

RESOLUTION OF THE MINNESOTA ENVIRONMENTAL QUALITY BOARD

Amendment to rules governing the environmental review program,
Minnesota Rules, chapter 4410; proposing mandatory categories for gas
resource development projects

Background

The Minnesota Environmental Policy Act, Minnesota Statutes §§ 116D.04 and 116D.045, authorize the Environmental Quality Board (“EQB” or “board”) to adopt rules governing the environmental review program.

In 2024, the Minnesota Legislature gave multiple agencies authority to adopt rules governing gas and oil production, as applicable. See Laws of Minnesota 2024, chapter 116, article 3, section 24; codified as Minn. Stat. § 93.514.

Minn. Stat. § 93.514 states that “the Environmental Quality Board may adopt or amend rules to establish mandatory categories for environmental review as they pertain to gas and oil production.” The statute also directs that “an agency adopting rules under this section must use the expedited process...[t]he agency must publish notice of intent to adopt expedited rules within 24 months of the effective date [of the law]”. The law became effective on May 23, 2024.

The EQB staff coordinated with Tribal staff, met with staff from affected state agencies and other interested parties, and received comments from EQB members at meetings held April 16, 2025; December 17, 2025 (Environmental Review Implementation Subcommittee); February 18, 2026; March 18, 2026 (Environmental Review Implementation Subcommittee).

Based on the legislation and information and comments received, the EQB staff has recommended that the board approve proposing amendments to Minnesota Rules, chapter 4410 to create mandatory categories for environmental review of gas resource development projects, as shown on the attached draft of rule amendments.

In approving the proposed amendments, the EQB considered a staff-developed rule summary and justification document (attached rule summary and justification document) summarizing the overall nature and effect of the proposed amendments and the supporting statutory authorities.

Based on the information above:

The board resolves to initiate expedited rulemaking under Minn. Stat. § 14.389 to amend the environmental review rules to establish mandatory categories for gas resource development projects, as set forth in the attached documents.

The board resolves that Catherine Neuschler, the Executive Director of the EQB, is authorized and directed to sign the EQB’s Notice of Intent to Adopt Expedited Rules Without a Public Hearing, Revisor of Statutes file number R-04945, amending Minnesota Rules, chapter 4410, with any modifications approved by the EQB, and to modify the rules as needed to obtain approval from the Revisor of Statutes. The Executive Director is authorized and directed to take all necessary further steps to implement the notice of intent.

The board approved and adopted this resolution on April 15, 2026.

Nancy Daubenberger, Chair
Minnesota Environmental Quality Board

Date: _____

Attachments:

- Draft notice of intent to adopt expedited rules
- Draft of proposed rule amendments (RD4945, dated 04/08/26)
- Rule summary and justification document (Environmental review: Mandatory category for gas resource development projects)