

# April 2024 Environmental Quality Board meeting

**Wednesday, April 17 from 1 – 4:00 p.m.**

## Join in person or online

- In person: [520 Lafayette Road, St. Paul, MN 55155](#), lower level conference rooms
- Online: For the meeting link and more information, visit the [board meeting webpage](#)

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## Participating in board meetings

### Attending in person

The Environmental Quality Board (EQB) will convene its meeting in person at the Minnesota Pollution Control Agency St. Paul office building. All visitors must sign in at the front desk.

Transportation options:

- Bicycle: Visit the [Saint Paul Bike Map](#) webpage for route information. Outdoor bicycle parking is available to the left of the front doors near the loading dock.
- Transit: Use [Metro Transit's Trip Planner](#) to determine the best routes and times.
- Car: You may park in a Visitor Parking space in the parking lot just outside the front door, or park in one of the visitor lots. The visitor lots are the Blue Lot (Olive St. and University Ave.) and the Jupiter Lot (on Grove St. across from the Ramsey County Law Enforcement Center); please see the [parking map](#). Parking in these lots is free of charge. You must register your vehicle at the front desk upon arrival.

### Attending virtually

Members of the public may join the meeting virtually using the Teams link at the board meeting webpage link above. Please review the [Guide to Teams Participation](#) for additional information.

### Accessibility

Please contact Environmental Quality Board (EQB) staff at least one week prior to the event at [info.EQB@state.mn.us](mailto:info.EQB@state.mn.us) to arrange an accommodation. Meeting materials can be provided in different forms, such as large print, braille, or on a recording.

### Public engagement opportunities at EQB meetings

EQB encourages public input and appreciates the opportunity to build shared understanding with members of the public. The opportunities for public engagement for this meeting are below.

## Oral public comment

In this meeting, the board will accept oral public comment as the final agenda item.

Procedure and guidelines for giving oral public comment:

- If you wish to speak:
  - Virtual: when prompted, use the “raise hand” feature in Teams, located at the top of your screen.
  - In person: sign up at the welcome table before the meeting starts.
- Your remarks will be limited to two (2) minutes. When necessary, the chairperson may limit commenters’ time for remarks to ensure there is equal opportunity for the public to comment.
- When the chairperson calls on you to speak:
  - Introduce yourself before beginning your comment.
  - Please keep your remarks to those facts which are relevant and specific, as determined by the chairperson, to the agenda item at hand.
  - Please be respectful of board members, staff, and other meeting participants. Avoid questioning motives. The chair, vice-chair, or other presiding officer will not tolerate personal attacks.
  - Please note that the chair will use their discretion for directing public comment to ensure the board’s ability to effectively conduct business.

## Written public comment

You may submit written comment to EQB by emailing your letter to [info.EQB@state.mn.us](mailto:info.EQB@state.mn.us) or mailing to: Environmental Quality Board, 520 Lafayette Road, Saint Paul, MN 55155. Comments must be received by EQB staff **by noon the day before the meeting**.

Staff will compile letters, make them available to members and the public online, and attach them to the public record. Any written comments received after this deadline will be included in the next meeting packet.

All comments will be made available to the public. Please only submit information that you wish to make available publicly. EQB does not edit or delete submissions that include personal information. We reserve the right to not publish any comments we deem offensive, intimidating, belligerent, harassing, bullying, or that contain any other inappropriate or aggressive behavior.

## Agenda

*Note that all listed times are estimates and are advisory only.*

### 1. Welcome and roll call (1:00 pm)

Nancy Daubenberger – Chair, EQB; Commissioner, Department of Transportation

### 2. Approval of consent agenda (1:10 pm)

- Meeting minutes from the February 21, 2024, Environmental Quality Board meeting on packet page 5
- Preliminary agenda for the April 17, 2024, Environmental Quality Board meeting

### 3. Executive Director's report (1:15 pm)

Catherine Neuschler – Executive Director, EQB

### 4. Tribal Coordination and Consultation Policy (1:20 pm)

**Type of item:** Decision

**Summary:** EQB seeks to facilitate positive government-to-government relations with all federally recognized Tribal Nations that share geography with the state of Minnesota. While Minnesota Statutes do not require EQB to have a consultation policy, they encourage the voluntary adoption of such a policy.

In late 2023, EQB staff drafted a Tribal coordination and consultation policy, drawing from existing statutes and rules and policies developed by member agencies. The goal of the policy is to establish and document EQB's commitment to involving Tribal governments in our work. The draft policy – on packet page 17 – describes how EQB will engage with Tribal governments on issues under EQB's specific authority, such as rulemaking for environmental review. The policy focuses on staff-level coordination as a tool to promote open dialogue, share information, and ensure that EQB recognizes and responds to Tribal concerns. It also includes consultation, a formal process that happens when a matter needs to be elevated for discussion between Tribal Leadership and EQB Leadership. This draft proposes that EQB coordination involves the board chair, executive director, and EQB's Tribal relations point of contact.

**Outcome:** The Board adopts the Tribal Coordination and Consultation policy.

**Presenter:** Kayla Walsh – Environmental Review Program Administrator, EQB

**Public Comment:** We will take public comment specifically on this item.

### 5. Draft strategic plan + engagement (1:50 pm)

**Type of item:** Informational

**Summary:** The Board has had facilitated discussion and provided significant input for drafting and updated strategic plan. The draft strategic plan – on packet page 22 – will be presented for input and discussion, in order to determine if changes need to be made prior to seeking informal public input on the draft plan.

**Outcome:** The Board provides informal input on the draft plan.

**Presenter:** Catherine Neuschler – Executive Director, EQB

## 6. State Water Plan: Tackling Nitrate (2:15 pm)

**Type of item:** Informational

**Summary:** Nitrate in groundwater and surface water is a long-standing complex water issue in Minnesota. Nitrogen is key for crop production, but it is prone to leaching into water resources, and high nitrate levels in surface and groundwater can impact human health and ecosystems. There has been a recent petition to EPA about nitrate in drinking water in SE Minnesota, resulting in EPA directives and state agency response plans. The current state water plan (prepared in 2020) includes goals, strategies, and actions related to protecting drinking water – including specific strategies about preventing nitrate contamination of drinking water. The Board will receive information on the alignment of the state water plan and specific response to nitrate in SE Minnesota.

**Outcome:** The Board will understand state agency actions being taken to reduce nitrate in surface and groundwater, and how those actions build on and align with the state water plan.

**Presenter:** Catherine Neuschler – Executive Director, EQB; Tannie Eshenaur – Water Policy Manager, MDH; Margaret Wagner – Manager, Nonpoint Fertilizer Section, MDA; Glenn Skuta – Director, Watershed Division, MPCA

## 7. Public comment (3:15 pm)

The board welcomes oral public comment. Please see guidance and procedures on packet page 2.

## 8. Closing and adjournment (4:00 pm)

# February 2024 Environmental Quality Board meeting

Wednesday, February 21, 2024 | 1:00-4:00 p.m. | virtual via Teams

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## Minutes

### 1. Welcome and roll call

Chair Nancy Daubenberger called to order the regular meeting of the Environmental Quality Board.

Members present: Grace Arnold, Joseph Bauerkemper, Nancy Daubenberger, Kenneth Foster, Rylee Hince, Todd Holman, Daniel Katzenberger, Katrina Kessler, Nicholas Martin, Sarah Strommen

Members excused: Peter Bakken, Brooke Cunningham, Tamar Gronvall, Paul Nelson, Matt Varilek, Charles Zelle

Proxies present: Myra Kunas (for Cunningham), Stephan Roos (for Petersen), Sue Vento (for Zelle)

EQB staff present: Catherine Neuschler, Stephanie Aho, Rebeca Gutierrez-Moreno, Colleen Hetzel, Hazel Houle, Jesse Krzenski, Priscilla Villa-Watt, Kayla Walsh

Approval of consent agenda

- Meeting minutes from January 17, 2024, Environmental Quality Board meeting
- Proposed agenda for February 21, 2024, Environmental Quality Board meeting

**Motion:** Board Member Kessler moved the consent agenda; Board Member Holman seconded. Motion carries with a unanimous vote.

### 2. Executive Director's report

Catherine Neuschler – Executive Director, EQB

- New staff Appointments
  - Stephanie Aho started with EQB in late January. Will be the main driver of EQB's work to create the greenhouse gas emission calculator tool and related guidance and information.
  - Felicia Merkson is the new MPCA Assistant Division Director. Will assist EQB staff with budget and HR items.

- Engagement on Mandatory Categories
  - In late January EQB launched the initial engagement process for the mandatory category report; there is an engagement HQ page up for general ideas and a survey for those who want to give more detailed feedback. The deadline for input is February 28<sup>th</sup>.
- EQB website migration
  - The migration was relatively successful; a lot of post-migration checking and updates were needed. Clean-up is still in progress.

### 3. Election of Vice Chair

**Summary:** Under the Board’s operating rules, a vice chairperson is to be elected at the first meeting in February each year. The vice chair presides at Board meetings and can fulfill the duties of the Chair when the chair is absent or not available.

**Outcome:** The Board re-elected Board Member Nicholas Martin as Vice Chair to serve until February 2025.

**Motion:** Board Member Holman moved to approve Board Member Nicholas Martin as Vice Chair. Board Member Kessler seconded.

In favor: Arnold, Bauerkemper, Daubenberger, Foster, Holman, Hince, Katzenberger, Kessler, Strommen.  
 Opposed: none. Excused: Bakken, Cunningham, Gronvall, Martin, Nelson, Petersen, Varilek

Motion passes.

### 4. Updated ERIS resolution

**Presenter:** Catherine Neuschler – Executive Director, EQB

**Type of item:** Decision

**Summary:** The Board authorized the creation of the Environmental Review Implementation Subcommittee in September 2019. The records of that authorization are unclear, especially related to the size of the subcommittee.

This resolution: establishes the size of the subcommittee as eight (maintaining it as less than a quorum of the Board); clarifies whether the Board of Water and Soil Resources can serve on ERIS and in which position; sets a minimum of two ERIS meetings per year; clarifies that the Board chair appoints non-agency members to ERIS; and establishes procedures for choosing the ERIS chair.

**Outcome:** The Board reauthorized ERIS with clarity on membership and appointment procedures. Non-agency members were specified. Board Member Todd Holman was appointed by the Chair to serve as a public member of ERIS.

**Motion:** Board Member Kessler moved to approve the ERIS resolution. Board Member Arnold seconded.

In favor: Arnold, Bauerkemper, Daubenberger, Foster, Holman, Hince, Katzenberger, Kessler, Strommen.  
 Opposed: none. Excused: Bakken, Cunningham, Gronvall, Martin, Nelson, Petersen, Varilek

Motion passes.

## 5. Environment & Energy Report Card resolution

**Presenter:** Priscilla Villa-Watt, Communications and Engagement Coordinator, EQB

**Type of item:** Decision

**Summary:** Various updates and changes were presented that were based on recommendations from the Board at the January Board meeting.

**Outcome:** The Board approved distribution of the 2024 Environment and Energy Report Card.

**Motion:** Board Member Foster moved to approve the Environment & Energy Report Card resolution. Board Member Katzenberger seconded.

In favor: Arnold, Bauerkemper, Daubenberger, Foster, Holman, Hince, Katzenberger, Kessler, Martin, Strommen. Opposed: none. Excused: Bakken, Cunningham, Gronvall, Nelson, Petersen, Varilek

Motion passes.

## 6. Strategic Plan: Facilitated Strategies Session

**Facilitators:** Kim Behrens and Kari Cantarero, Management Analysts at Minnesota Pollution Control Agency, Organizational Improvement Unit

**Type of item:** Informational

**Summary:** The Board participated in a facilitated discussion in support of the EQB's efforts to refresh and update the organization's strategic plan for the next five years. The Board considered the strategies that are needed to implement the organizational outcomes.

**Outcome:** The Board provided input that will be used in drafting an update to EQB's strategic plan.

## 7. Public comment

Joy Anderson, Minnesota Center for Environmental Advocacy: Ms. Anderson provided comments related to a recent report on environmental review and permitting in Minnesota. Sometimes the long permitting process is due to the action of businesses challenging permits. Also, permitting time could be shortened if agencies could state up front that the project will not meet permitting standards. Shortening the environmental review process is not the answer. Permitting and environmental review take time and should be done so that there are good economic development projects in Minnesota.

## 8. Closing and adjournment

Board Member Arnold motioned to adjourn. Board Member Katzenberger seconded. All in favor; meeting adjourned.

Attachment: Strategic Plan Refresh presentation with notes

DRAFT





# STRATEGIC PLAN REFRESH

February 21, 2024

## Refresh Process



# Today's Agenda

**Part 1:** Complete Situational Analysis (30 minutes)

**Part 2:** Brainstorm Strategies for Each Priority Outcome (90 minutes)

# Situational Analysis

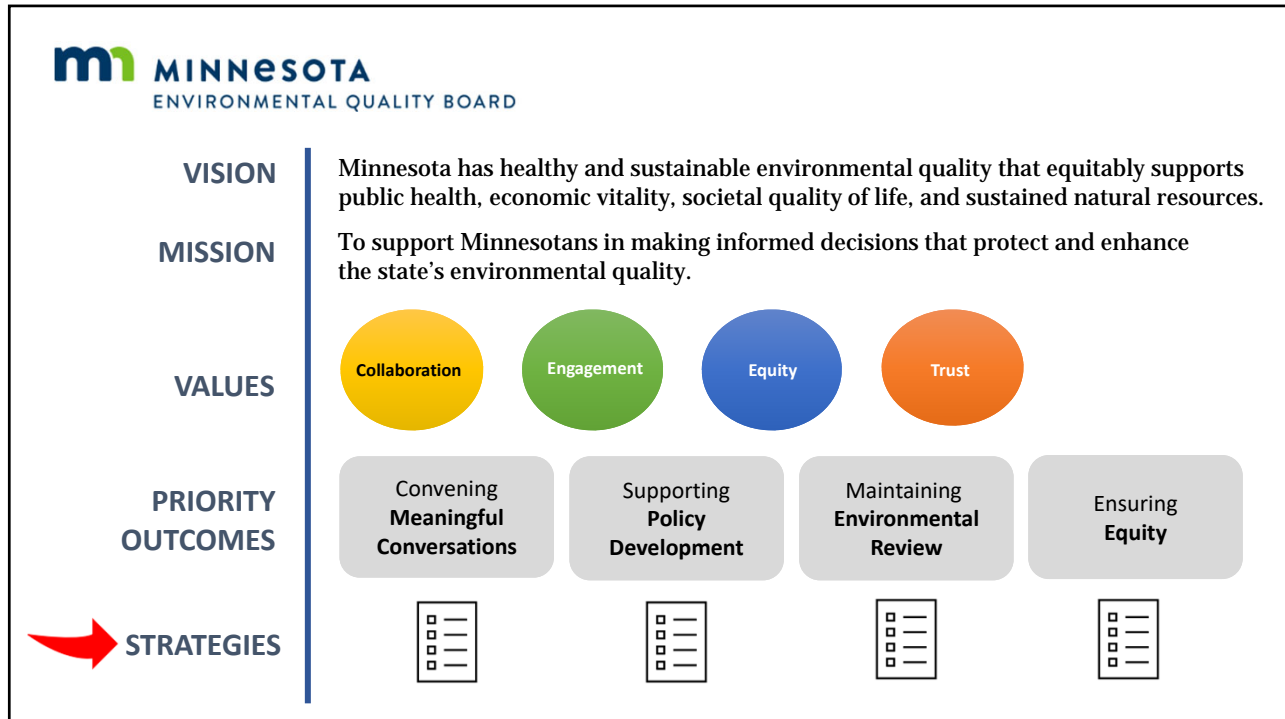


## Situational Analysis

<ul style="list-style-type: none"> <li>Convening Meaningful Conversations</li> <li>Supporting Policy Development</li> <li>Maintaining Environmental Review</li> <li>Ensuring Equity</li> </ul>	<b>Strengths</b>	<b>Opportunities</b>
	<ul style="list-style-type: none"> <li>Where do we have real advantages and momentum?</li> <li>What have we built that we don't want to lose?</li> </ul>	<ul style="list-style-type: none"> <li>What forces are working for us?</li> <li>What doors are open to us?</li> <li>What are ideas whose time has come?</li> </ul>
	<b>Weaknesses</b>	<b>Threats</b>
	<ul style="list-style-type: none"> <li>What are the areas that need development?</li> <li>What are the gaps in effectiveness?</li> <li>What are the major organizational issues?</li> </ul>	<ul style="list-style-type: none"> <li>What forces are working against us?</li> <li>What could "blow up" if not dealt with?</li> <li>Where are potential dangers in the future?</li> </ul>

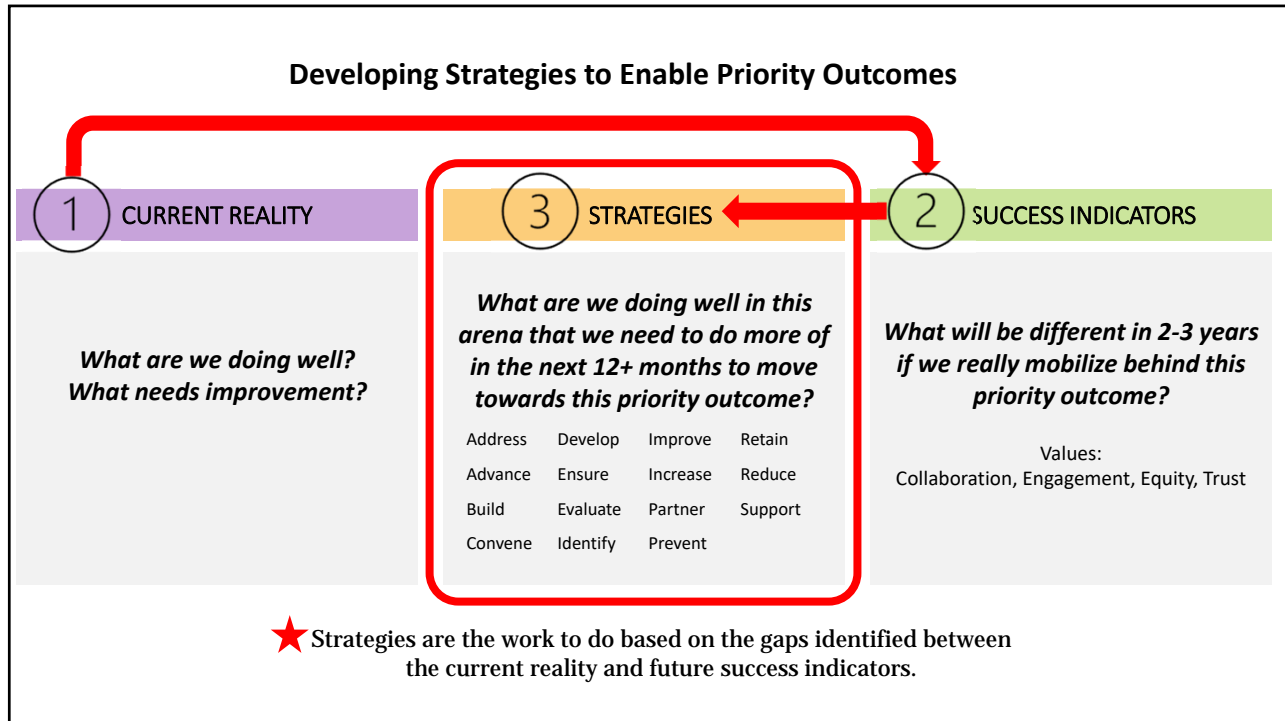
Situational Analysis	
Strengths	Opportunities
<ul style="list-style-type: none"> <li>- Updated worksheet (Env. Review)</li> <li>- Mix of public members and appointed board members</li> <li>- Experience with Env. Review, long record</li> <li>- Highly capable, experienced tech reps that oversee Env. Review</li> <li>- Access to existing and best available science and research</li> <li>- Momentum around Env. Review improvement</li> </ul>	<ul style="list-style-type: none"> <li>- Better build out resources in resiliency and mitigation – questions from agencies re: worksheet</li> <li>- Engage with the public in different ways – meet people where they are</li> <li>- Bring in more youth and Tribal voices into the conversation</li> <li>- Ensure the public fully understands the Env. Review process</li> <li>- Provide more tools and guidance to make the Env. Review process smoother</li> <li>- Invaluable opportunity in schools, colleges, and universities – engaging with students and faculty</li> </ul>
Weaknesses	Threats
<ul style="list-style-type: none"> <li>- Opportunity to bring more diverse voices into the conversation (do not reflect diverse voices in MN)</li> <li>- Structures, laws, rules under which we operated don't address an equity lens – operating within those will be a challenge</li> <li>- Supporting policy development – figuring out what that means and then doing it</li> </ul>	<ul style="list-style-type: none"> <li>- MN Chamber of Commerce Foundation Permit Timeliness review, perception that Env. Review hinders economic advantage</li> <li>- Danger of polarization, losing control of outcomes to societal polarization</li> <li>- Time, how quickly things are moving or not moving – provide accountability, transparency into time sensitive processes</li> </ul>

# Strategies



# Instructions

- **First**, describe the current reality.
- **Second**, determine success indicators.
- **Third**, define strategies.



### Strategies to Enable Priority Outcomes

<p style="font-size: 2em; font-weight: bold; border: 2px solid black; border-radius: 50%; display: inline-block; text-align: center; width: 30px; height: 30px; line-height: 30px;">1</p> <p style="margin-left: 10px;"><b>The EQB fosters meaningful conversations around environmental issues.</b></p>	<p><b>Values:</b> Collaboration Engagement Equity Trust</p>	
<p><b>1. CURRENT REALITY</b></p>	<p><b>3. STRATEGIES</b></p>	<p><b>2. SUCCESS INDICATORS</b></p>
<p><b>Describe the current reality for this priority outcome.</b></p> <ul style="list-style-type: none"> <li>Engaging the public, having a variety of venues that the public can participate and be heard</li> <li>Balancing environmental considerations, economic considerations</li> <li>Lack of diversity on board, and in participants</li> <li>Times/ways we meet not inclusive (time of day, technology)</li> </ul>	<p><b>What are you doing well in this arena that you need to do more of in the next 12+ months to move towards this outcome?</b></p> <ul style="list-style-type: none"> <li>Intentionally ask community groups to help in the planning of events, show up where community already going to be</li> <li>Who are the community connectors</li> <li>Survey agencies re: outreach practices</li> </ul>	<p><b>What will be different in 2-3 years if you really mobilize behind this priority outcome?</b></p> <ul style="list-style-type: none"> <li>More diverse board, more diverse voices participating in meetings</li> <li>Be able to show how diverse voices incorporated into policy, env. Decisions</li> <li>Build something outcomes based – are we the right group to determine outcomes?</li> <li>Perspectives that we haven't heard brought to the table</li> <li>Include diverse leanings in terms of how they view env. processes</li> </ul>

### Strategies to Enable Priority Outcomes

**2** The EQB supports innovative state policy development on priority and emerging environmental issues.  
 (Current priority issues: climate, water, and biodiversity)

**Values:**  
 Collaboration  
 Engagement  
 Equity  
 Trust

#### 1. CURRENT REALITY

Describe the current reality for this priority outcome.

- EQB offers a convening forum for the public and others to see how agency work is connected, EQB offers one common space
- State Water Plan, Interagency Pollinator Team, Climate Action Framework good examples of agency coordination
- Accessibility of outstate voice – time of day, technology

#### 3. STRATEGIES

What are you doing well in this arena that you need to do more of in the next 12+ months to move towards this outcome?

- Convene more intra agency teams
- Deliberate conversations – identify opportunities to serve in public government partnership
- Develop policy around environmental equity that doesn't already exist
- Continue to work at doing a better job at articulating our own policy and operational protocols, especially around equity
- Pursue own innovative policy in regard to how we're understanding equity and engagement
- Develop policies like Tribal Consultation Policy

#### 2. SUCCESS INDICATORS

What will be different in 2-3 years if you really mobilize behind this priority outcome?

- Improvement on goals around priority issues
- Make sure there are clear, tangible spokes back to the agencies – make sure the EQB collective work is included in policy development
- Make sure diverse voices are showing up and part of the process, how are they going to see themselves in the policy
- Tell the story of the work we've done – communicate what's happening, identify gaps

### Strategies to Enable Priority Outcomes

**3** The EQB maintains and improves Minnesota's environmental review program.

**Values:**  
 Collaboration  
 Engagement  
 Equity  
 Trust

#### 1. CURRENT REALITY

Describe the current reality for this priority outcome.

- EQB hosts an efficient structure of interagency technical experts who coordinate well together
- Complaints about efficiency and speed of program
- We have a great team but there's still a lot of work, not over-resourced
- Public usually doesn't understand env. Review, if they are it's because they have a problem – do people see it as legitimate and rigorous? Overly onerous?
- People tend to be dissatisfied on both sides
- Continuous Improvement project – heard what's going well, what's not going well

#### 3. STRATEGIES

What are you doing well in this arena that you need to do more of in the next 12+ months to move towards this outcome?

- Lift up technical assistance and guidance that EQB provides, what additionally can we be providing
- Training for people who are serving as RGUs, training for people who have projects proposed in their area – this is what Env. Review is
- Put issues that are part of the updated guidance out
- Provide certain tools and clear, prescriptive guidance – not just a buffet of options – with EQBs help

#### 2. SUCCESS INDICATORS

What will be different in 2-3 years if you really mobilize behind this priority outcome?

- Have better equipped RGUs – more effective, consistent, efficient process
- Clearer, more advanced program – leads to better projects overall, knowing what to expect
- How many resources are available for the public to interact with EQB, the more we can show people the process, bring people into the process with data that promotes engagement and trust
- Have the knowledge to avoid or minimize impacts, good mitigation strategies/best practices – make that available and visible

## Strategies to Enable Priority Outcomes

**4**

The EQB works towards achieving environmental quality without disproportionate impacts.

**Values:**  
 Collaboration  
 Engagement  
 Equity  
 Trust

### 1. CURRENT REALITY

**Describe the current reality for this priority outcome.**

- Don't currently have a good way to understand if we're achieving environmental equality without disproportionate impacts
- This outcome is in the development stage
- There is disproportionate impacts on environmental matters based on geography
  - Currently not tied to Env. Review
- We don't have a way to think about it as a board

### 3. STRATEGIES

**What are you doing well in this arena that you need to do more of in the next 12+ months to move towards this outcome?**

- Deliberate this outcome as a board(a necessary step, not necessarily a strategy)
- As a board, what does this mean for us, what is within our capacity to do in this arena
- What development can we do as board members?
- Clarity about the scope and understanding of disproportionate impacts, cumulative impacts (i.e. communities, locations)

### 2. SUCCESS INDICATORS

**What will be different in 2-3 years if you really mobilize behind this priority outcome?**

- A way to measure if we're achieving environmental equity without disproportionate impacts
- Have EPA EJ mapping tool change over time



## **DRAFT: TRIBAL COORDINATION AND CONSULTATION POLICY**

### **Background**

The Environmental Quality Board (EQB or Board) seeks to foster and facilitate positive government-to-government relations between EQB and all federally recognized Tribal Nations that share geography with the state of Minnesota.

[Minnesota Statute 10.65](#) recognizes and supports the unique status of Tribes and their absolute right to existence, self-governance, and self-determination. While Minn. Stat. 10.65 does not directly charge EQB with designating a Tribal liaison to implement a consultation policy, subpart 3(k) encourages and allows all agencies and boards to “engage in consultation and communication with the Minnesota Tribal governments for all matters that have Tribal implications.” EQB has designated a staff person as a Tribal Relations Point of Contact to coordinate outreach and engagement with Tribes.

Overall, the EQB is responsible for monitoring the effectiveness of the state Environmental Review Program, taking measures to improve its effectiveness, and assisting all parties involved. EQB provides leadership and coordination on priority environmental issues that are multi-jurisdictional and multi-dimensional; and provides opportunities for public access and engagement. Most EQB decisions must be made by an affirmative vote of the whole Board; some decisions are delegated to the Chair.

The cabinet-level Executive Branch agencies that serve on the EQB implement their own Tribal Consultation Policies; however, a Tribal Coordination and Consultation Policy specific to EQB’s unique role is needed to fulfill the intent of Minn. Stat. 10.65. According to this statute, “timely and meaningful consultation between the state of Minnesota and Minnesota Tribal governments will facilitate better understanding and informed decision-making by allowing for communication on matters of mutual interest and help to establish mutually respectful and beneficial relationships between the state and Minnesota Tribal governments.”

### **Purpose**

The purpose of this policy is:

- 1) to develop, maintain, and improve meaningful government-to-government relationships.
- 2) to ensure effective communication and coordination, especially on those specific EQB actions and decisions that may affect one or more of the Tribal Nations that share geography with Minnesota.

This policy is prepared in accordance with Minnesota statutes and rules, federal statutes, and regulations. It does not apply to board member agencies acting within the scope of their own authorities and consultation policies.

### **Policy Statement**

The EQB’s policy is to establish and maintain coordination and consultation practices on a government-to-government basis with the federally recognized Minnesota Indian Tribes who share geography with Minnesota when EQB actions and decisions may affect Tribal interests. This policy establishes guidelines for interaction to facilitate positive government-to-government relations.

## Definitions

**Consultation** – Per Minn. Stat. 10.65, consultation means: the direct and interactive involvement of the Minnesota Tribal governments in the development of policy on matters that have Tribal implications. Consultation is the proactive, affirmative process of identifying and seeking input from appropriate Tribal governments and considering their interest as a necessary and integral part of the decision-making process. During a consultation, the burden is on the agency [EQB] to show that it has made a good faith effort to elicit feedback. Consultation is a formal engagement between agency [EQB] officials and the governing body or bodies of an individual Minnesota Tribal government that the agency or an individual Tribal government may initiate. Formal meetings or communication between top agency officials and the governing body of a Minnesota Tribal government is a necessary element of consultation.

**Coordination** – As used in this policy, coordination means an affirmative process where EQB staff will proactively identify and seek input from Tribal government staff in a timely and meaningful manner as part of its decision-making process on projects, programs, policy developments, and similar items. It also means that EQB will listen and communicate when staff of any Tribal nation bring forward a request to discuss and provide input on a matter under EQB's consideration. In a coordination process, staff will collaboratively coordinate times and procedures to meet for meaningful discussion around identified issues.

**Matters that have Tribal implications** - Per Minn. Stat. 10.65, matters that have Tribal implications means rules, legislative proposals, policy statements, or other actions that have substantial direct effects on one or more Minnesota Tribal governments, or on the distribution of power and responsibilities between the state and Minnesota Tribal governments.

**Minnesota Tribal governments** - Per Minn. Stat. 10.65, Minnesota Tribal governments means the federally recognized Indian Tribes located in Minnesota including: Bois Forte Band; Fond Du Lac Band; Grand Portage Band; Leech Lake Band; Mille Lacs Band; White Earth Band; Red Lake Nation; Lower Sioux Indian Community; Prairie Island Indian Community; Shakopee Mdewakanton Sioux Community; and Upper Sioux Community.

**Timely and meaningful** - Per Minn. Stat. 10.65, timely and meaningful means done or occurring at a favorable or useful time that allows the result to be included in the [Board's] decision-making process.

**Tribal Sovereignty** - It is the right of American Indian tribes to determine their own future. Tribal nations possess all the inherent powers of any sovereign government. American Indian tribes, through elected Tribal governments, have the right to operate as self-governing nations.

## Roles and responsibilities of the EQB

The EQB's mission is to enhance Minnesota's environmental quality for current and future generations by leading interagency work to advance meaningful public engagement and facilitate informed decision-making on critical environmental issues. The board has a responsibility to address issues affecting our water, land, air, energy, and climate. In addition, the EQB functions as the coordinating body for Minnesota's Environmental Review Program.

EQB staff serve the board and support the EQB's activities. The executive director manages the board's staff and financial resources and serves as the principal liaison to the board. Staff support the environmental review, administrative, and strategic planning functions of the board, and carry out projects on the board's behalf.

EQB staff will regularly share information with staff of Tribal governments and entities about the EQB's project, program, and policy development work, and identify those areas of work likely to be matters that have Tribal implications. Tribal staff may always identify matters that have Tribal implications. EQB staff will then collaboratively plan processes for getting timely and meaningful input on those work products from Tribal government staff. EQB will organize their information sharing and scheduling through the Tribal Relations Point of Contact.

When government-to-government consultation is needed on matters that have Tribal implications, the EQB Chair, Executive Director, and Tribal Relations Point of Contact will generally participate on behalf of EQB in discussions with Tribal government leadership and other Tribal participants that leadership designates. Exact attendees can be decided in cooperation with the relevant Tribal government.

The EQB will provide information and opportunities for its board members and staff to receive training about American Indian Tribal governments, histories, cultures, and traditions.

EQB will coordinate and consult with honesty, integrity, and transparency to build the mutual trust that is fundamental in establishing a good consultative relationship. EQB will be open with information that may be beneficial or critical to deciding or developing a position.

## Coordination and Consultation Protocols

The EQB will provide timely and meaningful communication and conduct coordination and consultation as needed — as defined in this document and as permitted by law — before taking action that will affect matters that have Tribal implications for one or more of the federally recognized Tribal Nations that share geography with Minnesota. EQB coordination and consultation will be specific to the scope of EQB's authority.

### Coordination

EQB staff will regularly conduct coordination with staff of affected Tribal governments and entities on matters that have Tribal implications. Coordination will include tailored approaches that reflect the circumstances of each individual project or situation and aim to best accommodate the preference(s) of any Tribal government or entity staff. EQB will be open to adjusting deadlines and timelines to have timely and meaningful coordination.

EQB will work to establish times for regular communication and coordination between EQB staff and the staff of Minnesota's Tribal governments and entities to share information on EQB's work generally. The goal of this general coordination will be to promote an open dialogue, share information, ensure that EQB recognizes and reacts to Tribal concerns in all facets of their work, and identify areas for additional in-depth conversations or consultation.

Tribal government staff may always identify issues that have Tribal implications and which need coordination. EQB may undertake projects, including rulemaking, to revise, update, or provide additional guidance on environmental review and other services/programs that EQB provides. For these specific projects, when the project has Tribal implications or may be of interest to Minnesota Tribal governments and Minnesota Tribal entities, major steps to the coordination process include:

- Identification – EQB will identify, at the earliest opportunity, Board decisions or issues that require coordination.
- Notification – EQB staff may also reach out to appropriate Tribal staff with a request for coordination. The timing of the notification should occur in such a way to allow for timely and meaningful input by all parties.

- Information Sharing – EQB staff will provide Tribal staff with relevant and appropriate information on the matter at issue and will ensure that Tribal staff have sufficient time to consider the information before providing timely and meaningful input. EQB will listen to recognize and understand Tribal concerns. EQB may provide technical assistance if requested.
- Listening to input – EQB will accept any form of input from Tribes. Input may occur in multiple iterations of coordination to respond to Tribal and EQB needs.
- Communicating decisions – EQB will provide documentation of the coordination and communicate how it informed decision-making. EQB staff will make information available to the full board when the board is responsible for decision-making. Throughout a project of interest, EQB staff will keep Tribal staff informed of progress, and may make additional requests for input as needed. EQB will communicate outcomes and how the coordination informed decision-making. This includes an explanation if information was not used or could not be used due to limited board authority.

Coordination takes place between EQB staff and Tribal staff. EQB will meet as needed or requested to develop and maintain strong working relationships between EQB and Tribal Nations.

### **Consultation**

The goal of the coordination process is to ensure that information is shared and matters are resolved without needing consultation. However, at any point in that process, EQB or Tribal staff may request that consultation occur, moving the conversation from the staff level to that of the governing body or bodies of an individual Minnesota Tribal government. The general process of identification, notification, information sharing, input, and communication remains the same.

EQB commits to offering to meet at least annually with Minnesota Tribal Nations leadership, to identify priority issues for coordination or consultation on matters that have Tribal implications. Tribal Nation leadership may request additional consultation on any matter, and EQB will honor that request if the requested consultation is specific to EQB’s authorities.

EQB will have the board chair, executive director, and Tribal Relations Point of Contact present for consultations. The board will receive all the information regarding coordination and consultation discussions.

### **Who needs to know this policy?**

All EQB members and employees must become familiar with the purpose and intent of this policy to further government-to-government relations with Tribal nations. All EQB employees whose responsibilities involve actual or potential matters that have Tribal implications must follow this policy. All consultants and contractors responsible for planning, designing, implementing, or managing an EQB project, shall become familiar with this policy and work with staff to implement it.

\_\_\_\_\_  
 Nancy Daubenger, Chair  
 Minnesota Environmental Quality Board

Date: \_\_\_\_\_



## RESOLUTION OF THE MINNESOTA ENVIRONMENTAL QUALITY BOARD

### Approval of EQB Tribal Coordination and Consultation Policy

EQB seeks to facilitate positive government-to-government relations with all federally recognized Tribal Nations that share geography with the State of Minnesota.

Minnesota Statutes, section 10.65 recognizes and supports the unique status of Tribes and their absolute right to existence, self-governance, and self-determination. While Minn. Stat. 10.65 does not directly charge EQB with implementing a Tribal consultation policy or designating a Tribal liaison, subpart 3(k) encourages and allows all agencies and boards to “engage in consultation and communication with the Minnesota Tribal governments for all matters that have Tribal implications.”

The purpose of this policy is:

- 1) to develop, maintain, and improve meaningful government-to-government relationships.
- 2) to ensure effective communication and coordination on specific EQB actions and decisions that may affect one or more of the Tribal Nations that share geography with Minnesota.

This policy is prepared in accordance with Minnesota statutes and rules, federal statutes, and regulations. It does not apply to board member agencies acting within the scope of their own authorities and consultation policies.

**The board resolves to** adopt the attached 2024 EQB Coordination and Consultation Policy.

By doing so, the board agrees to adhere to the processes outlined in the EQB Coordination and Consultation Policy, which also involves updating the policy as necessary to better reflect the needs of Tribes that share geography with the State of Minnesota.

The board approved and adopted this resolution on April 17, 2024.

\_\_\_\_\_  
Nancy Daubenberger, Chair  
Minnesota Environmental Quality Board

Date: \_\_\_\_\_

Attachments: [EQB Tribal Coordination and Consultation Policy]

# Environmental Quality Board Strategic Plan

## Introduction

The 1973 Legislature established the Minnesota Environmental Quality Board (EQB/Board) as a forum for leadership and coordination across Minnesota state agencies on priority environmental issues that are interdisciplinary and cross-jurisdictional. As a public-facing board, the EQB strives to engage Minnesotans and provide meaningful access to conversations regarding the future of our environment.

Minnesota Statutes, chapter 116C establishes the Board, its membership, and power and duties. Minn. Stat. § 116C.04 gives the Board the responsibility to investigate interagency environmental issues. The law identifies a range of environmental matters for investigation, including air, water, solid waste management, transportation and utility corridors, energy policy, and planning.

Minnesota Statutes, chapter 116D – the Minnesota Environmental Policy Act – gives the EQB authorities and functions related to Minnesota’s Environmental Review Program. The Board serves as the coordinating body, with responsibilities to:

- Measure and improve the effectiveness of the environmental review program.
- Develop and maintain the state’s environmental review rules – including those that establish the types of actions for which environmental review is required and govern the environmental review process.
- Regularly review and report on those rules and the mandatory categories.
- Review and approve the forms for environmental review.
- Publish the EQB Monitor, which includes required notices for environmental review.
- Take various administrative actions related to environmental review, including designating the responsible government unit.

## Supporting One Minnesota Plan

The EQB supports the State’s [One Minnesota Plan](#) and its mission to “Improve the lives of all Minnesotans by working collaboratively to implement policies that achieve results.” The EQB’s unique contribution to this goal is the ability to bring multiple agencies and the public together to advance interdisciplinary discussions on complex environmental issues.

As stated in the One Minnesota Plan, “Minnesota does better when state agencies and community partners collaborate to achieve common goals.”

EQB joins with individual Minnesotans, communities, and public and private organizations to work collaboratively and implement policies that achieve results. With multiple state agencies and public members of the Board, collaboration across these spaces is a key identity for EQB to leverage and strengthen to support statewide goals.

Specifically, the EQB supports the One Minnesota Plan work to solve problems in the key priority area of Minnesota’s environment, while supporting thriving communities and ensuring equity and inclusion.

# Strategic Plan – July 2024 through June 2029

## Purpose and Overview

The purpose of this strategic plan is to provide a directional framework to guide and focus EQB's action and organizational decision-making over the next five years. The strategic plan aims to intentionally align the organization's aspirations with its capabilities to achieve meaningful and purposeful outcomes.

The strategic plan begins with EQB's mission, vision, and organizational values. These three components provide high-level guidance about what work EQB can and should do and how that work should be done. They serve as a shared reference point for the EQB, agency partners, and Minnesotans as to the organization's aspirations.

The strategic plan then lays out four key outcomes that the EQB wishes to achieve in support of its mission. These are designed to provide high-level direction and focus, while simultaneously accommodating emerging issues and dynamic state needs.

Each key outcome is followed by more detailed strategies that represent the specific things EQB hopes to do over the next five years to support meeting the desired outcomes. These strategies will guide board and staff activities, such as future work plans and decisions about allocation of resources.

## Mission

The EQB's mission is to support informed decision-making that protects and enhances Minnesota's environmental quality. We accomplish this by fostering meaningful conversations; supporting collaborative policy development; and ensuring effective environmental review of potentially impactful projects.

## Vision

Minnesota has healthy and sustainable environmental quality that equitably supports public health, economic vitality, societal quality of life, and sustained natural resources.

## Values

The EQB strives to incorporate the following key values in all our work and the way we do it:

- **Collaboration:** EQB facilitates connections across executive branch agencies; between branches of governments; and between government and those it serves.
- **Engagement:** EQB ensures that public voices, including diverse and underrepresented groups and those who will be most impacted, are actively included and considered in all our work.
- **Trust:** EQB is a trusted public entity in the work of enhancing Minnesota's environmental quality and a reliable partner to State, Tribal, and local governments.
- **Equity:** EQB aspires to promote equity in the environmental, economic, and social wellbeing of all residents of Minnesota.



## Outcomes and Strategies

The outcomes are the results that the EQB aspires to achieve in our work. These outcomes are not specific to this five-year strategic plan but represent long-term goals; they can be seen as ideals that we are working to meet. The EQB recognizes that there are gaps between what we are accomplishing and the goals we have set for ourselves. While multiple actions and approaches could be taken to support each outcome, focused work in specific areas will help ensure we are effectively decreasing those gaps and getting closer to the desired outcomes.

Each outcome is followed by four strategies. These strategies define the actions and approaches the EQB will take in the coming five-year period to move towards achieving the specified outcomes. When a strategy is completed, another strategy may be added or implemented to ensure we continue to make progress. Organizational work planning will focus on work and projects with these strategic areas.

### 1. The EQB fosters meaningful conversations around environmental issues

**What does this mean?** The EQB convenes open, approachable, and accessible conversations. EQB ensures that public voices – including diverse and underrepresented groups and those who are most likely to be impacted by an issue under discussion – are provided a range of opportunities to become involved in key environmental discussions and are actively included and considered. EQB builds and maintains meaningful relationships with diverse groups statewide to support equal access for underrepresented groups and environmental justice communities to participate in conversations, policy development, and program implementation. EQB listens and learns from the input provided.

EQB provides Minnesotans a unique space to discuss important environmental issues, particularly those that are cross-programmatic and interdisciplinary. EQB provides a forum for Minnesotans to talk to each other and to governmental decision makers about what matters so that Minnesota has healthy, sustainable and equitable environmental quality.

**Strategies.** The strategies for this outcome are about building relationships, systems, and structures that bring forward new perspectives and result in more participatory conversations at Board meetings and other Board-sponsored events.

- Strategy 1: Build and maintain meaningful relationships with diverse groups representing partners and interested and affected people statewide.
- Strategy 2: Regularly convene events – such as the Environmental Congress – that bring Minnesotans together to talk about environmental issues.
- Strategy 3: Create opportunities for partners and interested and affected people to bring forward key environmental issues for discussion.
- Strategy 4: Implement policies and processes to improve engagement with Tribal nations and their members.

### 2. The EQB supports innovative state policy and program development on priority and emerging environmental issues.

**What does this mean?** EQB facilitates interagency coordination so that state programs and policies are aligned to support public health and environmental protection. EQB provides a forum for sharing information about environmental problems – including the actions being taken and remaining gaps and opportunities – to make recommendations for collective state action to advance and improve environmental outcomes. EQB develops and shares data and information about key issues to serve as a foundation for policy and program development and to report on implementation progress. Current priority issues include climate, water, and biodiversity (pollinators).



**Strategies.** The strategies for this outcome are about ensuring connections in specific areas and continuing to explore and define roles in newer spaces, including those spaces where EQB could bring in information to a central hub and send out information back to the agencies.

- Strategy 1: Convene the interagency pollinator protection team ensure interagency coordination, develop cross-agency policies and programs, and report on progress towards protecting Minnesota’s pollinator species.
- Strategy 2: Advance water planning and policy development by supporting integrated cross-agency reporting on Minnesota’s surface water and groundwater conditions and aligning discussions about gaps and opportunities to protect Minnesota’s water.
- Strategy 3: Collaborate with the Climate Change Subcabinet to support information sharing and reporting on implementation progress around Minnesota’s Climate Action Framework.
- Strategy 4: Develop and implement a process to regularly identify key environmental issues where EQB support and action can drive effective interagency coordination to improve information sharing and program alignment.

### 3. The EQB maintains and improves Minnesota’s environmental review program

**What does this mean?** The EQB is a valued source of information for anyone seeking assistance with environmental review. The EQB ensures that Minnesota’s environmental review program meets the objectives of the Minnesota Environmental Policy Act and provides information that supports understanding the impact proposed projects will have on the environment. The EQB monitors, measures, and strives to continuously improve program effectiveness, focused on how the program provides usable information, supports engagement with the public, and follows a sound process.

**Strategies.** The strategies for this outcome focus on providing information and support to practitioners; improving evaluation and measurement of environmental review outcomes; and updating the program to align with current environmental priorities and incorporate up-to-date scientific information.

- Strategy 1: Provide guidance and training to support responsible government units in completing EAWs.
- Strategy 2: Develop tools and guidance to support the inclusion of climate pollution and resiliency information in environmental review.
- Strategy 3: Improve data collection to support EQB’s ability to evaluate the effectiveness of Minnesota’s environmental review program and our provision of technical assistance.
- Strategy 4: Develop and implement updates to Minn. R. 4410 to support program effectiveness and clarity in implementation.

### 4. The EQB works towards achieving environmental quality without disproportionate impacts

**What does this mean?** Through conversations, the EQB works to understand and gather information about the unequal distribution of both environmental and public health benefits and environmental and public health burdens. EQB shares and presents this information about disproportionate impacts and potential opportunities to mitigate them. EQB works to support responsible governmental units and state agencies in considering disproportionate impacts in environmental review and policy development.

Definition: Our concept of disproportionate impact comes from the Environmental Protection Agency's environmental justice definition, which says that people should be *“fully protected from disproportionate and adverse human health and environmental effects (including risks) and hazards, including those related to climate change, the cumulative impacts of environmental and other burdens, and the legacy of racism or other structural or systemic barriers; and have equitable access to a healthy, sustainable, and resilient environment in which to live, play, work, learn, grow, worship, and engage in cultural and subsistence practices.”*

**Strategies.** The strategies for this outcome are largely developmental, focused on EQB learning and sharing information about disproportionate impacts, where those are or may be experienced, and how they can be described and evaluated.

- Strategy 1: Identify how EQB member agencies are working on disproportionate impacts and where there are tools or actions that can be used by EQB.
- Strategy 2: Ensure all EQB reports provide information on equity in implementing the state's environmental goals.
- Strategy 3: Explore possible frameworks and tools that could support consideration of the potential for disproportionate impacts in environmental review.
- Strategy 4: Participate in conversations around cumulative impacts, considering how that framework relates to environmental review requirements and how it may be used to identify disproportionate impacts.