MINNESOTA
ENVIRONMENTAL QUALITY BOARD

Memo

Date: March 7, 2025

To: Environmental Review Implementation Subcommittee

From: Jesse Krzenski and Sarah Lerohl, EQB Environmental Review Program staff

RE: Minnesota Environmental Review Performance Report 2024

The Environmental Quality Board (EQB) oversees the state's Environmental Review Program, as authorized in Minnesota Statutes, chapter 116D, and implemented by Minnesota Rules, chapter 4410. Under these laws, the EQB has responsibility for monitoring Environmental Review (ER) Program effectiveness and the authority to make program improvements. The data presented in this report includes projects that followed the procedures of Minnesota Rules, chapter 4410; it does not include energy projects completed using procedures laid out in other statutes or rules.

As part of that responsibility, EQB staff regularly collect and analyze data to provide information about the program's implementation, and annually give an account of the information through this performance report.

Because state statutes and rules delegate the authority to apply the rules and complete review of individual projects to other state agencies and local governments (Responsible Governmental Units or RGUs), there are challenges to collecting data and information. EQB staff are continuing to work improve data collection to support our collective ability to evaluate the effectiveness of the ER Program and our provision of technical assistance.

Environmental Review Program data and information

The ER program has been collecting data about environmental review projects in Minnesota for many years. In 2020, EQB staff developed the first Data Management Plan (DMP), which established a standardized methodology for collecting and assessing data and information. The goal of data collection under the plan is to understand the program's effectiveness and identify areas for improvement.

Annually, EQB staff compile and assess the data and information identified in the DMP and present the results to members of the Environmental Review Implementation Subcommittee (ERIS). In addition to the presentation to ERIS, EQB staff now maintain a "data" website, launched in 2024.

The data website has many functions including:

- Housing the data management plan
- Serving as a library for easy access to past performance reports
- Providing links to Environmental Review Project Database and ER Interactive Map
- Providing a performance report public dashboard, which is an interactive summarization of pieces of information presented in annual performance reports

The DMP was updated in 2024 to identify additional data or analysis needed to better understand program effectiveness. Prior versions of the DMP focused heavily on basic program operation data (process tallies) as the primary measure of program effectiveness; the recent DMP identifies the need to expand the data EQB staff collect in areas of performance and results-based metrics.

In 2024, staff launched a new survey to begin collecting data to support some of these new metrics. The data achieved from this survey will help answer fundamental questions about how well environmental review is being done and whether the program is achieving its goals.

Minnesota Environmental Review Program Overview

Table 1: 2024 Minnesota Environmental Review Program Overview

Metric	2024 Summary	Yearly comparisons/trends
Frequency of ER Program process types	• EAW – 47 • EIS – 1 • AUAR – 9	EAW totals continue downward trend started in 2023; this is the lowest number of EAWs completed in 10 years.
Frequency of mandatory categories by RGU and by location	• See Appendix A and B	Sixteen different mandatory categories, six discretionary EAWs, trending the same as previous years. Variety of project types where ER is being completed not seeing a significant change.
Frequency of comment letters submitted on ER projects	• EAW average – 35 *(one project receiving 1300 comments raises the average significantly, removing that project from the calculation lowers the average to 7)* • EIS average – 3 • AUAR average – 8	Average number of comment letters within normal range compared to previous years.
Frequency of unique public participation opportunities	• 28% of RGUs held a public meeting for an EAW	New metric, lacking comparison data.
Time for completing review by ER process type (in days)	• EAW average – 86 • EIS average – 841 • AUAR average – 182	Time to complete data trending in line with previous years.
Perceptions of whether the ER process provided usable information (EAW's)	• 94% of RGUs indicated that the environmental review process was useful in identifying potential env. effects • 89% of the time RGUs indicated that the environmental review process identified mitigation measures.	Both measures have trended up over the last 3 years. 2022 – 86% useful in identifying potential env. effects; 74% identified mitigation measures 2023 – 89% useful in identifying potential env. effects; 83% identified mitigation measures
Frequency and type of technical assistance provided by EQB staff	• This was partially tracked in 2024, see Technical Assistance Tracking and Library Improvements section below.	Lacking comparison data.

2024 ER Data

Frequency of ER Program process types

This assessment provides information about the following ER Program process types:

- Environmental Assessment Worksheet (EAW)
- Environmental Impact Statement (EIS)
- Alternative Urban Areawide Review (AUAR)
- Petitions for environmental review (which may or may not result in a project undergoing review)

In 2024, RGUs completed a total of 72 processes related to proposed projects: either completing environmental review (EAW, EIS, or AUAR) or determining the need for environmental review in response to a petition. (See Figure 1)

Table 2: ER process comparison last three years

2022	2023	2024
78 EAWs	53 EAWs	47 EAWs
0 EISs	2 EISs	1 EIS
7 AUARs	6 AUARs	9 AUARs
14 Petitions	14 Petitions	15 Petitions

The frequency of environmental review completed in 2024 did see some variation compared to previous years.

The low number of EAWs completed continues the trend from 2023. The number of EAWs is the lowest it has been over the last ten years. Various factors are likely contributing to the lower number of EAWs. The lower number of EAWs could be attributed to the greater number of AUARs being completed, nine, and especially the number of large AUARs, seven. It is likely that had AUARs not been completed by RGUs there would have been certain residential, commercial, or light industrial projects that would have required their own EAW.

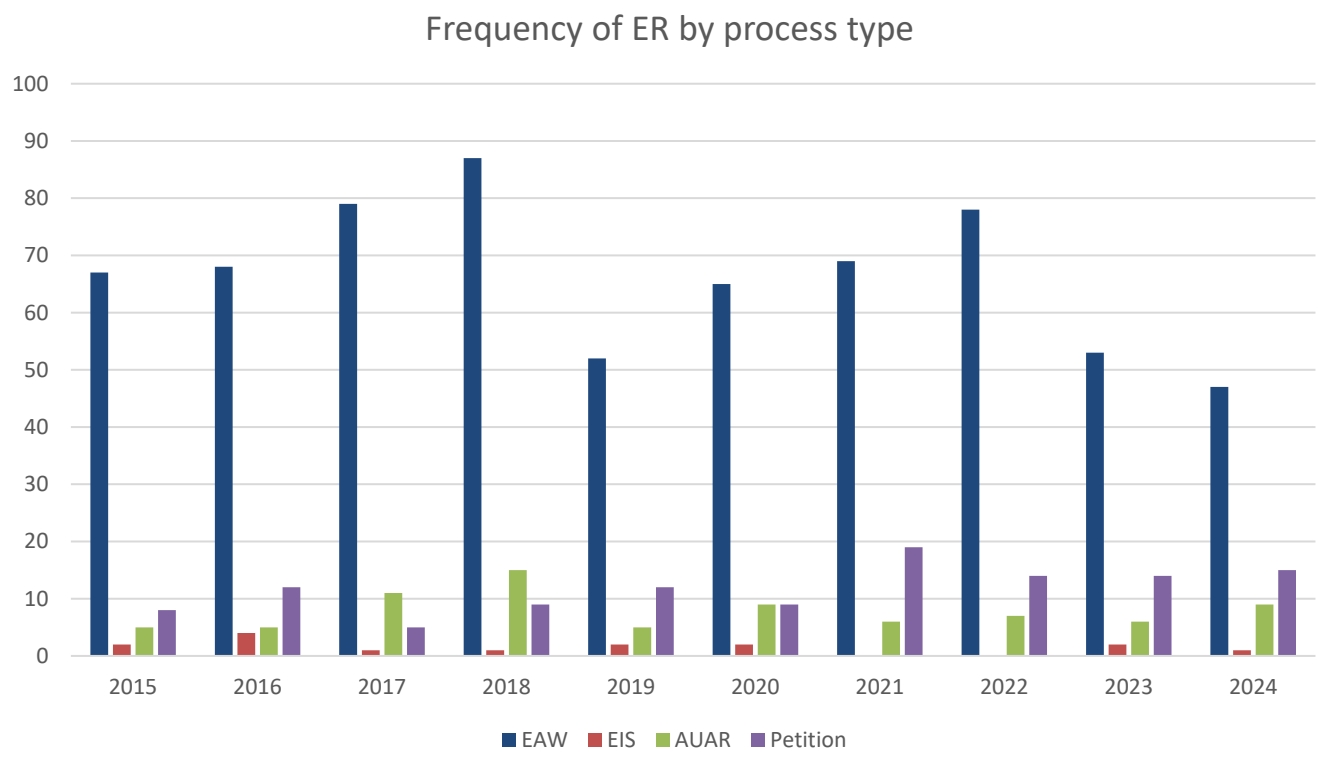
If we compare the combined number of projects evaluated under the residential development, industrial, commercial, institutional, and mixed-use mandatory categories, we see that 2024 and 2023 had 13 total projects of these types, while 2022 had 34 projects reviewed under these categories. Projects are likely impacted by many factors unrelated to the ER Program - such as funding and general market and economic development conditions. These outside forces likely contribute to the decrease in EAWs, but those factors have not been studied.

In 2024, the most frequent project types that required review included: nonmetallic mineral mining (6 projects); industrial, commercial, and institutional facilities (6 projects); stream diversions (5 projects); wetlands and public waters (4 projects); and highway projects (4 projects). Together, these accounted for 53% of completed EAW projects. Discretionary EAWs completed in 2024 counted for 13% of completed EAWs.

Projects outside the seven-county Twin Cities metropolitan area made up 62% of EAWs completed in 2024. Projects in the seven-county Twin Cities metropolitan area (Anoka, Carver, Dakota, Hennepin, Ramsey, Scott, and Washington counties) made up 38% of the EAWs completed. See Appendix A for a further breakdown of EAWs completed by mandatory category, RGU types, and location.

One mandatory EIS was completed in 2024 (Appendix B). The mandatory EIS was for a barge fleeting project under the mandatory category in Minn. R. 4410.4400, subp. 17. A local unit of government served as the RGU, and the project was located outside of the metro area.

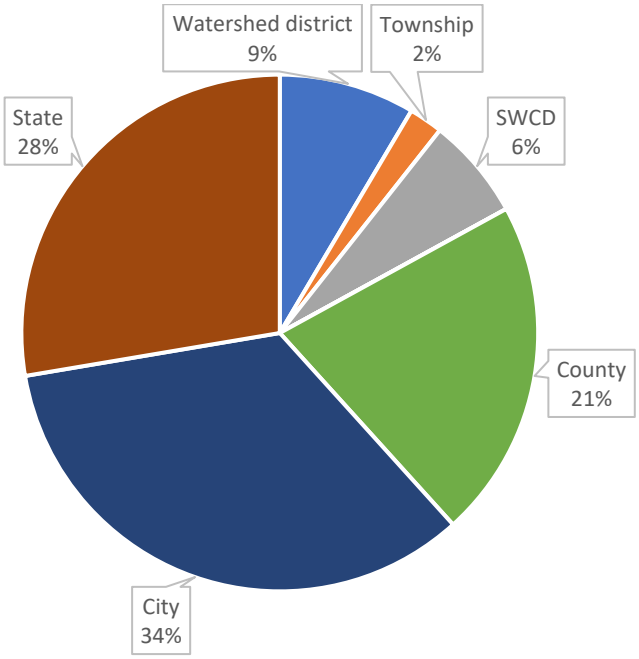
Figure 1: Environmental review trends over years by environmental review process type



Frequency of mandatory categories by RGUs and geographic location

In 2024, 34 unique RGUs completed mandatory and discretionary EAWs for 47 proposed projects. Local units of government completed 72% of EAWs, while state agencies completed 28% of the EAWs in 2024 (Figure 2). Local RGUs may include watershed districts, soil and water conservation districts, counties, towns, cities, port authorities, and housing authorities.

Figure 2: RGUs conducting environmental review in 2024



Frequency of petitions

In 2024, 15 complete petitions were submitted – they included the required components laid out in Minn. R. 4410.1100, subp. 1 and 2 – and EQB staff assigned them to an RGU (Figure 3). It is important to note that of the 15 total complete petitions, nine required more than one submittal to the EQB as the original submittal was missing at least one of the required components. One project deemed incomplete followed up with a new submittal in 2025. This is a continuing trend of a high percentage of incomplete submittals and supports the need for updated guidance regarding petitions, which EQB staff intend to complete in 2025.

Figure 3: Number of projects petitioned for by year vs the percent proceeding to an EAW

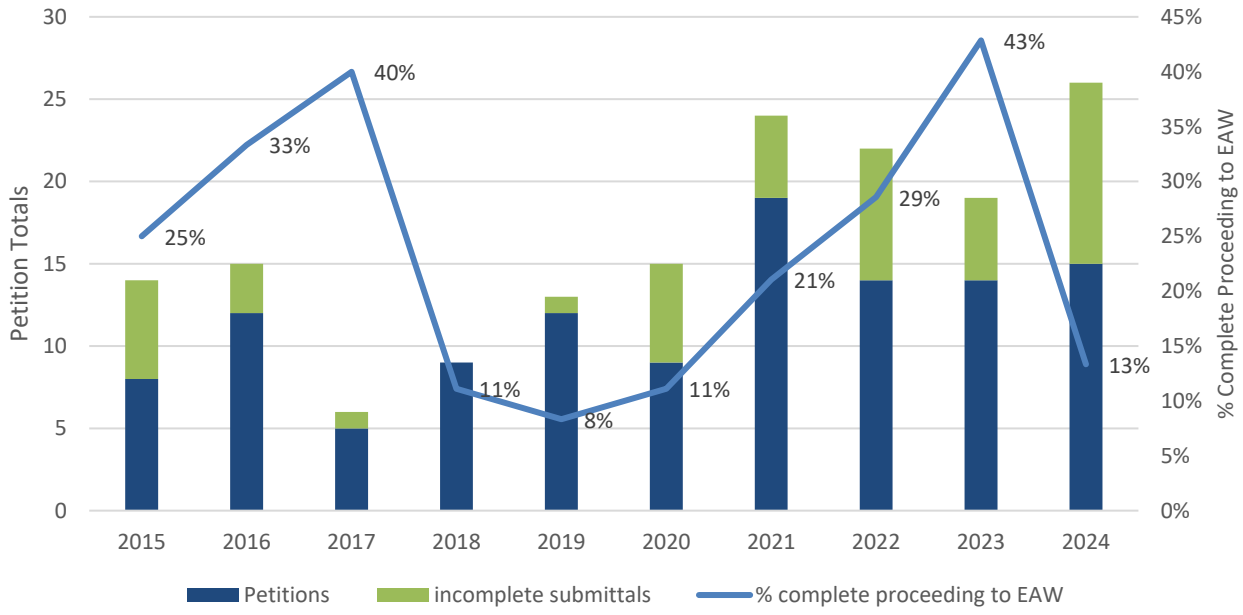


Table 3 depicts the project type of each complete petition as it would best align with a mandatory category, as well as the number of projects that proceeded through the petition process and resulted in an EAW being ordered. A petition may conclude with approval (positive declaration on the need for an EAW), denial (negative declaration on the need for an EAW), or be placed on hold (no pending government approval for the project.). An RGU may order a discretionary EAW at the request of the proposer, or an RGU can deny a petition and still order a discretionary EAW.

In 2024, two of the complete petitions resulted in an EAW being ordered for a project. See Figure 3 for representation of percent of complete petitions resulting in an EAW being required by year. Approved petitions are not necessarily reflected in the completed EAW count as the project may not have completed the EAW the same year the EAW was ordered. Projects may also change or withdraw permit applications after an EAW is ordered. One petitioned project resulted in an order for an EAW, but the project proposer significantly altered the proposal and submitted new permit applications. The new, altered project was petitioned again, and the second petition was denied by the RGU.

Table 3: 2024 Petitions by project type and outcomes

Project type petitioned based on mandatory category reference	Number of complete petitions	Number of complete petitions resulting in an order for an EAW	Number of complete petitions on hold
Subp 5. Fuel conversion facilities	1		
Subp 5. Fuel conversion AND Subp. 29 Animal feedlots	1	1	
Subp. 12. Nonmetallic mineral mining	1		
Subp. 14. Industrial, commercial, and institutional facilities	1		1
Subp. 15. Air pollution	1		1
Subp. 19. Residential development	3		1
Subp. 19a. Residential development in shoreland outside of the seven-county Twin Cities metropolitan area	2		
Subp. 20a. Resorts, campgrounds, and RV parks in shorelands	2		1
Subp. 29. Animal feedlots	1	1	
Subp. 34 Event facility	2		
Total	15	2	4

Opportunities for public participation in the ER Process

RGUs submitted 47 notices in 2024 of final decisions on environmental assessment worksheets and reported the number of comment letters received for each project. RGUs reported receiving a minimum of zero and a maximum of 1,300 comment letters on environmental review documents, with an average of 35 per project. The average number of comment letters received per project are skewed by one project which received 1,300. If you remove that project from the calculation, then the number falls to an average of seven comment letters per project. RGUs also held a public meeting for 28% of EAWs that were completed in 2024. Public meetings are not a requirement for an EAW process.

EQB Actions

EAW survey

The 2024 DMP identified new metrics that would serve as better program effectiveness indicators and help EQB better understand program implementation. Staff implemented a survey system in 2024 to collect additional information from RGUs as they published EAW availability notices. Staff narrowed the focus of the survey to certain metrics identified in the DMP that were well-suited for the survey format and the EAW process. The results of the survey will ultimately inform about the interactions between project proposers and RGUs prior to an EAW being deemed complete while also better informing the time it takes to develop an EAW. The survey also looks to gain additional information regarding any early engagement efforts that may be taking place.

The survey was launched in September 2024. EQB staff wanted to use the period late in 2024 to see if the survey was viable to support future data collection. The survey has not yet received enough responses (a 23% response rate to twenty surveys sent) to analyze the results, but it is promising for future data collection. EQB staff will work to continue to increase the response rate via direct contact with RGUs and using EQB outreach methods (EQB Monitor, newsletter) to increase the awareness of the survey for future RGUs submitters.

Technical Assistance Tracking and Library Improvements

EQB engaged intern Elizabeth Batsaikhan through the Increasing Diversity in Environmental Careers (IDEC) program to create a data taxonomy and index for technical assistance call logs. Elizabeth analyzed existing call logs from previous years as they had been recorded by EQB staff. Technical assistance inquiries from the logs were assigned topics, sub-topic, mandatory category, and RGU information. The application of the taxonomy allows staff to understand the general nature of calls/callers and helps identify trends and gaps in understanding of practitioners and the public.

Staff incorporated the taxonomy and added a new category to the call log in September 2024 to include EQB responses, creating a library of technical assistance information that will enable consistent replies to inquiries over time and aid in staff training. Figure 4 provides a “snapshot” of the new taxonomy applied to calls received September through December 2024, and Figure 5 further explores the topic “ER process” with applicable subtopics.

Figure 4. Total technical assistance calls by topic area, Sept. - Dec. 2024

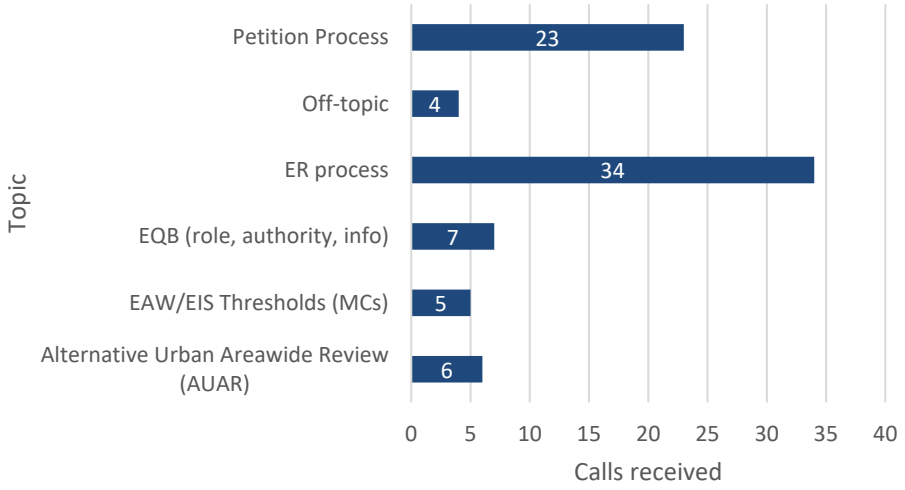
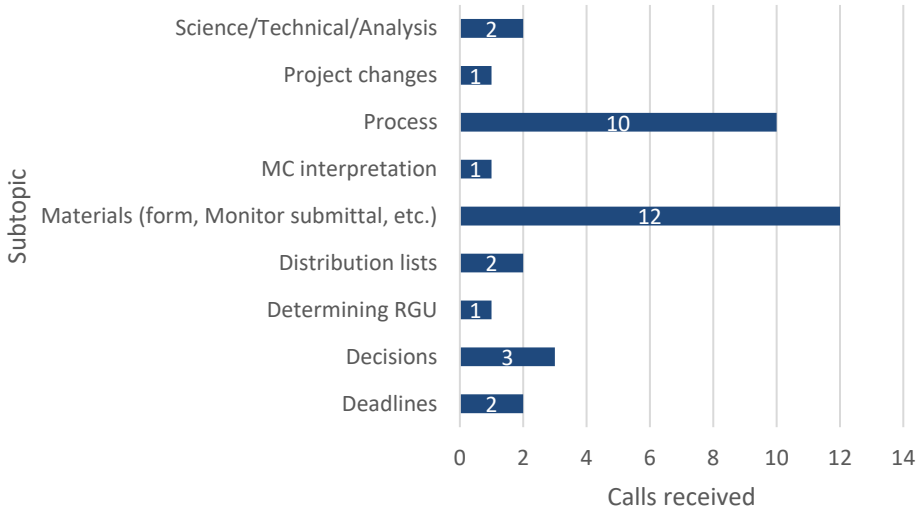


Figure 5. "ER process" questions by subtopic, Sept. - Dec. 2024



Completion rates for EAW climate & greenhouse gas questions

EQB staff conducted a review of 90 EAWs submitted in 2023 and 2024 to understand usage of the new EAW form adopted in December 2022. The form includes a question on considerations for climate adaptation and resilience (Question 7) and a question on the greenhouse gas emissions/carbon footprint (Question 18) of proposed projects. Overall, users have broadly adopted the new form; 94% of the 90 EAWs submitted used the updated form (Figure 6), and 98% of new form users completed questions 7 a., 7b. and 18 (Figure 7). Analysis of citations indicate the resources provided in EQB guidance are being cited and practitioners are also sourcing information independently.

Figure 6. Number of users submitting the new EAW form 2023-2024

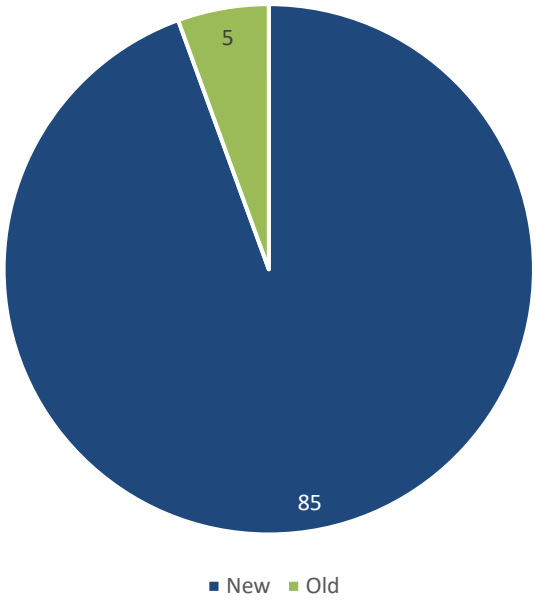
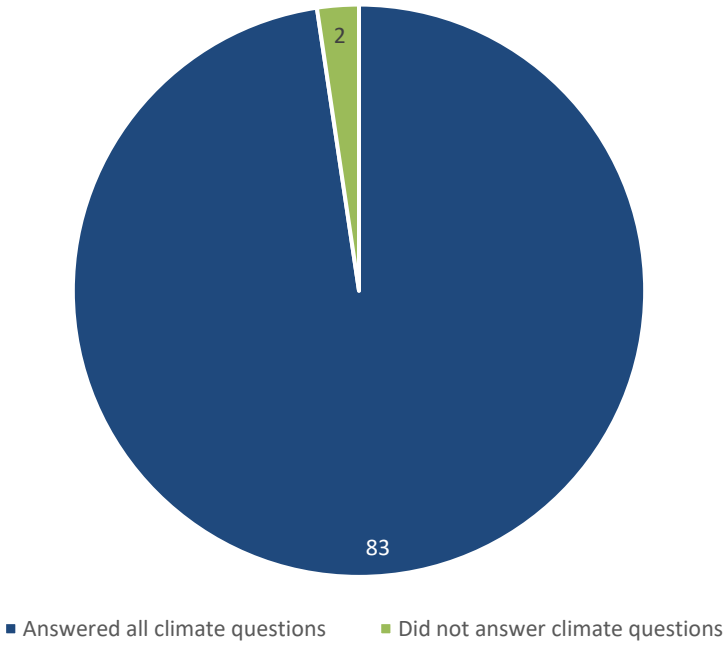


Figure 7. Number of new EAW form users completing climate questions 7 & 18



Appendix A: 2024 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	1	0	1	1	0
Subp. 5. Fuel conversion facilities	1	1	0	0	1
Subp. 10. Storage facilities	2	2	0	1	1
Subp. 12. Nonmetallic mineral mining	6	0	6	4	2
Subp. 14. Industrial, commercial, and institutional facilities	6	0	6	3	3
Subp. 17. Solid waste	1	1	0	0	1
Subp. 19. Residential development	3	0	3	1	2
Subp. 19a. Residential development in shoreland outside of the seven-county Twin Cities metropolitan area	2	0	2	2	0
Subp. 22. Highway projects	4	3	1	3	1
Subp. 25. Marinas	1	0	1	1	0
Subp. 26. Stream diversion	5	2	3	5	0
Subp. 27. Wetlands and public waters	4	1	3	1	3
Subp. 32. Mixed residential and industrial-commercial projects	2	0	2	1	1
Subp. 34. Sports or entertainment facilities	1	0	1	0	1
Subp. 36. Land use conversion, including golf courses	2	0	2	2	0
4410.1000 Subp. 3. Discretionary	6	3	3	4	2
Sub-Total		13	34	29	18
Total	47				

Appendix B: 2024 Environmental Impact Statement Mandatory Categories

EIS Mandatory Category reference (MR 4410.4400)	Number of Projects	State RGU # of Projects	Local RGU # of Projects	Located in Greater MN	Located in Twin Cities Metro
Subp. 17. Barge fleeting activities	1	0	1	1	0
Total	1	0	1	1	0