



520 Lafayette Road  
St. Paul, MN 55155-4194

## MINNESOTA ENVIRONMENTAL QUALITY BOARD

Phone: 651-757-2873  
Fax: 651-297-2343  
[www.eqb.state.mn.us](http://www.eqb.state.mn.us)

**Wednesday, September 19, 2012**

**Meeting Location: MPCA Board Room  
St. Paul, Minnesota  
1:00 p.m. – 4:00 p.m.**

### ANNOTATED AGENDA

#### **General**

This month's meeting will take place in the MPCA Board Room at 520 Lafayette Road in St. Paul. The meeting will begin at 1:00 p.m. Staff will be available for briefing and questions at 12:30 p.m.

#### **I. \*Adoption of Consent Agenda**

Proposed Agenda for September 19, 2012, Board Meeting  
August 15, 2012 Meeting Minutes

#### **II. Introductions**

#### **III. Chair's Report**

#### **IV. Executive Director's Report**

#### **V. Frac Sand Mining: Business Community Testimony**

**Presenters:** Bob Patton, EQB  
(651-201-6226)

#### **Materials enclosed:**

- Email from Arthur Hawkins, Jr. dated August 26, 2012.
- Email from Leslie Miller dated August 27, 2012.
- Resolution of City of Winona dated Sept 4, 2012
- Resolution of Goodhue County dated Sept. 4, 2012
- Letter from Coalition of Greater Minnesota Cities dated Sept. 6, 2012.
- E-mail from Jody McIlrath, Florence Township Planning Commissioner/Chair of Save-The-Bluffs Citizen's Group dated Sept. 10, 2012
- E-mail from Wabasha County dated Sept. 12, 2012

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*\* Items requiring discussion may be removed from the Consent Agenda*

**Issue before the Board:**

Representatives of the business community will provide testimony on silica sand mining and the question of whether a generic environmental impact statement (GEIS) will be ordered.

**Background:**

At its August meeting, the EQB heard testimony in support of ordering a GEIS. The Board also heard from invited local officials about local government experiences with and responses to frac sand mining operations and proposals, and heard about the Minnesota Mississippi River Parkway Commission and the Minnesota Great River Road. There was no testimony from the business community. Consequently, EQB staff sought additional testimony. Representatives of the Minnesota Chamber of Commerce, several local Chambers of Commerce, and the industrial sand industry are expected to address the Board.

EQB staff has continued to receive correspondence pertaining to the issue, which is included in the packet. Additionally, a phone call was received from Victoria Jaskierski from Wabasha, who expressed support for a GEIS.

**VI. MDH Report: *Incorporating Health and Climate Change into the Minnesota Environmental Assessment Worksheet***

**Presenters:** Michelle Ross, MDH  
(651-201-4927)

Kelly Muellman, MDH  
(651-201-5637)

**Materials enclosed:**

None: The report, *Incorporating Health and Climate Change into the Minnesota Environmental Assessment Worksheet*, will be provided at the meeting.

**Issue before the board:**

Minnesota Department of Health (MDH) staff Michele Ross and Kelly Muellman will provide an overview and respond to questions related to MDH's *Incorporating Health and Climate Change into the Minnesota Environmental Assessment Worksheet* report. The report summarizes MDH's project to determine whether climate change and health effects are considered in the EAW. The scope of the project included an examination of the best practices of federal and state environmental review processes regarding the inclusion of human health and climate change, a literature review on incorporating health impact assessments (HIAs) into the environmental review process, a review of legislation requiring HIAs, a desktop HIA on a mixed-use project that completed an EAW in Minnesota, and a review of Minnesota's EAW for present assessment of health and climate change impacts. The report provides simple recommendations for modifying the streamlined EAW and EAW Guidelines and for incorporating HIA into the environmental review process to address identified gaps and to enhance the promotion of public health and climate change adaptation and mitigation.

## **VII. Executive Order 11-32 Project Updates**

### **Presenters**

- Environmental Review Improvement  
Randall Doneen, Department of Natural Resources  
(651-259-5156)
- Improved Environmental Governance and Coordination  
Jeff Smyser, Environmental Quality Board  
(651-757-2279)
- Environment and Energy Report Card  
Bill Grant, Department of Commerce  
(651-296-9325)
- Environmental Congress  
Todd Biewen, Pollution Control Agency  
(651-757-2228)

### **Materials enclosed:**

- Environmental Quality Board: Evaluation and Recommendations for Improving Environmental Review (September 11, 2012 Draft)
- Proposed revision to Environmental Governance and Coordination Alternative 3 by Paula G. Maccabee, Just Change Law Offices, Aug. 12, 2012

### **Issue before the Board:**

The Board will hear progress reports from the interagency core team members, and will have the opportunity to ask questions and provide further direction. Regarding Environmental Review Improvement, staff will present the report which has been developed addressing the roles and functions of the environmental review process and includes recommendations for improvement. Staff is seeking approval to make the draft report available for public comment following the meeting.

### **Background:**

Considerable progress has been made by all the project teams and plans for finalization of each of the projects are underway.

- Environmental Review Improvement:  
The final Environmental Review Improvement report, including recommendations and analysis has been drafted and is available for review. The report includes a number of appendices, including the Minnesota Environmental Quality Board Report on Stakeholder Focus Groups for Environmental Review Improvement, as presented to the Board in July. Recommendations from the Stakeholder report, previous efforts, other states processes, and EQB member agencies have been reviewed and analyzed and

included in the final report. Following the board meeting, the report will be available for public review until October 19. Public comments on the report will be taken at the October 17 Environmental Quality Board meeting. Board discussion will also be scheduled, and direction from the Board will be incorporated into the final document.

- **Improved Environmental Governance and Coordination:**  
Executive Order 11-32 instructs the Environmental Quality Board to “evaluate and make recommendations for improved environmental governance and coordination”. The staff team developed five alternatives to answering the question and discussed them with the Board at the August 15 meeting. The document also addresses the legislative directive to analyze the role of the MPCA Citizens’ Board in reviewing permits and environmental reviews.

The current draft includes analyses of each of the alternatives. Work on other directives of the Executive Order contributed to the development and analyses of these alternatives. The EQB alternatives discuss the two major types of EQB duties: strategic planning and coordinating for state agencies; and the environmental review program.

This document was not distributed with the packet for the September 19 Board meeting. Rather, it will be distributed at the meeting. Staff will summarize the analyses. A notice will be published in the EQB Monitor stating that the document is available on the EQB website to allow interested parties to download it and comment. This also is the time for agency review and comments. Public testimony on the document will be taken at the additional meeting on October 30. Board discussion will also be scheduled, and direction from the Board will be incorporated into the document for final recommendations.

A public comment was received on the draft alternatives discussed at the August EQB meeting. The comment, a proposed revision to Alternative 3 by Paula G. Maccabee, Just Change Law Offices, is included in the packet.

- **Environment and Energy Report Card:**  
The draft Report Card has gone through two review sessions by advisory groups. Feedback received from the advisory groups is being used to further refine the draft Report Card document.
- **Environmental Congress:**  
Plans and a budget have been finalized for Citizen Forums (discussed at previous EQB meetings as “listening sessions”) in late November and early December 2012. It is expected that EQB Board Members will attend, and the staff arranging the Citizen Forums understand they have been notified of any specific conflicts board members have with the planned Citizen Forum dates. Staff will discuss the Citizen Forums and are looking for commissioner

assistance in recruiting agency staff resources to be utilized for Citizen Forums.

An Environmental Congress website is online, printed materials were developed and available at the EQB Agencies' exhibits at the Minnesota State Fair, and an Environmental Congress logo has been developed.

- Upcoming Critical Dates for the Executive Order
  - September 19: Environmental Review Improvement Report and Environmental Governance and Coordination Report are discussed at the EQB Meeting. The reports will be available to the public immediately following the meeting.
  - October 1: Notice of availability of the Environmental Review Improvement Report and the Environmental Governance and Coordination Report will be posted in the *EQB Monitor*.
  - October 17: Public comments will be received at the EQB Meeting regarding the Environmental Review Improvement Report.
  - October 19: Public comments regarding the Environmental Review Improvement Report should be submitted no later than 4:30 pm for consideration in the report finalization.
  - October 30: Public comments will be received at the EQB Meeting regarding the Environmental Governance and Coordination Report. Public comments regarding the Environmental Governance and Coordination Report should be submitted no later than 4:30 pm for consideration in the report finalization.
  - November 14: The finalized Environmental Review Improvement Report, the finalized Environmental Governance and Coordination Report, the finalized Environment and Energy Report Card, and finalized plans for the Environmental Congress Citizens' Forums and Congress Event will be presented to the Environmental Quality Board for approval.

## **VIII. Adjourn**