

# Notice of Intent to Adopt Expedited Rules

Minnesota Environmental Quality Board

**Proposed Expedited Permanent Rules Relating to Environmental Review and Energy Infrastructure; NOTICE OF INTENT TO ADOPT EXPEDITED RULES WITHOUT A PUBLIC HEARING**

**Proposed Expedited Amendments to Rules Governing the Environmental Review Program, *Minnesota Rules*, Chapter 4410, Revisor’s ID Number (R-04944)**

**Introduction.** The Minnesota Environmental Quality Board (“EQB”) intends to adopt rules under the expedited rulemaking process following the rules of the Court of Administrative Hearings, *Minnesota Rules*, part 1400.2410, and the Administrative Procedure Act, *Minnesota Statutes*, section 14.389. You may submit written comments on the proposed expedited rules until **4:30 p.m. on Friday, November 14, 2025**.

**Plain English Summary.** This notice is the EQB’s legal notice of its intent to amend the state’s environmental review rules. The amendments are necessary to address legislative changes governing environmental review and permitting of certain energy infrastructure projects. This notice provides an opportunity for the public to comment on the proposed rules. Anyone who would like to comment on the proposed rule language must submit written comment on the proposed rules by the deadline identified in this notice. The Subject of the Expedited Rules section provides additional information about the proposed rules. If the proposed rules affect you in any way, the EQB encourages you to participate in the rulemaking process.

**Subject of the Expedited Rules.** The EQB is proposing the expedited rule amendments to address legislative changes made to the permitting and environmental review requirements applicable to certain energy projects for which the Public Utilities Commission is the Responsible Governmental Unit (“RGU”). See *Minnesota Laws* 2024, Chapter 126.

## **Minnesota Energy Infrastructure Permitting Act**

The proposed amendments address changes made to the permitting and environmental review requirements applicable to “large energy infrastructure projects” and other energy projects in the Minnesota Energy Infrastructure Permitting Act, codified as *Minnesota Statutes*, ch. 216I. See *Minnesota Laws* 2024, Chapter 126, Art. 7. The proposed amendments direct environmental review of energy projects covered by *Minnesota Statutes*, ch. 216I to that chapter’s requirements and eliminate duplicative environmental review categories for such projects in the existing environmental review rules in *Minnesota Rules*, ch. 4410. The proposed amendments do not change mandatory environmental review categories for electric power

generating facility projects exempt from or not covered by *Minnesota Statutes*, ch. 216I. The proposed amendments also remove references to repealed statutes and rules.

## **Other Changes**

In addition to the changes conforming EQB's environmental review rules to the Minnesota Energy Infrastructure Permitting Act, the proposed amendments will add an Environmental Impact Statement ("EIS") mandatory category for carbon dioxide pipeline projects to reflect the new EIS requirement mandated by *Minnesota Laws 2024*, Chapter 126, Art. 9, Sec. 17 (codified as *Minnesota Statutes* § 216G.025). Finally, the proposed amendments will change the RGU for independent spent-fuel storage installation projects from the Department of Commerce to the Public Utilities Commission to conform to the change mandated by *Minnesota Laws 2024*, Chapter 126, Art. 9, Sec. 2 (codified as *Minnesota Statutes* § 116C.83, subd. 6 as amended).

**Statutory Authority.** The statutory authority authorizing EQB to adopt these rules is *Minnesota Statutes* § 116D.04, subd. 5a. The statutory authority authorizing EQB to adopt the rules under the expedited rulemaking process is *Laws of Minnesota 2024*, Chapter 126, Article 9, Sec. 19.

**Availability of Rules.** A copy of the proposed rules is published in the *State Register* following this notice, or they can be viewed on the rule webpage at <https://www.eqb.state.mn.us/environmental-review/rules-and-regulations>. A free copy of the proposed rules is also available upon request by contacting the EQB contact person. One copy per request will be sent.

**EQB Contact Person.** The EQB contact person is Kayla Walsh at Minnesota Environmental Quality Board, 520 Lafayette Road North, St. Paul, MN 55155, 651-757-2796, or [kayla.walsh@state.mn.us](mailto:kayla.walsh@state.mn.us). You may contact the EQB contact person with questions about the proposed expedited rule amendments. Comments on the proposed rules must be submitted to the Court of Administrative Hearings using the methods described below. Comments must be received by the Court of Administrative Hearings by the due date.

**Alternative Format.** Upon request, the information in this notice can be made available in an alternative format, such as large print, braille, or audio. To make such a request, please contact the EQB contact person at the address or telephone number identified above.

**Public Comment Process.** Comments on the proposed expedited rule amendments must be submitted through the Court of Administrative Hearings eComments system as described below or in writing. You have until **4:30 p.m. on Friday, November 14, 2025**, for written comments to be received in support of or in opposition to the proposed expedited rule amendments and any part or subpart of the proposed rule amendments.

To be considered by the EQB, your comment must be in writing and received by the **Court of Administrative Hearings** by the due date. Your comment should identify the portion of the proposed expedited rule amendments addressed, the reason for the comment, and any change proposed. You must also make any comments that you have on the legality of the proposed rule amendments during this comment period. The EQB encourages comments.

Submit written comments:

- 1) via the [Court of Administrative Hearings Rulemaking eComments website](https://mn.gov/oah/forms-and-filing/ecomments/) (<https://mn.gov/oah/forms-and-filing/ecomments/>),
- 2) U.S. Mail CAH attn: William Moore, CAH, 600 North Robert Street, P.O. Box 64620, St. Paul, Minnesota 55164-0620 or fax 651-539-0310.

You may view frequently asked questions about the CAH Rulemaking eComments website at [https://mn.gov/oah/assets/ecomments-faq\\_tcm19-82012.pdf](https://mn.gov/oah/assets/ecomments-faq_tcm19-82012.pdf). Any questions about submitting comments via the Rulemaking eComments website should be directed to William Moore of the CAH at 651-361-7900 or by email at [william.t.moore@state.mn.us](mailto:william.t.moore@state.mn.us). Please note that you may not submit rulemaking comments by phone or email.

Comments received are public and will be available for review at the CAH Rulemaking eComments website at <https://minnesotaoah.granicusideas.com/discussions> and at the CAH, 600 North Robert Street, P.O. Box 64620, St. Paul, Minnesota 55164-0620.

**Modifications.** The EQB may modify the proposed expedited rules amendments based upon public comment. The modifications must be supported by comments and information submitted to the EQB, and the adopted rules may not be substantially different than these proposed rules as defined in *Minnesota Statutes*, section 14.05, subdivision 2, paragraphs (b) and (c).

The EQB may adopt substantially different rules if it follows the procedure under *Minnesota Rules*, part 1400.2110.

If the final rules are identical to the amendments originally published in the *State Register*, the EQB will publish a notice of adoption in the *State Register*. If the final rules are different from the rules originally published in the *State Register*, the EQB will publish a copy of the changes in the *State Register*.

**Adoption and Review of Expedited Rules.** The EQB may adopt the rules at the end of the comment period. The EQB will then submit rules and supporting documents to the Court of Administrative Hearings for review for legality. You may ask to be notified of the date that the

EQB submits the rules. If you want to be notified or want to receive a copy of the adopted rules or want to register with the EQB to receive notice of future rule proceedings, submit your request to the EQB contact person listed above.

**Lobbyist Registration.** *Minnesota Statutes*, chapter 10A, requires each lobbyist to register with the State Campaign Finance and Public Disclosure Board. You may direct questions about this requirement to the Campaign Finance and Public Disclosure Board at: Suite #190, Centennial Building, 658 Cedar Street, St. Paul, Minnesota 55155, telephone (651) 539-1180 or 1-800-657-3889.

24 September 2025

Date

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Catherine Neuschler  
Executive Director