

Resolution of the Minnesota Environmental Quality Board

Approving a pilot program for evaluating the draft Environmental Assessment Worksheet form that includes items for greenhouse gas quantification and assessment as well as climate adaptation and resiliency information and report the results of the pilot program and provide a revised EAW form for board action no later than December 2022.

The Environmental Quality Board (EQB or Board) has the responsibility to monitor the effectiveness of the Minnesota Environmental Review Program and respond appropriately to modify and improve the effectiveness.

Minnesota Rules chapter 4410 are issued under authority granted in Minnesota Statutes, chapter 116D to implement the environmental review procedures established by the Minnesota Environmental Policy Act.

One of the primary objectives of the Minnesota Environmental Review Program is to provide usable information for project proposers, government decision makers, and members of the public about a proposed project's primary environmental effects through the preparation and public review of environmental documents.

The Environmental Assessment Worksheet (EAW) form is the primary environmental document that provides information about land, air, water, minerals, flora, fauna, ambient noise, energy resources, and artifacts or natural features of historic, geologic, or aesthetic significance. Greenhouse gas emissions are a type of air pollution that may require further investigation in an EAW. The EQB develops and revises the official EAW form when needed to ensure its continued effectiveness.

The Next Generation Energy Act, under Minnesota Statutes chapter 216H, requires the state to reduce greenhouse gas emissions.

Executive Order 19-37 identifies climate change as an existential threat that impacts all Minnesotans and our ability to thrive.

The EQB established an interagency team to evaluate the effectiveness of the Environmental Review Program in response to concerns that EAWs do not adequately consider climate change. The team determined that potential climate impacts of a proposed action are not consistently assessed in EAWs. The Pollution Control Agency, as well as the Departments of Transportation and Commerce and some local units of government are including some elements of climate assessment in EAWs. However, not all government decision makers (Responsible Governmental Units or RGUs) include climate assessments in their EAWs, nor do they use a consistent approach.

The interagency team is recommending changes to the current EAW form to include elements of an effective climate assessment that provides greater clarity, certainty, and predictability for project proposers, members of the public, and government decision makers.

The interagency team is recommending the establishment of a pilot program during 2022 to evaluate the revised draft EAW form. Key elements of the pilot program include:

- Participants in the pilot program will use the revised draft EAW form that includes greenhouse gas quantification and assessment as well as adaptation and resiliency information. RGUs not registered in the pilot program may continue to use the current EAW form
- All state agency RGUs will participate in the pilot program.
- Participation in the pilot program is voluntary for local RGUs.
- EQB staff will:
 - Develop a work plan to implement the pilot program.
 - Perform targeted outreach to encourage local RGUs and consultants to register for the pilot program.
 - Host regular collaborative forums for technical support and shared learning for all registered RGUs and consultants.
 - Monitor implementation of the revised draft EAW form.
 - Provide updates to the Environmental Review Implementation Subcommittee on progress of the pilot program.
 - Report results of the pilot program to the Board no later than December 2022.

The Board resolves to:

- Direct staff to implement a pilot program from January 2022 through September 2022 to evaluate the use of a revised draft EAW form that includes items for greenhouse gas quantification and assessment as well as climate adaptation and resiliency information and report the results of the pilot program and provide a revised EAW form for board action no later than December 2022.

The Board approves this on the 15th day of September, 2021.



Margaret Anderson Kelliher
Chair, Minnesota Environmental Quality Board

Findings of fact, conclusions, and order

Prepared by the Minnesota Environmental Quality Board in the matter of approving a pilot program for assessing the draft Environmental Assessment Worksheet form

Findings of fact

The above-captioned matter came before the Minnesota Environmental Quality Board (EQB) at a regular meeting on September 15, 2021 pursuant to Minnesota Statutes § 116C.04 subd.2. Based upon all of the proceedings herein and the entire record, the EQB makes the following findings of fact:

1. Minnesota Statutes §116D: grants the authority to issue Minnesota rules chapter 4410 to implement the environmental review procedures established by the Minnesota Environmental Policy Act.
2. Minnesota Statutes §116C.04 subd.2: The EQB determines which environmental problems of interdepartmental concern to state government are considered by the board. The Board may initiate interdepartmental investigations into those matters that it determines are in need of study.
3. Governor Walz Executive Order 19-37: “To fulfill Minnesota's statutory goals, avoid the severe economic, health, and ecological impacts associated with a changing climate, and fully realize the benefits of a healthy, sustainable, and resilient state, our state government must work across the enterprise in a coordinated approach to develop equitable strategies that will mitigate climate change and achieve greater resilience.”
4. Minnesota Rules 4410.0400: The EQB has the responsibility to take appropriate measures to modify and improve the effectiveness of the Minnesota Environmental Review Program.
5. Minnesota rules 4410.1000: The EAW is a brief document prepared in worksheet format, which is designed to rapidly assess the environmental effects that may be associated with a proposed project.
6. Minnesota rules chapter 4410.1300: The EQB has the authority to develop an EAW form to be used by the responsible governmental unit and periodically alter and improve the effectiveness of the document.
7. Minnesota rules chapter 4410.0300: Environmental documents shall contain information that addresses the significant environmental issues of a proposed action. This information shall be available to governmental units and citizens early in the decision making process. Climate change information is not consistently addressed in the current EAW form.
8. The EQB has the authority to include items related to climate change on the current EAW form.

Conclusions

Based on the foregoing Findings of Fact, the Minnesota Environmental Quality Board makes the following conclusions:

1. Any of the foregoing Findings more properly designated as Conclusions are hereby adopted as such.
2. The EQB approves the pilot program for evaluating the draft revised Environmental Assessment Worksheet form that includes items for greenhouse gas quantification and assessment as well as adaptation and resiliency information and report the results of the pilot program and provide a revised EAW form for board action no later than December 2022. The pilot program will provide necessary information for evaluating the effectiveness of the climate-related information on the revised draft EAW form before final Board approval.

Order

Based on the Findings of Fact, Conclusions and the entire record of this proceeding, the Minnesota Environmental Quality Board hereby makes the following order:

The EQB hereby approves pilot program for evaluating the revised draft Environmental Assessment Worksheet form that includes items for greenhouse gas quantification and assessment as well as adaptation and resiliency information and report the results of the pilot program and provide a revised EAW form for board action no later than December 2022.

Approved and adopted this 15th day of September 2021.



Margaret Anderson Kelliher
Chair, Minnesota Environmental Quality Board