

**RESOLUTION OF THE
MINNESOTA ENVIRONMENTAL QUALITY BOARD**

Amendment to Rules Governing the Environmental Review Program,
Minnesota Rules, part 4410.2100

The Minnesota Environmental Policy Act, Minnesota Statutes § 116D.04, authorizes the Environmental Quality Board (EQB) to adopt rules governing the Environmental Review Program, including establishment of a process to scope Environmental Impact Statements (EISs). Minn. R. 4410.2100 establishes that an environmental assessment worksheet (EAW) serves as a scoping document for each EIS.

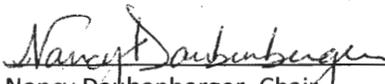
In 2025, the Minnesota legislature (Laws of Minnesota 2025, 1st Spec. Sess., Chapter 1, Article 6) directed the Environmental Quality Board to amend Minn. R., part 4410.2100 to provide that an EAW does not need to be prepared for a project that falls within a mandatory EIS category. The session law authorized EQB to use procedures set forth in the Administrative Procedure Act, Minn. Stat. §14.388, Good Cause Exemption, which provides in part that an agency may use this rulemaking procedure to “incorporate specific changes set forth in applicable statutes when no interpretation of law is required.” (Minn. Stat. § 14.388, subd. 1(3)).

Under the Good Cause Exempt rulemaking process, the EQB must draft a notice of submission to the Court of Administrative Hearings that includes the proposed rules, an explanation of why the rules meet the requirement of the good cause exemption, and a statement that interested parties have five business days to submit comments to the Court of Administrative Hearings. Concurrent with the submittal to the Court of Administrative Hearings, the EQB must notify interested parties about the rules.

The EQB staff have developed amendments to Minn. R. 4410 to implement the specific changes set forth by the legislature, along with a supporting Rule Summary and Justification memo.

The board resolves that Catherine Neuschler, the Executive Director of the Environmental Quality Board, is hereby granted the authority and directed to proceed with rulemaking under Minn. Stat. § 14.388. The Executive Director is authorized to submit the rule to the Court of Administrative Hearings, 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 rules, and to perform other necessary acts to give the rules the force and effect of law.

The board approved and adopted this resolution on February 18, 2026.



Nancy Daubenberger, Chair
Minnesota Environmental Quality Board

Date: 2/18/2026

Attachments:

- Draft Notice of Submission of Rules Proposed for Adoption Without a Public Hearing
- Revisor certified copy of Exempt Permanent Rules for EIS Scoping (RD4978)
- Rule summary and justification memo
- Draft Order Adopting Rules (unsigned)