2011. Among other directives, the Executive Order requires that:

By November 15, 2012, the EQB will evaluate and make recommendations for improved environmental governance and coordination;

WHEREAS, to address this charge, a multidisciplinary team arrived at the following policy question to guide its work:

With regard to environmental issues, policies, and programs, how should the state ensure that state agencies operate in an efficient and coordinated manner consistent with the Governor's priorities?;

WHEREAS, the Minnesota Legislature adopted a provision mandating that this evaluation include a review of the Minnesota Pollution Control Agency Citizens' Board's procedural role in reviewing permits, EAWs, and EISs.

WHEREAS, the team distributed a draft report on September 19, 2012 analyzing various alternatives that considered the structure and functions of the Environmental Quality Board and the role of the MPCA Citizens' Board in reviewing and deciding on permits and environmental review;

WHEREAS, the EQB heard public testimony on the alternatives analysis for the role of the EQB and MPCA Citizens' Board on October 30, 2012;

WHEREAS, the public testimony and comments expressed support for a revitalized and refocused Environmental Quality Board as described in the September 19, 2012 report;

WHEREAS, the public testimony and comments expressed the value of the MPCA Citizens' Board role in reviewing and deciding on permits and environmental review documents; and

WHEREAS, the EQB concludes that:

1. The original drafters of EQB laws wisely pointed out that “problems related to the environment often encompass the responsibilities of several state agencies and that solutions to these environmental problems require the interaction of these agencies.” M.S. 116C.01.
2. The Governor and the Executive Branch need a mechanism for interdisciplinary analysis and decision-making to best serve the state of Minnesota. In today’s complex world, issues related to air and water quality, energy generation and usage, settlement, land use, climate change, and development all cut across state agency jurisdictions and require systems-based analysis. For state agencies to effectively implement the Governor’s priorities, they should plan proactively and strategically in cooperation with other agencies.
3. The EQB is a unique forum in state government where Minnesota’s citizens can directly address and bring their concerns on a broad spectrum of issues, related to the environment and natural resources, energy, health, infrastructure, and economic development directly to state agency commissioners. .
4. The forum for public input provided by the EQB makes for a better state by strengthening the public’s connection to government decisions, building trust in government and adding capacity to both citizens and cabinet members by exchanging knowledge and information.
5. Current staff support for EQB activities is inadequate to fulfill the EQB’s mission and critical responsibilities.
6. There are some specific changes to the MPCA Citizens’ Board process and the environmental review process to improve the current system that are worth evaluating further.

NOW THEREFORE BE IT RESOLVED, that the Minnesota Environmental Quality Board makes the following recommendations to the Governor regarding the Environmental Quality Board:

1. The EQB should continue to exist, but should be revitalized and refocused as described below.
2. The EQB should focus on three critical functions that can only be effectively performed by the interagency, cabinet level collaboration delivered by a revitalized, refocused Environmental Quality Board: (a) Strategic planning and interagency coordination on environmental issues; (b) Environmental review oversight and improvement; and (c) Public access to environmental review information.
 - a. Strategic planning and interagency coordination. This function is intended to have the following outcome:

Minnesota state government will have improved environmental governance and coordination with an Environmental Quality Board managing pressing environmental policy questions, analyzing their impact across agency jurisdictions, and creating action-oriented, results-based strategic plans with measurable objectives for guiding state agency work.

The EQB should perform this function by:

- i. Identifying pressing and emerging environmental problems of interdepartmental concern that transcend individual agency missions and jurisdictions;;
 - ii. Objectively analyzing identified problems using a systems-based approach that benefits from the extensive expertise of the many state agencies; and is based upon indicators that are regularly tracked; and
 - iii. Developing strategies to address identified problems, and preparing results-based implementation plans including actionable recommendations, consideration of the quality, consistency, efficiency, and fairness of environmental review and environmental permitting practices, measurable objectives and milestones, and evaluation mechanisms; and
 - iv. Meaningfully engaging the public throughout the planning process.
- b. Environmental review oversight and continuous improvement. This function is intended to have the following outcome:

Project proposers, local governments, environmental advocates, and citizens will be better served with an efficient and accountable environmental review program with the EQB management function continued and strengthened.

The EQB should perform this function by:

- i. Creating mechanisms to monitor issues related to the implementation of environmental review and continuing to periodically update the rules as necessary so that environmental review rules meet appropriate standards and are well tailored to best serve environmental protection and economic development goals; and
 - ii. Continuing to improve program support and guidance to project proposers to enhance the value of environmental review as a project planning tool, to governmental units conducting environmental review, and to the general public, so that members of the public will have a neutral source of information and guidance to navigate complex environmental review processes.
- c. Public portal for environmental review information. This function is intended to have the following outcome:

The public and all stakeholders will be able to participate in the environmental review process earlier and more easily with a new public information web-based portal. This will make government more transparent and accessible to citizens, reduce costly delays, and improve the quality of decision making.

The EQB should perform this function by implementing and maintaining a statewide environmental review data storage, retrieval, and access system (public portal) that will ensure the public and governmental agencies have ready electronic access to EAWs, EISs, and related plans and permit documents.

3. Adequately resource the EQB to perform the functions and achieve the outcomes described above; specifically:
 - a. Have a sufficient number of professional staff members devoted exclusively to support of EQB activities. The current staffing level is inadequate to perform the functions described above.
 - b. EQB member agencies need to continue to provide interdisciplinary expertise and staff resources to supplement EQB staff support.
 - c. In addition to professional staff, strong and consistent leadership, and administrative support is needed. We recommend a full-time executive director and clerical support.
 - d. The public portal for environmental review information will require new resources for development costs (one-time costs) and for ongoing information technology services.
 - e. Work plans for EQB activities need to include measurable indicators of performance.

4. As Minnesota changes, so should our governance. The EQB should be open to continually adapt to meet the challenges of the future in a way that reflects all of Minnesota. To that end, the EQB should continually examine its statutory authorities and statutory membership with an eye toward streamlining, consolidating, refocusing, or affirming its authorities and membership to align with the priorities described above.

BE IT FURTHER RESOLVED THAT, that the Minnesota Environmental Quality Board, in consultation with the MPCA, makes the following recommendations to the Governor regarding the Pollution Control Agency:

1. No major changes should be made to the role of the MPCA Commissioner and the MPCA Citizens' Board in bringing permits and environmental review documents to the Citizens' Board for decision;
2. The MPCA should evaluate and recommend specific changes to the MPCA Citizens' Board process and the environmental review process including 1) automatic triggers that bring projects before the Board for decision; 2) timeliness of submittal of materials to the Board for inclusion into the record; and 3) review of mandatory category thresholds and environmental review program improvements currently underway.