

RULE HEARING
Exhibits List
May 31, 2019

The following documents will be placed into the hearing record for the EQB's proposed revisions of Minnesota Rules, chapters 4410.0200, 4410.0500, 4410.4300, 4410.4400, 4410.5200, 4410.7904, 4410.7906, 4410.7926, and 4410.4600, Relating to Rules Governing Environmental Review.

(Revisor's #4157) (OAH Docket # 80-9008-35532)

I. DOCUMENTS REQUIRED TO BE PLACED IN THE HEARING RECORD MY MINN. RULES 1400.2220, SUBP. 1.

- A. Requests for Comments published in the State Register:
 - 1. July 22, 2013 – Request for Comments (38 SR 4)
 - 2. November 9, 2015 – Request for Comments (40 SR 19)
 - 3. October 24, 2016 – Request for Comments (41 SR 17)

- B. Petition for Rulemaking, if the rule was proposed in response to it (Not Applicable)

- C. The proposed rules, including Revisor's approval (9/5/2018)

- D. The Statement of Need and Reasonableness (SONAR), as published with the State Register on November 13, 2018.
 - 1. SONAR Exhibit – Mandatory Category Report (2013)
 - 2. SONAR Exhibit – 2017 Survey
 - 3. SONAR Exhibit – Recreational Trails Legal Review of Previous Efforts
 - a. SONAR Exhibit – Recreational Trails Judge's Order 1 (12/2/2015)
 - b. SONAR Exhibit – Recreational Trails Judge's Order 2, (2/16/2016)
 - 4. SONAR Exhibit – EQB Statutory Powers and Duties
 - 5. SONAR Exhibit – MMB Letter on Costs (9/4/2018)

- E. Certificate of Furnishing the Statement of Need and Reasonableness to the Legislative Reference Library.
 - 1. Legislative Reference Library – Email

- F. Notice of Hearing:
 - 1. Dual Notice as mailed and posted on the EQB webpage: November 13, 2018.
 - 2. Dual Notice as published in the November 13, 2018 *State Register*.
 - 3. Amended Dual Notice as mailed and posted on the EQB webpage: December 31, 2018.
 - 4. Amended Dual Notice as published in the December 31, 2018 *State Register*.
 - 5. Notice of Hearing as mailed and posted on the EQB webpage: February 25, 2019.
 - 6. Notice of Hearing as published in the February 25, 2019 *State Register*.
 - 7. Notice of Hearing as mailed and posted on EQB webpage: May 17, 2019.
 - 8. Notice of Hearing as published in the May 20, 2019 *State Register*.

- G. Certificate(s) of Mailing the Dual Notice (Of Intent to Adopt Rules Without a Public Hearing Unless 25 or More Persons Request a Hearing and Notice of Hearing if 25 or More Requests for Hearing are Received) to the Rulemaking Mailing List and Accuracy of the Rulemaking Mailing List.
1. Certificate of Mailing Dual Notice #1 – November 20, 2018
 2. Certificate of Mailing Dual Notice #2 – December 31, 2018
 3. Certificate of Mailing Notice of Hearing – February, 2019
 4. Certificate of Mailing Notice of Hearing and Additional Comment Period May 20, 2019
 5. Mailing lists, emails, webpages, supporting documentation.
 6. Webpage update as of May 20, 2019.
- H. Certificate of Giving Additional Notice Pursuant to the Additional Notice Plan.
1. Certificate of Mailing Dual notice #1 – November 2018
 2. Certificate of Mailing Dual Notice #2 – December 2018
 3. Certificate of Mailing Notice of Hearing – February 2018
 4. Certificate of Mailing Notice of Hearing and Additional Comment Period May 20, 2019
 5. Mailing lists, emails, webpages, supporting documentation
- I. Written comments received by the EQB during the public notice comment period (Nov 13, 2018-Feb 4, 2019):
- | | |
|---|--|
| 1. Mark Sehr – Rock County Public Works Nick | 22. Joe Triplett – Chisago County Public Works |
| 2. Cal Anderson | 23. Karin Grandia – Itasca County Engineer |
| 3. Elizabeth Dickinson | 24. Alice West |
| 4. Mary LeBlanc | 25. David Ratner |
| 5. Stephen Schnieder – Nobles County | 26. Brian Ketring – Roseau County Highway Department |
| 6. Willis Mattison | 27. Sarah Hampton |
| 7. La Shella Sims | 28. Andrew Witter – Sherburne County Public Works |
| 8. Scott Strand – Environmental Law & Policy Center | 29. Dan Sauve, Daniel Hecht, Daniel Stenseng – Clearwater County |
| 9. Barbara Draper | 30. Richard Heilman – Isanti County |
| 10. Dale K. Lueck – Minnesota House of Representatives (District 10B) | 31. Nick Klisch – Cottonwood County Public Works |
| 11. Ron Potter – All-Terrain Vehicle Association of Minnesota | 32. Timothy Becker – Sibley County Public Works |
| 12. Bill Adamski | 33. Brian Giese – Pope County |
| 13. Greta Larson | 34. Jodi Teich – Stearns County |
| 14. John Kearney | 35. Andi Moffatt – WSB |
| 15. George Crocker and Lea Foushee – North American Water Office | 36. Michelle Shaw |
| 16. Mark Ray – City of Crystal, Public Works | 37. Ulla Nilsen |
| 17. Timothy DenHerder-Thomas | 38. Kriss Wells |
| 18. Tim Springer | 39. Brian PaStarr |
| 19. Terry W. Hokenson | 40. Lyndon C. Robjent – Carver County |
| 20. Claudia Foussard | 41. Hendrik Svien |
| 21. Travis Fristed | 42. Laurel Bangs |

43. Genna Mastellone
44. Margaret O'Connor
45. Scott Russell
46. Martha Delaney Russell
47. Nova Bradford
48. Steven Smith
49. Bonnie Beckel
50. Fred Arnold – Houston County
Board of County Commissioners
51. Lon Aune – Marshall County
52. Kelly Bengtson – Kittson County
53. Samuel A. Muntean – Lac qui Parle
County
54. Jonathan Large – Mahnommen
County
55. Denny Wagner
56. Jacqueline Rodkewich
57. Maurice Spangler
58. Elaine J. Moore
59. Ron Wetzell
60. Stephen Borden
61. Robert G. Merritt
62. Douglas W. Fischer – Anoka
County Transportation Division
63. Melvin Odens – Kandiyohi County
Public Works
64. Michael Menzel
65. Kathryn J. Iverson
66. Sarah Harper
67. Lois Norrgard
68. John Haluska
69. Michelle Thelen
70. Margaret Breen
71. Cynthea Gillespie
72. Dan La Vigne
73. Kaia Svien
74. Anna Kleven
75. Sophie Breen
76. Luke Breen
77. Justin Femrite – City of Elk River,
Public Works
78. Mary Breen
79. Richard Smith – Friends of the
Headwaters
80. Maria Klein
81. Eleanor Dvorak
82. John Anderson, Caleb Peterson –
City of Cloquet
83. John Brunkhorst – McLeod County
Public Works
84. Keith Carlson – Minnesota Inter-
County Association
85. Terry Neff, Steve Hughes – Aitkin
County
86. Paul Stolen
87. Richard Sanders – Polk County
88. Bruce D. Cochran – Mille Lacs
County
89. Rita Chamblin
90. Steven G. Bot – City of St. Michael
91. John Munter
92. Lowell J. Schellack
93. Tom Kellogg – Waseca City
94. Calen Peterson – City of Cloquet
95. Todd Gerhardt – City of
Chanhassen
96. Alyson Fauske – WSB
97. Ryan Thilges – Blue Earth County
Public Works
98. Michael Flaagan – Pennington
County
99. **eComments (31):**
 - a. Levi Gregg
 - b. Linus Langer
 - c. Abby Banks
 - d. Joshua Framke
 - e. Abigail McBride
 - f. Keriann Cooper
 - g. Katie Schroer
 - h. Priya Dalal-Whelan
 - i. Eva Beeman Trelstad
 - j. Maddy Fernands
 - k. Alex Funk
 - l. Lia Harel
 - m. Cassie Mox
 - n. Henri Nguyen
 - o. Maya Sprenger-Otto
 - p. Benjamin Fena
 - q. Gabriel Kaplan
 - r. Roari-Clyde Soule-Fahey
 - s. Erika Peterson
 - t. Talia Magnuson
 - u. Roselynn Moore
 - v. Olya Wright
 - w. Sophia Anderson
 - x. Anre Funk

- y. Izzy Benson
- z. Isra Hirsi
- aa. Sophie Morill
- bb. Marit Isaacson
- cc. Tonio Alarcon-Borges
- dd. Michael Stalberger – Blue Earth
Drainage Authority
- 100. Chrissy Bartovich – U.S. Steel Corporation
- 101. Michael J. Hofer
- 102. Carlos Espinosa – City of Winona
- 103. Lisa Frenette, Tim Worke – Associated General Contractors
- 104. Kathy Hollander
- 105. Dorothy Carlson
- 106. John Howard
- 107. Michael Stalberger – Blue Earth County
- 108. Willis Mattison
- 109. Anthony J. Winiecki – Scott County
- 110. Jo Haberman
- 111. Katherine McClure
- 112. Lynn Barringer
- 113. John Praxmarer
- 114. Martha Marnocha
- 115. Lawrence Landherr
- 116. James W. Reents
- 117. Stephanie Johnson
- 118. Charles Johnson
- 119. Angie Arden
- 120. Kris Barber
- 121. William Barton
- 122. Dennis FitzPatrick
- 123. Carla Stueve – Hennepin County
- 124. Sharon Frykman
- 125. Mike Tauber
- 126. Emily Murray, Lon Aune – Minnesota County Engineers Association
- 127. Deanna Johnson
- 128. Charles Perrin
- 129. Jill Barber
- 130. Lowell Deede
- 131. Jayne Johnson
- 132. Don Pietrick
- 133. Daniel J. Wilm
- 134. Lynn Pietrick
- 135. Michael & Mary Norlander
- 136. Dave Zentner
- 137. Phil Oswald
- 138. Mike Kolasinski
- 139. Robin Penner
- 140. Robin Nicholson
- 141. Gregory M. Gailen
- 142. Elizabeth Baker-Knuttila
- 143. Eric Gagner
- 144. Tony Kwilas – Minnesota Chamber of Commerce
- 145. Paul G. Sandy – City of Brainerd
- 146. Stacy Mader, Dan Mader
- 147. Krysten Saatela Foster – Lake & Cook Counties
- 148. Charles Perrin
- 149. Robert Tamanaha
- 150. Peter Hovde
- 151. Chris Byrd – Benton County
- 152. Nicolette Slagle – Honor the Earth
- 153. Scott Gischia – Cleveland-Cliffs, Inc.
- 154. Julie M. Long – City of Bloomington
- 155. Kevin F Voracek, Timothy C. Murray – City of Faribault
- 156. James T. Foldesi, Carol Andrews – St. Louis County
- 157. John Gorder – City of Eagan
- 158. Pat Oman, Roger Tellinghuisen – Mille Lacs County
- 159. Rob Sip - RRWMB

J. Authorization from OAH to omit from the Amended Dual Notice and the Notice of Hearing published in the *State Register* the text of the proposed rule.

- 1. Amended Dual Notice 12/20/2019 email from OAH
- 2. Notice of Hearing 2/19/2019 email from OAH

K. Other documents to show compliance with the requirements of applicable laws or rules:

1. Certificate of Compliance with Minnesota Statutes, Section 14.111, Regarding Farming Operations 9/28/2018
 - a. Email to send Letter to Commissioner of Agriculture
 - b. Letter to Commissioner of Agriculture 9/27/2018
2. Certificate of Sending Notice and Statement of Need and Reasonableness to Legislators and Legislative Coordinating Commission as Required by Minnesota Statutes, Section 14.116.
 - a. Certificate of Compliance – 11/20/2018
 - b. Letter to Legislators – 11/20/2018
 - c. Certificate of Compliance – Amended Notice – 12/28/2018
 - d. Letter to Legislators – 12/28/2018
3. Certificate of Compliance with Minnesota Statutes, Section 14.131, Regarding Consultation with Minnesota Management and Budget.
 - a. Certificate of Compliance – 9/5/2018
 - b. Email to MMB – 8/20/2018
 - c. Letter to MMB – 8/20/2018
 - d. Letter response from MMB – 9/4/2018
4. Certificate of Mailing a Notice of Hearing to Those Who Requested a Hearing.
 - a. Certificate of Hearing Notice – 3/6/2019
 - b. Notice of Hearing – text as mailed/emailed 3/6/2019
 - c. Notice of Hearing – *State Register* 2/25/2019
 - d. EQB Monitor – Notice of Hearing – 2/25/2019, 5/20/2019
 - e. Notice of Hearing email to commenters – 2/22/2019, 5/20/2019
 - f. Notice of Hearing email to Additional Notice list – 2/20/2019, 5/20/2019
 - g. Notice of Hearing email to Additional Notice list 2 – 2/20/2019, 5/20/2019
 - h. Plain language Hearing Notice to all Hearing Requesters – 3/6/2019
 - i. Additional list for Notice of Hearing USPS

II. Materials submitted during the hearing

- L. Comments and materials submitted during the hearing.
 1. Draft modifications to the proposed rule amendments in response to comments received in the Dual-Notice Comment Period.
 2. Justification for revisions
 3. Copy of slides from EQB presentation at the May 31, 2019 rule hearing 5/31/2019

III. Additional Document received during the hearing, post hearing and rebuttal periods.

- M. Comments and materials submitted during the hearing.
- N. Comments and materials submitted during the post-hearing comment period.
- O. Comments and materials submitted during the rebuttal period.