

Resolution of the Minnesota Environmental Quality Board

Resolution topic

The purpose of the Minnesota Environmental Review Program is to provide understanding of the impact a proposed project will have on the environment, through the preparation and public review of environmental documents. (Minn. R. 4410.0300 subpart 3)

Environmental documents are used as guides in issuing, amending, and denying permits and carrying out other responsibilities of governmental units to avoid or minimize adverse environmental effects and to restore and enhance environmental quality. (Minn. R. 4410.0300 subpart 3)

Environmental Quality Board (Board) members will consider support for Chair approval of the proposed December 2022 Environmental Assessment Worksheet form to be used by all responsible governmental units, which includes new questions that prompt consideration of greenhouse gas quantification and assessment as well as new questions that prompt consideration of climate adaptation and resiliency information.

Applicable authorities

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.

The Board chair has the authority to develop an Environmental Assessment Worksheet form to be used by the responsible governmental unit. The Environmental Assessment Worksheet form shall be assessed by the EQB chair periodically and may be altered by the EQB chair to improve the effectiveness of the document. (4410.1300 EAW Form)

Applicable responsibilities

The Board is responsible for monitoring the effectiveness of the state environmental review program and is directed by rule to take appropriate measures to modify and improve the effectiveness. (Minn. R. 4410.0400)

The Environmental Assessment Worksheet shall address the major issues sections identifying potential environmental impacts and issues that may require further investigation before the project is commenced. (4410.1200)

Environmental documents shall contain information that addresses the significant environmental issues of a proposed action. (Minn. R. 4410.0300)

Considerations

Climate change is identified as a significant environmental issue by:

- The legislature: Minnesota Next Generation Energy Act in 2007
- The Intergovernmental Panel on Climate Change (IPCC)
- Board members: 2019 biennial work plan
- Governor Walz: Executive Order 19-37

The Board established an interagency climate technical team to evaluate the effectiveness of the Environmental Review Program in response to concerns that the July 2013 Environmental Assessment Worksheet form does not adequately consider climate change.

The interagency climate technical team proposed draft recommendations for Environmental Assessment Worksheet (EAW) changes in December 2020.

Based on consideration of public feedback on the 2020 draft EAW recommendations, the Board convened a Subcommittee for Pilot Program Implementation to design a pilot program to get more information on the proposed changes from pilot participants.

From January 2021 through September 2022, staff implemented the pilot program designed by the Subcommittee and collected nine months of feedback from pilot participants.

On August 31, 2022, the Subcommittee met and affirmed effective implementation of the pilot program.

On October 19, 2022, the Environmental Review Implementation Subcommittee considered feedback received from pilot participants. ERIS directed staff to present the December 2022 Environmental Assessment Worksheet form for Board consideration and directed staff to develop an implementation plan.

Conclusions

The Subcommittee for Pilot Program Implementation and the Environmental Review Implementation Subcommittee recommend Board approval of the December 2022 Environmental Assessment Worksheet form, based on the process described above, public feedback on the Interagency Climate Technical Team's draft recommendations, and feedback from pilot participants on the final recommendations.


Findings

The Board determined, after considering the Subcommittee for Pilot Program Implementation and the Environmental Review Implementation Subcommittee conclusions, as well as all the reasoning stated above, that adopting the December 2022 Environmental Assessment Worksheet form will improve the effectiveness of the form.

Resolution

Environmental Quality Board members support the chair in replacing the July 2013 Environmental Assessment Worksheet form with the December 2022 Environmental Assessment Worksheet form, in accordance with the authorities and responsibilities identified in Minnesota Statutes 116D and Minnesota Rules chapter 4410. All project reviews that begin after this date must use the approved form; projects currently underway which are not already using the newly approved form may continue to use the prior approved form.

Approved and adopted this 14th day of December 2022.

A handwritten signature in blue ink, reading "Nancy Daubenberger", is written over a horizontal line.

Nancy Daubenberger
Chair, Minnesota Environmental Quality Board