



2021 Minnesota Environmental Review Program Performance Report

Introduction

The Environmental Quality Board (EQB or Board) oversees the state's Environmental Review Program (ER Program), as authorized in Minnesota Statutes (MS), chapter 116D and outlined in Minnesota Rules (MR), chapter 4410. Under these laws, the Board has responsibility for monitoring ER Program effectiveness and the authority to make program improvements. EQB also assists governmental units and members of the public with understanding and implementing environmental review rules, and fulfills administrative functions for the program.

State statutes and rules delegate the authority to other state and local governments (Responsible Governmental Units or RGUs) to apply the rules to individual projects.

Environmental Review Program data

In 2020, EQB staff developed a Data Management Plan (DMP) that established a standardized methodology for collecting and assessing data used for monitoring and reporting ER Program effectiveness. The DMP identifies metrics of [accountability](#), [efficiency](#) and [transparency](#). These metrics align with objectives of the ER Program ([MR 4410.0300](#)) and values expressed in [EQB's 2018 Strategic Plan](#). EQB staff developed these metrics considering readily available ER Program data.

Annually, EQB staff compile and assess the data identified in the DMP and present the results to members of the Environmental Review Implementation Subcommittee (ERIS). This report includes a summary table of the metrics, data collected, and conclusions followed by a more detailed discussion of the data for each metric. Using a consistent, systematic approach for data collection and reporting ensures accurate consideration of potential anomalies that may occur from year to year. In addition to the data identified in the DMP, EQB staff consider the need for ER Program changes through feedback from:

- Discussions at Board meetings and Subcommittee meetings
- Advisory panels convened by the Board
- Public comments on periodic rulemaking
- Assessment performed to complete the *Mandatory Category Report* (compiled every three years)
- One-on-one conversations during technical assistance

Consistently through these engagement opportunities, EQB staff receive requests for more extensive ER Program data beyond what is readily available. Specifically, Board members, government decision makers, businesses, and members of the public have expressed the desire for additional data on the time and cost associated with fulfilling ER Program requirements as well as data on the economic, environmental, and social benefits of the ER Program.

Historically, there have been some efforts by EQB to collect data in these areas, however, those efforts have been labor intensive and have not resulted in robust data. The delegated nature of the ER Program creates numerous challenges for collecting data from other ER Program participants. In addition, the complexity of environmental review means that a multidisciplinary and comprehensive approach is needed to effectively evaluate the social, economic and environmental outcomes that result from an effective ER Program. The Board and EQB staff team continue to look for opportunities for improved data collection, analysis, and program evaluation.

2021 Performance Report Overview

Table 1: 2021 Performance Report Overview

Metric	Data collected	Conclusions
Accountability	<ul style="list-style-type: none"> Frequency of ER Program process types Frequency of mandatory categories by RGU, and by location Frequency of citizen petitions 	<p>The frequency of environmental review in 2021 was consistent with annual variations from year-to-year; except in 2021, there were no EISs completed. This is inconsistent with any year in the period of record.</p> <p><i>To determine if action is needed, EQB staff will continue to monitor the frequency of EISs.</i></p>
	<ul style="list-style-type: none"> Frequency of comment letters submitted on ER projects 	<p>RGUs reported that they received a minimum of one and a maximum of 1,056 comment letters on environmental review documents. The number of comment letters may vary based on the level of controversy and/or the level of effort by an RGU to ensure public concerns are considered during the review process.</p> <p><i>The 2021 data demonstrates that the ER Program provides opportunities for direct access to government decision-makers. However, more data is needed to understand the degree to which members of the public engage with the environmental documents.</i></p>
Efficiency	<ul style="list-style-type: none"> Time and cost of completing review, by ER process type 	<p>In 2021, the average time between initial notice and final decision was consistent with data from previous years, for all process types.</p> <p><i>More data is needed to assess the cost for implementing environmental review and identify trends over time.</i></p>
	<ul style="list-style-type: none"> Frequency, type, and effectiveness of technical assistance provided by EQB staff 	<p>In 2021, there 1,051 points of contact with EQB staff. Over half of the requested technical assistance were questions from RGUs and consultants. One-third of the questions came from members of the public.</p> <p><i>The volume of requests affirms that EQB staff are fulfilling their responsibility for assisting governmental units and interested persons in understanding and implementing the rules. Because of the high volume of technical assistance, EQB staff recommend updating guidance documents and ER webpages to ensure information is clearly written, effectively communicated, and easy to find.</i></p> <p><i>Because of the low response rate to surveys designed to assess effectiveness, EQB staff need to improve how they measure effectiveness of the technical assistance provided.</i></p>
Transparency	<ul style="list-style-type: none"> Perceptions of whether the ER process provided usable information Frequency of unique public participation opportunities 	<p>The majority of RGUs completing review in 2021 indicated that:</p> <ul style="list-style-type: none"> The environmental review process provided usable information The environmental review process identified mitigation measures for reducing potential environmental effects

Metric	Data collected	Conclusions
		<ul style="list-style-type: none"> The environmental review process provided public participation that would not have otherwise occurred for the proposed project <p><i>Feedback from RGUs' surveyed indicate the ER Program is effectively providing usable information and creating public participation opportunities.</i></p>

2021 Data

Metric 1 - Accountability

One of the primary objectives of Minnesota's ER Program is to encourage accountability in both public and private decision-making. The ER process requirements encourage accountability through informed decision-making. The following data is collected to monitor the consistency with how RGUs are implementing the ER Program processes, as well as the frequency of review for projects that would not have required review.

Frequency of ER Program process types

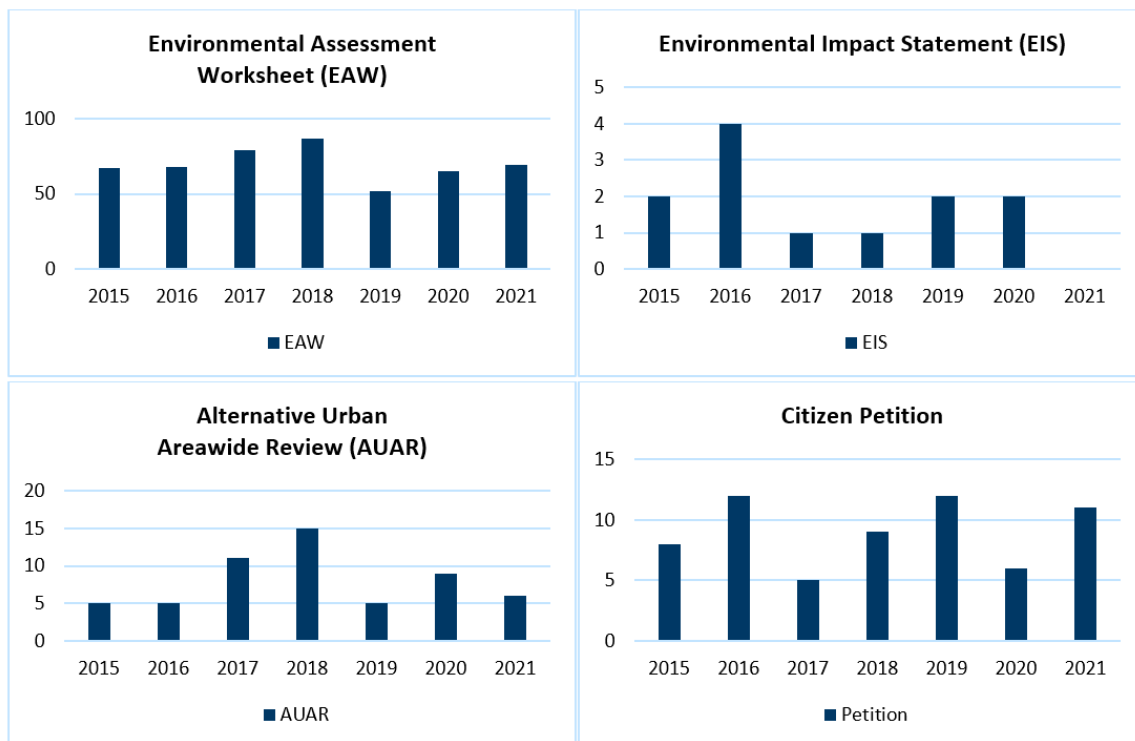
ER Program process types included in this assessment:

- Environmental Assessment Worksheet (EAW)
- Environmental Impact Statement (EIS)
- Alternative Urban Areawide Review (AUAR)
- Citizen Petition

In 2021, 86 proposed projects completed environmental review using the following four ER Program process types ([Figure 1](#)):

- 69 EAWs
- 6 AUARs
- 11 Citizen Petitions
- 0 EISs

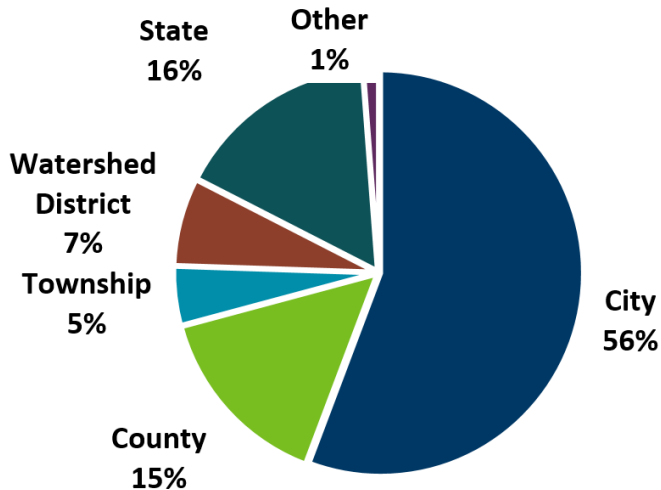
Figure 1: Environmental review trends over years by environmental review process type



Frequency of mandatory categories by RGUs and geographic location

In 2021, 61 unique RGUs completed EAWs for 69 proposed projects. Local units of government completed 84% and state agencies completed 16% of the EAWs ([Figure 2](#)). Local RGUs include watershed districts, counties, towns, cities, port authorities, housing authorities, and the Metropolitan Council.

Figure 2: RGUs conducting environmental review in 2021



The most frequent project types that required review include: wetlands and public waters (16 projects); residential development (seven projects); nonmetallic mineral mining (five projects); industrial, commercial, and institutional facilities (five projects); and mixed residential and industrial-commercial projects (five projects); together accounting for 73% of projects in 2021.

Projects outside the seven-county metropolitan Twin Cities area made up 57% of mandatory EAWs. Projects in the seven-county Twin Cities metropolitan area (Anoka, Carver, Dakota, Hennepin, Ramsey, Scott, Washington) made up 43% of the mandatory EAWs ([Table 2](#)).

Table 2: 2021 Environmental Assessment Worksheet Mandatory Categories

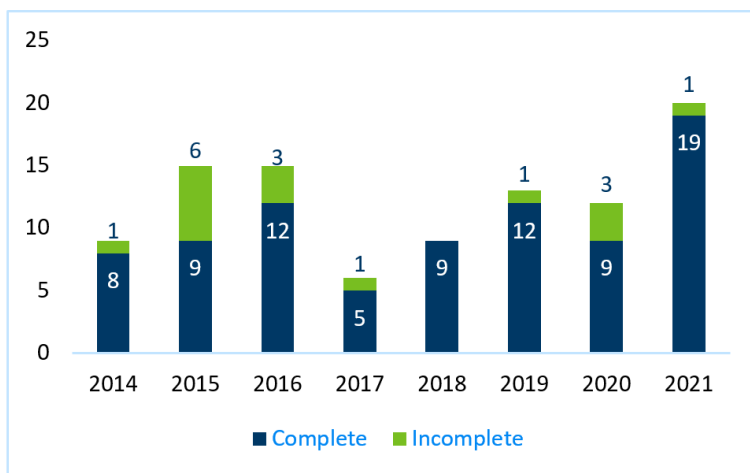
EAW Mandatory Category reference (MR 4410.4300)	Number of Projects	State RGU # of Projects	Local RGU # of Projects	Located in Greater MN	Located in Twin Cities Metro
Subp. 3. Electric-generating facilities	2	0	2	2	0
Subp. 12. Nonmetallic mineral mining	5	0	5	5	0
Subp. 14. Industrial, commercial	5	0	5	0	5
Subp. 18. Wastewater	2	2 – MPCA	0	1	1
Subp. 19. Residential development	7	0	7	0	7
Subp. 19a. Residential development in shoreland outside of the seven-county Twin Cities metropolitan area	3	0	3	3	0
Subp. 20a. Resorts, campgrounds and RV parks in shorelands	1	0	1	1	0

EAW Mandatory Category reference (MR 4410.4300)	Number of Projects	State RGU # of Projects	Local RGU # of Projects	Located in Greater MN	Located in Twin Cities Metro
Subp. 22. Highway projects	1	1 – MnDOT	0	1	0
Subp. 24. Water appropriation and impoundments	2	2 – DNR	0	2	0
Subp. 26. Stream diversion	1	1 – DNR	0	0	1
Subp. 27. Wetlands and public waters	16	2 – DNR	14	11	5
Subp. 29. Animal feedlots	2	2 – MPCA	0	2	0
Subp. 31. Historical places	2	0	2	2	0
Subp. 32. Mixed residential and industrial- commercial projects	5	0	5	0	5
Subp. 36. Land use conversion, including golf courses	4	0	4	3	1
Subp. 37. Recreational trails	1	1 – DNR	0	1	0
Sub-Total		11	48	34	25
Total	59				

Frequency of Citizen Petitions

Petitions were submitted on 20 projects in 2021. From the petitions submitted, 95% included the required components ([MR 4410.1100, subp. 1 and 2](#)) and EQB staff assigned them to an RGU ([Figure 3](#)). If a petitioner's representative revised and resubmitted an incomplete petition, it is included in the complete petitions.

Figure 2: Number of projects petitioned for by year



Opportunities for public participation in the ER Process

RGUs submitted 75 notices of final decisions on environmental review documents and reported the number of comment letters received for each project. RGUs reported receiving a minimum of one and a maximum of 1,056

comment letters on environmental review documents. On average, 27 comment letters were received per project.

Conclusions

The frequency of environmental review in 2021 was consistent with annual variations from year-to-year; except there were no EISs completed in 2021. This is inconsistent with any year in the period of record. To determine if action is needed, EQB staff will continue to monitor the frequency of EISs.

RGUs reported that they received a minimum of one and a maximum of 1,056 comment letters on environmental review documents. The number of comment letters may vary based on the level of controversy and/or the level of effort by an RGU to ensure public concerns are considered during the review process. The 2021 data demonstrates that the ER Program provides opportunities for direct access to government decision-makers.

Metric 2 - Efficiency

Primary objectives of the ER Program are to reduce delay and uncertainty with applicable regulatory requirements. The following data is collected to monitor consistency among RGUs as they implement ER Program procedures. These data also help identify the need for developing and/or improving ER Program guidance.

Time and cost of completing review, by ER process type

In 2021, the average number of days between an initial EAW notice and decision was 89 days ([Table 3](#)). The average time between initial and final notice for AUARs and Citizen Petitions was 114 and 45 days, respectively. There were no EISs completed in 2021.

Table 3: Average time between initial notice and notice of final decision, by environmental review process type

ER Program Process Type	Average Number of Days		
	2021 (# of reviews)	2020 (# of reviews)	2019 (# of reviews)
Environmental Assessment Worksheet	89 (69)	101 (65)	81 (52)
Environmental Impact Statement	N/A (0)	1,945 (2)	676 (2)
Alternative Urban Areawide Review	114 (6)	170 (9)	55 (5)
Citizen Petition	45 (11)	44 (6)	57 (12)

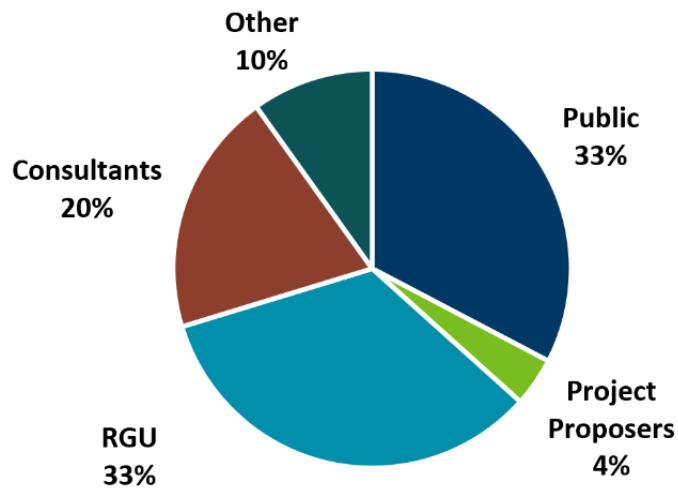
The EQB uses the ER master contract implemented by the Department of Administration to track the cost of ER contracts. In 2021, the master contract was used once, thus there is not enough data to report.

Frequency and effectiveness of technical assistance provided by EQB Staff

In 2021, there were 444 requests for assistance submitted through emails and/or calls on the designated phone line and email inbox, resulting in 1,051 points of contact with EQB staff. Over half of the questions came from RGUs and consultants. ([Figure 4](#)). One-third of the questions came from members of the public.

After concluding the email and/or phone conversation, EQB staff emailed a survey to each person to get feedback on their experience. The survey had a low response rate with only four survey requests resulting in a response.

Figure 3: Environmental review technical assistance by user type



Conclusions

In 2021, the average time between initial notice and final decision was consistent with data from previous years, for all process types. More data is needed to assess the cost for implementing environmental review and identify trends over time.

In 2021, there 1,051 points of contact with EQB staff. Over half of the requested technical assistance were questions from RGUs and consultants. One-third of the questions came from members of the public. The volume of requests affirms that EQB staff are fulfilling their responsibility for assisting governmental units and interested persons in understanding and implementing the rules. Because of the low response rate to surveys designed to assess effectiveness, EQB staff need to improve how they measure effectiveness of the technical assistance provided.

Metric 3 - Transparency

Two primary objectives of the ER Program include providing the public with access to decision makers and providing useable information concerning the potential environmental effects of a proposed project. The following data is collected to monitor the effectiveness of the ER Program for providing public access to government decision-makers about the potential environmental effects of a proposed project.

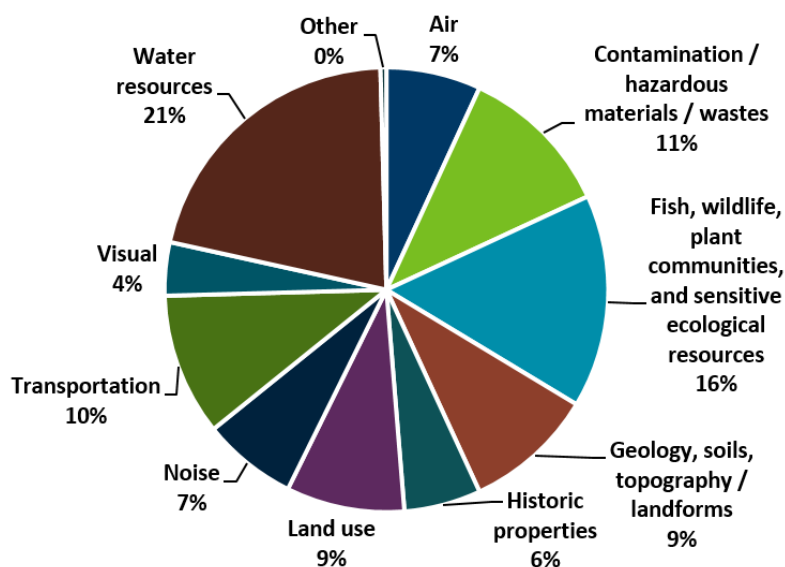
Perceptions of whether the ER process provided usable information

In 2021, RGUs submitted 75 notices of final decisions on environmental review documents and were asked to affirm or deny the following two statements:

1. *The ER process was useful in identifying the proposed project's environmental effects that would not have otherwise been identified by required governmental approvals, including permits.*
2. *The ER process identified mitigation measures for potential environmental effects. If RGUs affirmed this statement, they were asked to indicate the type of mitigation.*

From the responses collected, 79% of RGUs indicated that the environmental review process provided usable information. RGUs indicated 81% of the time that the environmental review process identified mitigation measures for reducing potential environmental effects. The most frequent types of mitigation identified include water resources (21%), fish/wildlife/plant communities and sensitive ecological resources (16%), and contamination/hazardous materials/wastes (11%) ([Figure 5](#)).

Figure 4: Frequency and types of mitigation



Frequency of unique public participation opportunities provided by the ER Program

In 2021, RGUs submitted 75 notices of final decisions on environmental review documents and were asked to affirm or deny the following statement:

The environmental review process provided opportunities for public participation that would not have otherwise occurred for the proposed project through required governmental approvals, including permits.

From the responses collected, 76% of RGUs said the environmental review process provided public participation that would not have otherwise occurred for the proposed project.

Conclusions

The majority of RGUs completing review in 2021 indicated that:

- The environmental review process provided usable information.
- The environmental review process identified mitigation measures for reducing potential environmental effects.
- The environmental review process provided public participation that would not have otherwise occurred for the proposed project.

Feedback from RGUs surveyed indicates the ER Program is effectively providing usable information and creating public participation opportunities.