MINNESOTA
ENVIRONMENTAL QUALITY BOARD

RESOLUTION OF THE MINNESOTA ENVIRONMENTAL QUALITY BOARD

Amendment to rules governing the environmental review program, Minnesota Rules Chapter 4410, establishing mandatory categories for gas production

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

In 2024, the Minnesota Legislature gave the EQB and other agencies permissive authority to adopt rules governing gas and oil production. *See* Laws of Minnesota 2024, chapter 116, article 3, section 23, codified as Minnesota Statutes, § 93.514.

The EQB was given the authority to adopt or amend rules "to establish mandatory categories for environmental review as they pertain to gas and oil production." Minn. Stat. § 93.514(a)(3). The statute also provided that "[a]n agency adopting rules under this section must use the expedited procedure in section 14.389" and that the agency must "publish notice of intent to adopt expedited rules within 24 months of May 22, 2024." Minn. Stat. § 93.514(b).

Pursuant to this grant of authority, on April 16, 2025, the Board resolved to initiate rulemaking to establish mandatory categories for environmental review applicable to gas production. In response to this resolution, EQB staff developed draft rule amendments and the Rule Summary and Justification Memo, a document summarizing the overall nature and effect of the draft rules (hereinafter, the "justification document").

On April 15, 2026, the Board reviewed the proposed draft rule (Revisor of Statutes file number R-04945) and resolved to initiate expedited rulemaking under Minn. Stat. § 14.389 to amend the environmental review rules to establish mandatory categories for gas resource development projects. The resolution authorized the Executive Director to sign the EQB's Notice of Intent to Adopt Expedited Rules Without a Public Hearing, based on the proposed rule and the justification document.

On May 18, 2026, the EQB published the Notice of Intent to Adopt Expedited Rules in the *State Register* (50 *SR* 1313), with a public comment period closing on July 2, 2026.

While the public comment period was open, the Legislature adopted new legislation affecting gas resource development projects, and the Governor approved this legislation on May 26, 2026. Laws of Minnesota 2026, chapter 127, article 2, hereinafter "2026 Gas Law." The 2026 Gas Law did not change the EQB's rulemaking authority but established other new conditions pertaining to gas production projects.

The EQB received multiple written comments on the proposed rules.

The EQB staff reviewed the 2026 Gas Law and the public comments, prepared a supplement to the justification document that included a response to the comments, and recommended revisions to the proposed rules. EQB Board members on the Environmental Review Implementation Subcommittee (ERIS) reviewed the proposed revisions at a meeting September 16, 2026, and the Board reviewed the proposed revisions at the October 21, 2026, Environmental Quality Board meeting.

Based on the above:

The Board resolves to approve and adopt the Expedited Permanent Rules in the Revisor of Statutes draft, file number AR4945, dated October 5, 2026 under the Board's authority as described above.

The Board further resolves that Catherine Neuschler, the Executive Director of the EQB, is hereby authorized to submit the rules to the Court of Administrative Hearings for review, sign the Order Adopting Rules, to modify the rules as needed to obtain the Revisor of Statutes or the Administrative Law Judge's approval of the rule, and to perform other necessary acts to give the rules the force and effect of law.

The Board approved and adopted this resolution on October 21, 2026.

Nancy Daubenberger Digitally signed by Nancy Daubenberger Date: 2026.10.23 16:35:00 -05'00'

Date: 10/23/2026

Nancy Daubenberger, Chair
Minnesota Environmental Quality Board

Attachments:

- Proposed Order Adopting Rules (unsigned)
- Rule summary and justification (including an addendum with EQB staff's recommended revisions and response to comments)
- Expedited Permanent Rules (AR4945, dated October 5, 2026)
- All comments received