

2024 Mandatory Categories Report FAQ

The Environmental Quality Board (EQB) publishes a Mandatory Category Report every three years. Mandatory categories are categories of project types that require environmental review. This report must specify the purpose of each category and analyze recommendations for whether that category should be changed. We welcome your ideas related to either the mandatory categories or the decision criteria. The next report is due December 2024. Your feedback will be anonymously compiled and used to help EQB shape our recommendations in the draft report.

Please reference this frequently asked questions (FAQ) sheet to help answer any survey questions.

What is a mandatory category?

Mandatory categories are categories of project types that require environmental review. These categories are referred to as mandatory Environmental Assessment Worksheet (EAW) categories ([MR 4410.4300](#)) and mandatory Environmental Impact Statement (EIS) categories ([MR 4410.4400](#)). Each mandatory EAW and EIS category has an applicable threshold for determining when review is required and assigns a responsible governmental unit (RGU) to prepare and approve the review documents. Information provided through the Minnesota ER process is intended to ensure that the potential environmental effects of a proposed project will be assessed and disclosed, prior to the approval of any Minnesota governmental action. You can reference a chart of specific categories here.

What are decision criteria?

[MN Rule 4410.1700 Subp. 7](#) provides direction on how to reach an appropriate a decision on whether an Environmental Impact Statement (EIS) will be necessary, or rather, if the project has the potential to result in significant environmental effects. Subdivision 7 lists the criteria for this decision, commonly known as the decision criteria:

Subp. 7. Criteria.

In deciding whether a project has the potential for significant environmental effects, the following factors shall be considered:

- A. type, extent, and reversibility of environmental effects;*
- B. cumulative potential effects of related or anticipated future projects;*
- C. the extent to which the environmental effects are subject to mitigation by ongoing public regulatory authority; and*
- D. the extent to which environmental effects can be anticipated and controlled as a result of other available environmental studies undertaken by public agencies or the project proposer, including other EISs.*

Where can I see past reports?

The 2021 Mandatory Category Report can be found at this link: [EQB 2021 Mandatory Category Report - FINAL.pdf \(state.mn.us\)](#).

Where can I find the legislative language requiring the Mandatory Category Report?

Minnesota Statute Chapter 116D.04 Subd. 5b:

“By December 1, 2018, and every three years thereafter, the Environmental Quality Board, Pollution Control Agency, Department of Natural Resources, and Department of Transportation, after consultation with political subdivisions, shall submit to the governor and the chairs of the house of representatives and senate committees having jurisdiction over environment and natural resources a list of mandatory environmental assessment worksheet and mandatory environmental impact statement categories for which the agency or a political subdivision is designated as the responsible government unit, and for each worksheet or statement category, a document including:

- (1) intended historical purposes of the category;*
- (2) whether projects that fall within the category are also subject to local, state, or federal permits; and*
- (3) an analysis of and recommendations for whether the mandatory category should be modified, eliminated, or unchanged based on its intended outcomes and relationship to existing permits or other federal, state, or local laws or ordinances.”*