

# January 2026 Environmental Quality Board meeting

**Wednesday, January 21 from 1 – 4:00 p.m.**

## Join online

- Online: For the meeting link and more information, visit the [board meeting webpage](#)
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## Participating in board meetings

### 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.

### Joining the virtual meeting at the Minnesota Pollution Control Agency office

Members of the public are welcome to attend the virtual meeting from the Minnesota Pollution Control Agency's St. Paul office (520 Lafayette Rd, St. Paul, MN 55155) lower level conference rooms. 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.

### 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.

## Public comment opportunities at EQB meetings

EQB encourages public engagement and appreciates the opportunity to build shared understanding with members of the public. There are multiple ways to engage with staff and board members. One important way is to provide public comment at a board meeting.

The public comment period(s) at a board meeting provide an opportunity for members of the public to inform the board about their views related to the specific item under discussion or something related to the board's purview or authority. Tips for providing comments:

- Ensure that your comments are relevant and specific to the topic you are addressing.
- Say what you want the board to know or consider in moving forward with a piece of work.
- Identify a specific action that you want the Board to take.

If you have a question for the board or EQB staff, it will be noted by staff who will get back to you at a later time. This ensures that we have enough time at a meeting for all commenters to provide input to the board and that your questions can be fully considered.

## Oral public comment



At each meeting, the agenda will show when the board will accept oral public comment. The chair will use their discretion to direct public comment and ensure the board's ability to effectively conduct business.

Procedure for giving oral public comment:

- **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.
- When the chairperson calls on you to speak:
  - Introduce yourself before beginning your comment.
  - Please keep your remarks to the agenda item at hand.
  - Please be respectful of board members, staff, and other meeting participants. The chair, vice-chair, or other presiding officer will not tolerate personal attacks.
- The chairperson may limit commenters' time for remarks to ensure there is equal opportunity for the public to comment. Generally, your remarks will be limited to two (2) minutes.
- The chairperson may discontinue a commenter's time to speak if the comments are not reasonably related to the agenda item at hand.

## 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, and attach them to the public record. Any written comments received after this deadline will be included in the next meeting packet.

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 November 19, 2025, Environmental Quality Board meeting on packet page 5
- Preliminary agenda for the January 21, 2025, Environmental Quality Board meeting

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

Catherine Neuschler – Executive Director, EQB

## 4. Energy rulemaking – adoption (1:20 pm)

**Type of item:** Decision

**Summary:** The 2024 legislature directed EQB to revise the provisions of Minn. R. 4410 to conform with legislative changes, including the creation of the Minnesota Energy Infrastructure Permitting Act and related statutes governing the environmental review of certain energy projects.

The proposed rule amendments went on public notice on October 6, 2025, with a comment period ending November 14, 2025. Two public comments were received. EQB staff have reviewed the comments and do not recommend rule changes. The staff recommend that the Board adopt the rules as proposed, and delegate authority to the executive director to complete the process of adopting the rule changes.

This packet includes:

- A brief overview memo on packet page 10, including the comments received
- A proposed resolution
- A draft unsigned order adopting rules
- A copy of the final rule language
- The justification memo describing the rule changes and rationale, including an addendum response to comments

**Outcome:** The Board adopts the rule or directs necessary changes.

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

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

## 5. Public comment (2:15 pm)

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

## 6. Closing and adjournment



# November 2025 Environmental Quality Board meeting

Wednesday, November 19, 2025 | 1:00-4:00 p.m. | 520 Lafayette Road, St. Paul, MN 55155, lower level conference rooms and online 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, Peter Bakken, Joseph Bauerkemper, Nancy Daubenberger, Tamar Gronvall, Rylee Hince, Todd Holman, Daniel Katzenberger, Nicholas Martin, Paul Nelson, Angie Smith, Sarah Strommen

Members excused: Deb Barber, Ed Brands, Brooke Cunningham, Katrina Kessler, Thom Petersen, Matt Varilek

Proxies present: Rachel Ganani (for Kessler), Peder Kjeseth (for Petersen)

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

Approval of consent agenda

- Meeting minutes from October 15, 2025, Environmental Quality Board meeting
- Proposed agenda for November 19, 2025, Environmental Quality Board meeting

**Motion:** Board Member Katzenberger moved to approve the consent agenda; Board Member Martin seconded.

In favor: Arnold, Bakken, Bauerkemper, Daubenberger, Gronvall, Holman, Katzenberger, Martin, Nelson, Smith, Strommen

Opposed: none

Excused: Brands, Cunningham, Hince, Kessler, Petersen, Varilek

## 2. Executive Director's report

Catherine Neuschler – Executive Director, EQB

- Public member positions – public member board appointments for CD 1, 2, 6, 7, 8 expire in early 2026; applications for those seats (whether new or from board members looking to continue on) are now open via the [Secretary of State's Board/Commissions page](#).
- Energy infrastructure rule – The comment period on this rule closed on November 14. Staff will be working to finalize this and bring to the Board likely in January.
- Next few meetings – Lots of environmental review updates to ERIS in December, and likely several Board decisions on rules in early 2026 (January/February).

## 3. Annual pollinator report – acceptance

**Presenters:** Rebeca Gutierrez-Moreno, PhD – State Pollinator Coordinator, Environmental Quality Board; Christina Locke, PhD – Pollinator Conservation Coordinator, Department of Natural Resources

**Type of item:** Decision

**Summary:** The Board heard a presentation about the 2025 Minnesota State Agency Pollinator Report. The Board considered a resolution to accept the 2025 Minnesota State Agency Pollinator Report, which includes an update on the implementation of the Minnesota Pollinator Action Framework, fulfilling the requirements of EO 19-28.

**Discussion:**

- Suggestion for the Board to sign thank you cards for non-state partners who contributed to the report at the January meeting.

**Public comment:** There were no comments.

**Motion:** Board Member Katzenberger moved to adopt the resolution accepting the 2025 Minnesota State Agency Pollinator Report. Board Member Bakken seconded.

In favor: Arnold, Bakken, Bauerkemper, Daubenberger, Gronvall, Hince, Holman, Katzenberger, Martin, Nelson, Smith, Strommen

Opposed: none

Excused: Brands, Cunningham, Kessler, Petersen, Varilek

**Outcome:** The Board accepted the 2025 Minnesota State Agency Pollinator Report and supports cross-agency collaboration to lead the implementation of the Minnesota Pollinator Action Framework.

## 4. Continuous Improvement (CI) update

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

**Type of item:** Decision

**Summary:** In June 2023, the Environmental Quality Board (EQB or Board) established a continuous improvement (CI) process supporting the Board's responsibility to monitor the effectiveness of Minnesota's environmental review (ER) program. The CI process includes procedural steps to be implemented on a regular basis. Based on past experience and Board discussion, EQB staff have proposed minor changes to the process step titles and the frequency of CI completion. This required an updated resolution to be voted on by the Board.

**Discussion:**

- Does staff see any risks with the elongation of the cycle?
  - The continuous improvement process is structured so that new issues can be addressed.

**Public comment:**

- Joy Anderson – Attorney, Minnesota Center for Environmental Advocacy: Having a process is a great first step, but it's not sufficient. There need to be effective changes.

**Motion:** Board Member Katzenberger moved to adopt the updated CI process resolution. Board Member Holman seconded.

In favor: Arnold, Bakken, Bauerkemper, Daubenberger, Gronvall, Hince, Holman, Katzenberger, Martin, Nelson, Smith, Strommen

Opposed: none

Excused: Brands, Cunningham, Kessler, Petersen, Varilek

**Outcome:** The Board approved the resolution for the updated CI process.

## 5. Foundational information on data centers, part 2

**Presenters:**

- EQB: Catherine Neuschler
- Department of Natural Resources (DNR): Jason Moeckel
- Met Council: Jen Kostrzewski
- Department of Health (MDH): Steve Robertson

**Type of item:** Informational

**Summary:** Data centers house IT infrastructure to run and deliver computing applications and services. As people and the economy increasingly rely on cloud-based data storage and computing, including artificial intelligence (AI), there is increasing demand for the services provided by data centers, and

there are proposals being made to locate larger data centers in Minnesota. In siting and developing data centers, there is a particular need to look at the facilities' energy and water requirements.

Data centers may rely on water-based technologies for cooling; this means there are potential regulatory considerations related to both water supply (incoming) and water discharge (outgoing) and how water use might impact long-term water sustainability.

- EQB staff recapped last month's meeting and provided a brief overview of the discussion
- DNR staff provided an overview of water appropriations and discussed new requirements for pre-application evaluation of water use relevant to data centers
- Met Council staff discussed the potential impacts in regional water supply planning and the regional wastewater system
- MDH provided information about additional considerations for individual public water systems and private wells

**Discussion:**

- Non-essential water usage refers to water use that is not required as part of health and human safety.
- Facilities with their own supply of water, whether over 100 million gallons or not, must get a permit from the DNR. If the water comes from the municipality, then it depends on where that municipality is, their authorized volume, and the size of the facility, then that facility would not require a permit unless the municipality needed to amend their permit to authorize more water.
- Before permitting, monthly water use of data centers may trigger a mandatory EAW, as well as multiple other kinds of mandatory categories based on factors like the size of the building, land conversion, and type of energy generation.
- Who is handling conversations about who pays for additional costs incurred by data centers?
  - The Met Council is in conversations about this; if the infrastructure has to be scaled up, then the costs could get distributed across the region. On the supply side, the conversation would be within each affected community. Uncertain who outside of the seven-county metro area would do infrastructure planning like the Met Council does.
  - The Met Council does not bill individual residents in the metro. They are a wholesaler, so they send that bill to the local government and then the local government decides how to distribute that cost to their residents.
- The DNR has denied appropriation permits in the past. A process was created 11 years ago called a preliminary well assessment where prospective appropriation permit applicants contact the DNR; this helps prevent future denials and some never make it to the application stage after the preliminary assessment.
- DNR does not see appropriation permits with every EAW and they don't get an EAW for every appropriation permit, but EAWs do inform the permitting.
- Have local limits or pretreatment limits ever been imposed for temperature? Met Council does not have a temperature requirement but is not sure about the different permitting processes and will look into it further. Met Council provided information after the meeting that their rules

require all discharges to be less than 150 degrees F at the point of discharge and cannot cause the influent of the receiving plant to be greater than 104 degrees F.

- Pig's Eye treatment plant is enormous and takes a lot of low carbon water to affect those larger plants, but what about smaller municipalities and smaller treatment plants and the impacts to carbon, for example, because of the water use from data centers? Met Council is looking into the Empire wastewater treatment plant, a smaller facility, and how it's being impacted by the various pollutants. This raises similar concerns to how small wastewater treatments facilities in greater Minnesota are handling it as well.
- The data centers that were built 10 years ago and 5 years ago are not the same designs as data centers that are going to be built. It's difficult to gather all the information and data on the impacts the new data centers might have.
- Power generating facilities in Minnesota have their own appropriation permits through the DNR. Almost entirely all are surface water based. Minnesota is using millions fewer gallons of water for power generation than it was 30 years ago.

**Public comment:**

- Sarah Winter, Roxann Voigt, Rebecca Gramdorf, Allison Hafften, Aubree Derksen, Roslyn Hjermstad, Toby Halladay, and Matt Gamble provided written comments and input on data centers and environmental review (attached to the [November packet](#) and [November additional comments](#)).
- Carol Overland: Some AUARs are being used deceitfully to include data centers. The public is at a disadvantage. People need more information on how to intervene in the permitting process and how to properly comment. There should be a way for the EQB to do due diligence to require that AUARs be used properly.
- Peg Furshong – CURE:
  - The data center projects are extremely energy consumptive, using a significant amount of water to generate energy – how do we really know the footprint of water with these projects? Do they have to go through a process of review for where they're getting their energy? Modeling could help to fill in the gaps to know where the project is going.
  - Rural communities are at a real disadvantage in capacity to be able to evaluate the processes and projects for long term use.
- Alan Muller – Red Wing resident:
  - Limiting public comment to 2 minutes is not necessarily courteous or reasonable.
  - In reference to Met Council presentation - It appears that the project goes public after agreements have been made, wondered if there's a significance to the order that's given.\*
  - It seems obvious that the data center AUAR projects call for an EIS, and that ought to be established up front.
  - The EQB figuring out how to handle this sort of project ought to be done in a way that doesn't alienate the community and that doesn't produce a false response or an inaccurate or meaningless environmental review because the wrong framework was used for it.



- Sarah Mooradian – CURE:
  - The law that was passed this year, [MN statute 103g.271 subd. 5b](#), states that the DNR shall ensure that a data center has reasonably considered water efficiency measures. It does not require a data center to actually use any efficiency measures in practice on the site.
  - It seems like there are still a lot of gaps in our collective knowledge. It would be helpful for the public to understand how agencies are filling these gaps. What are the agencies relying on? Is it just what a developer or a data center tells them? Is there existing expertise at the agencies on hyperscale data centers or specific technologies like cooling technologies that they're using? Is there third-party expertise that the agencies are seeking?

**Follow-up discussion\*:**

- Re: member of the public, Mr. Muller's comment regarding when the Met Council is notified of a project and agreements are made vs. when the public is notified of a project. On one of the Met Council slides it did appear that the public is notified last. Please clarify.
  - Met Council response: The slide was misleading. When a project goes through environmental review it is public, and the Council is notified of the project at the same time as the public. The Council does not sign NDAs, so all their work is public.

**Additional public comment:**

- Carol Overland: The Data Practices Act can be useful for procuring information on projects. (All state agencies are subject to the Data Practices Act)

**Outcome:** Agency staff provided foundational information about data centers and the connections to water, helping Board members increase their understanding of the issue. This information will support future discussion about potential work for the EQB, focused around two of our key outcomes – to support program development on priority and emerging environmental issues and to maintain and improve Minnesota's environmental review program.

## 6. Closing and adjournment

Having reached the end of the agenda, the Chair asked if there was any further business.

**Adjournment:**

With no further business, the Chair adjourned the meeting.

## Memo

**Date:** January 9, 2026

**To:** EQB Members

**From:** Kayla Walsh, Environmental Review Program Administrator

### **RE: Adoption of expedited permanent rules relating to energy infrastructure**

#### **Overview**

The *Minnesota Energy Infrastructure Permitting Act* (MEIPA), effective July 1, 2025, consolidated permitting and environmental review for large energy infrastructure facilities—high-voltage transmission lines, large electric power generating plants, energy storage systems, large wind energy conversion systems, solar energy generating systems and associated facilities—into one statutory chapter, Minn. Stat. ch. 216I, under the Public Utilities Commission (PUC). The legislature changed how these projects are permitted and undergo environmental review. In the same session law, the legislature also changed environmental review requirements for carbon dioxide pipelines.

The legislature directed the EQB to use expedited rulemaking to conform its environmental review rules (Minn. R. ch. 4410) with the new framework established by MEIPA. EQB staff discussed various aspects of this rulemaking with the Board throughout 2025. Staff drafted rule language amendments and presented these to the Board on September 17, 2025. At the same meeting, the Board approved a resolution to initiate expedited rulemaking and granted the Executive Director authority to proceed with rulemaking.

#### **Public comment**

EQB published a “Notice of Intent to Adopt Expedited Permanent Rules Without A Public Hearing” in the State Register and requested comments. The draft rule amendment was open for comment from October 6 to November 14, 2025 (39 days). EQB staff encouraged public comment by notifying “interested persons” using a GovDelivery listserv for rulemaking updates, the weekly *EQB Monitor*, and email. Staff also sought comments from Minnesota Tribal Environmental Committee members.

Two groups filed comments concerning the proposed amendments during the comment period: the Minnesota Center for Environmental Advocacy (MCEA) and the Minnesota Bio-Fuels Association (MBFA). EQB staff reviewed comments and propose no changes to the draft rule amendments for the reasons set forth below. Unabridged comments are available in Attachment A.

#### **Minnesota Center for Environmental Advocacy comment**

The Minnesota Center for Environmental Advocacy’s (MCEA’s) comment refers to proposed changes to the mandatory category rules in Minn. R. 4410.4300 and Minn. R. 4410.4400. The language proposed by EQB says, “For projects under part 4410.4100, environmental review is governed by Minnesota Statutes, chapter 216I.” (See lines 3.13 and 3.14 and lines 4.18 and 4.19 of the rule as proposed to be adopted.)

MCEA expresses concerns that this proposed rule language is confusing because it, “creates an inference that environmental reviews performed for projects in chapter 216I are a different type of environmental review that is solely governed by chapter 216I and the Minnesota Environmental Policy Act or ‘MEPA’.”

MCEA asserts that environmental reviews performed for projects listed in 216I are “fundamentally governed by MEPA and are environmental reviews performed under MEPA.” MCEA suggests modification of the proposed rule line 3.13 to say that the review of such projects would be: “governed by Minnesota Statutes, chapter 216I in conjunction with chapter 116D.”

### **EQB staff’s response to comment**

Chapter 216I reflects a longstanding legislative tradition of managing the siting, permitting, and environmental review of large energy infrastructure projects through energy-specific statutes and rules. A more detailed history of the two statutes, Minn. Stat. 116D and Minn Stat. 216I, can be found in the [“Rule summary and justification memo.”](#)

Chapter 216I defines “major” projects and requires the PUC to prepare an environmental impact statement (EIS) on each proposed large energy infrastructure facility that is a major project for which a complete application has been submitted (Minn. Stat. § 216I.06, subd. 1(a)). The legislature included a specific definition of “environmental impact statement” in this provision, stating that it means, “a detailed written statement that describes a large energy infrastructure facility and satisfies the requirements of section 116D.04.”

Chapter 216I defines projects that are “standard” or “local” projects and requires an environmental assessment document or “EA” for such projects. The EA is not described in section 116D.04. Chapter 216I describes the content and procedures related to an EA and says, “[t]he environmental assessment is the only state environmental review document that must be prepared for the proposed project.” (Minn. Stat. § 216I.07, subd. 3). EQB staff find that large energy infrastructure projects are reviewed (and have traditionally been reviewed) using an EA document that is not described in Minn. Stat. section 116D.04 or EQB’s rules.

One goal of MEIPA was to eliminate confusion caused by the potential for multiple environmental review processes by ensuring it is managed by one entity (the PUC) and one statute (Chapter 216I). Given that Minn. Stat. 216I already refers to Minn. Stat. 116D when appropriate, and that the EA is a separate document and process, EQB staff do not recommend accepting MCEA’s suggested change.

### **Minnesota Bio-fuels Association comment**

The Minnesota Bio-fuels Association (MBFA) expresses concerns regarding EQB’s decision to amend its rules to include carbon dioxide pipeline projects in the mandatory Environmental Impact Statement (EIS) category rules. MBFA understands that the 2024 legislation defined “carbon dioxide pipeline” and added a requirement in Minn. Stat. 216G.025 that carbon dioxide pipeline projects undergo a mandatory EIS before they are permitted. MBFA agrees that the environmental and public health impacts of proposed multi-state carbon dioxide pipeline projects should be fully understood before they are given route permits and allowed to operate.

MBFA argues that the intent of the legislation was to require an EIS for large projects and raises concerns that EQB’s proposed rule “goes above and beyond the original intent of the law.” MBFA notes that some “carbon capture utilization” projects may not require extensive pipeline infrastructure and objects to EQB’s use of the carbon dioxide pipeline definition because, “if an ethanol plant is participating in a [carbon capture utilization] project that incorporates a pipeline - regardless of its size, scale, scope, location, or length – it would require a mandatory EIS and route permit.” MBFA also asks EQB to delay rule amendments until a carbon dioxide pipeline study is released, which the 2024 legislature asked PUC to complete.

### EQB staff's response to MBFA comment

EQB proposed the amended rule language to address carbon capture pipelines to ensure the environmental review rules list all law-based and rule-based environmental review requirements in one place. The definition, route permit requirement, and environmental review requirement for carbon dioxide pipelines are not "proposed to be codified," as MBFA's letter states, but are instead enacted law that EQB rules should accurately reflect. EQB does not have the authority to carve out a separate requirement for small carbon dioxide pipelines given the statutory language.

Additionally, the PUC was unable to contract with a third party to complete the carbon dioxide pipeline study mentioned by MBFA. Nonetheless, the EQB's proposed rule language recognizes that the legislature may change carbon dioxide pipeline requirements in the future. In the supporting memorandum for the proposed rule, the EQB stated: "The EQB proposes that the definition reference the statutory definition, rather than repeating the statutory language defining "carbon dioxide pipeline" so that if the legislature makes changes to that definition, the EQB rule does not require amendment." EQB staff therefore recommend no changes based on MBFA's comment.

### Next steps in expedited rulemaking

Following Board approval of the resolution adopting the rules (Revisor File AR4944), the EQB Executive Director will prepare the required rulemaking documents and send them to the CAH for review. The Administrative Law Judge (ALJ) has 14 days to approve or disapprove the rule. If the ALJ requires or recommends changes in order to approve the rule, the judge must state the reasons for disapproval. The Director would then make the changes needed for approval and re-submit the rule. Once no changes are required, the Executive Director will sign and file the Order Adopting Rules with the CAH. Various administrative processes will follow, ending with publication of the Notice of Adoption in the State Register. The rule amendments go into effect five days after that publication.

### Staff recommendation

EQB staff recommend the Board vote to pass the resolution to adopt the rules and allow the Executive Director to complete the rulemaking process. Attached to the resolution are the materials that would be submitted to the CAH if the Board approves the resolution. Those include:

- Draft Order Adopting Rules (unsigned)
- Expedited Permanent Rules Relating to Energy Infrastructure, AR4944, October 6, 2025
- Rule summary and justification memo (including an addendum with EQB staff's response to comments)

# 41172 Minnesota Environmental Quality Board Notice of Intent to Adopt Expedited Rules

Closed Nov 14, 2025 · Discussion · 2 Participants · 1 Topics · 2 Answers · 0 Replies · 0 Votes

2

PARTICIPANTS

1

TOPICS

2

ANSWERS

0

REPLIES

0

VOTES

## SUMMARY OF TOPICS

### SUBMIT A COMMENT

 2 Answers · 0 Replies

Important: All comments will be made available to the public. Please only submit information that you wish to make available publicly. The Court of Administrative Hearings does not edit or delete submissions that include personal information. We reserve the right to remove any comments we deem offensive, intimidating, belligerent, harassing, or bullying, or that contain any other inappropriate or aggressive behavior without prior notification.

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**Amelia Vohs** · Citizen · (Postal Code: unknown) · Nov 14, 2025 3:26 pm

 0 Votes

Minnesota Center for Environmental Advocacy ("MCEA") submits this comment on CAH Docket No. 28-9008-41172 regarding the proposed amendments to Chapter 4410. MCEA's comment focuses on Lines 3.13-3.14 and 4.18-4.19 of the Revisor's Office Draft Language RD4944 document. Lines 3.13-3.14 and 4.18-4.19 are identical, and state, "[f]or projects under part 4410.4100, environmental review is governed by Minnesota Statutes, chapter 216I." MCEA notes that the language "is governed by" is confusing because it creates an inference that environmental reviews performed for projects in chapter 216I are a different type of environmental review that is solely governed by chapter 216I and not the Minnesota Environmental Policy Act or "MEPA." However, the environmental reviews performed for projects listed in 216I still are fundamentally governed by MEPA and are environmental reviews performed under MEPA. Chapter 216I simply provides information about what project types perform what type of environmental review (EIS versus EA) in addition to some procedural processes unique to those projects. Therefore, chapter 216I does not address the substance of what needs to be included in an environmental review document, which instead is found in chapter 116D (MEPA). To address this confusion, MCEA suggests the rule language be modified to read as follows: "For projects under part 4410.4100, environmental review is governed by Minnesota Statutes, chapter 216I in conjunction with chapter 116D." This clearly instructs the reader to look both to 216I and 116D to see the comprehensive suite of requirements for environmental review, and does not create an inference that environmental review for projects in 216I occurs outside the regulatory framework of MEPA.

## 41172 Minnesota Environmental Quality Board Notice of Intent to Adopt Expedited Rules

Closed Nov 14, 2025 · Discussion · 2 Participants · 1 Topics · 2 Answers · 0 Replies · 0 Votes

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**Brian Werner** · Citizen · (Postal Code: unknown) · Nov 14, 2025 4:07 pm

 0 Votes

attached

November 14, 2025

Ms. Catherine Neuschler  
Executive Director  
Minnesota Environmental Quality Board  
520 Lafayette Rd N  
St. Paul, MN 55155

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

Dear Ms. Neuschler:

On behalf of the Minnesota Bio-Fuels Association (MBA), a nonprofit trade association representing nine Minnesota-based ethanol producers, we appreciate the opportunity to submit comments in response to the Minnesota Environmental Quality Board's (EQB) proposed expedited permanent rules relating to energy infrastructure and the environmental review program.

The ethanol industry in Minnesota is rapidly decarbonizing, and the producer members of MBA have committed to achieving net-zero emissions by 2050. There various pathways to reduce the carbon intensity score of ethanol including through yield improvements, climate-smart agricultural practices, carbon free electricity usage, and combined heat and power systems, but one promising technology that holds significant promise for Minnesota's environment and economy is carbon capture, utilization, and sequestration (CCUS).

The ethanol carbon lifecycle starts when plants like corn – the primary feedstock for ethanol production – remove carbon dioxide from the atmosphere as they grow. That same carbon dioxide is re-released back to the atmosphere when corn is fermented into ethanol and when ethanol is combusted in an engine. The corn ethanol process is simply recycling atmospheric carbon dioxide. By interrupting this cycle, CCUS technologies permanently reduce the amount of carbon dioxide in the atmosphere and, through utilization technologies, convert those emissions into useful low- or zero-carbon commodities like chemicals, fertilizers, building materials, and fuels. CCUS reduces the need for more fossil fuels, creates new markets for ethanol co-products, and decarbonizes commodities that are critical to our economy.

It is for this reason that we are concerned about “scope creep” from the requirement that carbon dioxide pipeline projects be subjected to a mandatory Environmental Impact Statement (EIS) before they are permitted under Minn. Stat. § 216G.025.

To be clear, we understand and support the intent of session law (Laws 2024, Chapter 126, article 9, section 17) enacted in 2024 that defined “carbon dioxide pipeline” and added carbon dioxide pipeline projects to the mandatory EIS projects list in Minn. R. 4410.4400. The environmental and public health impacts of proposed multi-state carbon dioxide pipeline projects should be fully understood before they are given route permits and allowed to operate.

However, the intent of the legislation establishing the mandatory EIS requirement was to ensure that large, complex, multi-state pipeline projects intended to carry captured carbon dioxide from ethanol plants throughout the Midwest to permanent underground storage sites would be properly vetted. While

some ethanol plants in Minnesota have made plans to participate in carbon capture and storage (CCS) projects if and when they are permitted by all local communities and states, many others are exploring carbon capture and utilization (CCU) projects that would combine captured carbon dioxide from ethanol fermentation with green hydrogen to create products like green urea and ammonia fertilizer, Sustainable Aviation Fuel (SAF), and green methanol for ocean shipping.

In many cases, these types of CCU projects do not require extensive pipeline infrastructure because the technology to manufacture these low- and zero-carbon products would be located either on-site, in proximity, or on adjacent parcels of land from the ethanol production facility. By the strict definition of “carbon dioxide pipeline” as proposed to be codified in Minn. Stat. § 216G.025, if an ethanol plant is participating in a CCU project that incorporates a pipeline - regardless of its size, scale, scope, location, or length – it would require a mandatory EIS and route permit.

This requirement goes above and beyond the original intent of the law and threatens to delay or prevent many beneficial CCU projects from moving forward to quickly mitigate climate change and create jobs and economic development in rural Minnesota.

We also want to note that session law from 2024 (Laws 2024, Chapter 126, Article 6, Section 50) requires the Minnesota Public Utilities Commission (PUC) to hire a third-party to conduct a study on the human health and environmental impacts of operating and maintaining a carbon dioxide pipeline. The report, which must include recommendations for a state regulatory process to site, operate, maintain, and abandon carbon dioxide pipelines, must be submitted to the Legislature by November 1, 2026.

As it considers modifications to the proposed amendments to Chapter 4410, we encourage EQB to carefully consider the likely impact on CCU projects and refrain from finalizing the amendments until the carbon dioxide pipeline study is released. This will allow for the proposed amendments to fully align with any new scientific findings or regulatory recommendations.

Thank you for the opportunity to comment on this important issue. We stand ready to work with EQB to ensure timely deployment of climate change mitigation technologies that benefit Minnesota’s environment.

Sincerely,

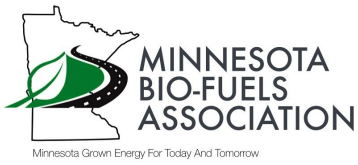


Brian Werner  
Executive Director  
Minnesota Bio-Fuels Association

CC: Minnesota Environmental Quality Board of Directors

Commissioner Nancy Daubenberger, Minnesota Department of Transportation  
Commissioner Grace Arnold, Minnesota Department of Commerce  
Commissioner Brooke Cunningham, Minnesota Department of Health  
Commissioner Tamar Gronvall, Minnesota Department of Administration  
Commissioner Katrina Kessler, Minnesota Pollution Control Agency





Commissioner Thom Petersen, Minnesota Department of Agriculture  
Commissioner Sarah Strommen, Minnesota Department of Natural Resources  
Commissioner Matt Varilek, Minnesota Department of Employment and Economic Development  
Chair Todd Holman, Minnesota Board of Water and Soil Resources

## **RESOLUTION OF THE MINNESOTA ENVIRONMENTAL QUALITY BOARD**

### **Amendment to Rules Governing the Environmental Review Program, Minnesota Rules Chapter 4410**

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 Legislature enacted Laws of Minnesota 2024, Chapter 126, Art. 7, which included Chapter 216I as a new statute governing environmental review and permitting requirements for certain large energy infrastructure projects. The Legislature also created environmental review requirements for carbon dioxide pipelines (Minn. Laws 2024, Ch. 126, Art. 9, Sec. 17) and changed the responsible governmental unit for spent-fuel storage projects to the Public Utilities Commission (Minn. Laws 2024, Ch. 126, Art. 9, Sec. 2). The Legislature directed the EQB to conform its rules to Chapter 216I using an expedited rulemaking process.

In September 2025 the Board resolved to initiate this rulemaking and granted the Executive Director the authority to proceed. EQB staff developed draft rule amendments and a document summarizing the overall nature and effect of the proposed draft rule amendments.

On October 6, 2025, the EQB published a Notice of Intent to Adopt Expedited Rules in the State Register (50 SR 354) with a comment period closing November 14, 2025. EQB received two comments on the draft rule language. In January 2026, staff shared a memo to the Board with their response to comments and recommended no changes to the draft rule language.

**The board resolves** to approve and adopt the Expedited Permanent Rules Relating to Energy Infrastructure in the Revisor of Statutes draft, file number AR4944, dated October 6, 2025, under the Board’s authority as described above.

**The board resolves** that Catherine Neuschler, the Executive Director of the EQB, is hereby authorized to 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 January 21, 2026.

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Nancy Daubenberger, Chair  
Minnesota Environmental Quality Board

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

Attached:

- Proposed Order Adopting Rules (unsigned)
- Expedited Permanent Rules Relating to Energy Infrastructure, AR4944, October 6, 2025
- Rule summary and justification memo (including an addendum with EQB staff’s response to comments)

# (Proposed) Order Adopting Expedited Rules

## Minnesota Environmental Quality Board

**Adoption of Rules Relating to the Environmental Review Program, governing review of Energy Infrastructure projects, Minnesota Rules, Chapter 4410, Revisor's ID Number R-4944, CAH Docket Number 28-9008-41172**

### BACKGROUND INFORMATION

1. The Minnesota Environmental Quality Board ("EQB") was directed to adopt amendments to rules governing the environmental review program using 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. (Minn. Laws 2024, Chapter 126, Article 9, Sec. 19).
2. The Legislature required the amendments to address legislative changes governing environmental review and permitting of certain energy infrastructure projects enacted in Minn. Laws 2024, Chapter 126<sup>1</sup> and codified primarily in Minn. Stat. ch. 216I.
3. The EQB has complied with all notice and procedural requirements in Minnesota Statutes, chapter 14, Minnesota Rules, chapter 1400, and other applicable law, that are applicable to expedited rules.
4. The EQB authorized proposing the rules at its meeting on September 17, 2025, and a quorum was present. A copy of the EQB's authorization to propose the rules is attached. Exhibit 1.
5. The attached Rule Summary and Justification memorandum, including an addendum responding to comments, describes the rule changes and reasoning. Exhibit 2.
6. The EQB received two written comments on the rules. No person requested notice of submission to the Court of Administrative Hearings. The authorizing legislation did not reference *Minnesota Statutes*, section 14.389, Subd. 5, and no person requested a hearing.
7. The EQB made no changes to the proposed rules in response to the comments for the reasons described in the attached Rule Summary and Justification memorandum. Exhibit 2.

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<sup>1</sup> The Legislature also passed an identical law as Minn. Laws 2024, Chapter 127, Art. 43.

8. The rules are needed and reasonable.

9. The Board adopted the rules at its meeting on January 21, 2026, a quorum was present, and the undersigned was authorized to sign this order. A copy of the EQB's authorization is attached. Exhibit 3.

**ORDER**

The above-named rules, in the form published in the *State Register* on Monday, October 6, 2025 (50 SR 354) are adopted under the authority of the Environmental Quality Board in Laws of Minnesota 2024, Chapter 126, Article 9, Sec. 19.

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[Date]

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Catherine Neuschler  
Executive Director

**Minnesota Environmental Quality Board****Adopted Expedited Permanent Rules Relating to Energy Infrastructure****4410.0200 DEFINITIONS AND ABBREVIATIONS.**

*[For text of subparts 1 to 6a, see Minnesota Rules]*

Subp. 6b. **Carbon dioxide pipeline.** "Carbon dioxide pipeline" has the meaning given in Minnesota Statutes, section 216G.025, subdivision 1.

*[For text of subparts 7 to 20, see Minnesota Rules]*

Subp. 20a. **Electric power generating facility.** "Electric power generating facility" means any electric power generating equipment, plant or combination of plants at a single site designed to generate electricity, and any associated transmission lines. Electric power generating facility does not include a large electric power generating plant.

*[For text of subparts 21 to 22a, see Minnesota Rules]*

Subp. 22b. **Energy storage system.** "Energy storage system" has the meaning given in Minnesota Statutes, section 216I.02, subdivision 6.

*[For text of subparts 23 to 37, see Minnesota Rules]*

Subp. 38. **High-voltage transmission line or HVTL.** "High-voltage transmission line" or "HVTL" has the meaning given in Minnesota Statutes, section 216I.02, subdivision 8.

*[For text of subpart 39, see Minnesota Rules]*

Subp. 40. [See repealer.]

*[For text of subparts 40a and 40b, see Minnesota Rules]*

Subp. 41. **Large electric power generating plant or LEPGP.** "Large electric power generating plant" or "LEPGP" has the meaning given in Minnesota Statutes, section 216I.02, subdivision 9.

Subp. 41a. **Large energy infrastructure facility.** "Large energy infrastructure facility" has the meaning given in Minnesota Statutes, section 216I.02, subdivision 10.

Subp. 41b. **Large wind energy conversion system.** "Large wind energy conversion system" has the meaning given in Minnesota Statutes, section 216I.02, subdivision 11.

Subp. 42. [See repealer.]

*[For text of subparts 42a to 83, see Minnesota Rules]*

Subp. 83a. **Solar energy generating system.** "Solar energy generating system" has the meaning given in Minnesota Statutes, section 216I.02, subdivision 18.

*[For text of subparts 84 to 96, see Minnesota Rules]*

#### **4410.4100 REVIEW OF ENERGY PROJECTS UNDER MINNESOTA STATUTES, CHAPTER 216I.**

Any large energy infrastructure facility project or solar energy generating system project must follow the RGU selection and review requirements in Minnesota Statutes, chapter 216I, and rules adopted thereunder. As described in Minnesota Statutes, chapter 216I, a large energy infrastructure facility project includes a high-voltage transmission line, a large electric power generating plant, an energy storage system, a large wind energy conversion system, and any associated facilities.

3.1 **4410.4300 MANDATORY EAW CATEGORIES.**

3.2 Subpart 1. **Threshold test.**

3.3 A. Except as otherwise provided in this subpart, an EAW must be prepared for  
3.4 projects that meet or exceed any threshold in this part, unless the project meets or exceeds  
3.5 any thresholds of part 4410.4400, in which case an EIS must be prepared.

3.6 B. If the proposed project is an expansion or additional stage of an existing project,  
3.7 the cumulative total of the proposed project and any existing stages or components of the  
3.8 existing project must be included when determining if a threshold is met or exceeded if  
3.9 construction was begun within three years before the date of application for a permit or  
3.10 approval from a governmental unit for the expansion or additional stage but after April 21,  
3.11 1997, except that any existing stage or component that was reviewed under a previously  
3.12 completed EAW or EIS need not be included.

3.13 C. Multiple projects and multiple stages of a single project that are connected  
3.14 actions or phased actions must be considered in total when comparing the project or projects  
3.15 to the thresholds of this part and part 4410.4400.

3.16 D. For projects under part 4410.4100, environmental review is governed by  
3.17 Minnesota Statutes, chapter 216I.

3.18 *[For text of subpart 2, see Minnesota Rules]*

3.19 Subp. 3. **Electric power generating facilities.** Items A and B designate the RGU for  
3.20 the type of project listed:

3.21 A. For construction of an electric power generating facility and associated facilities  
3.22 designed for or capable of operating at a capacity of 25 megawatts or more but less than 50  
3.23 megawatts and for which an air permit from the PCA is required, the PCA is the RGU.

3.24 B. For construction of an electric power generating facility and associated facilities  
3.25 designed for and capable of operating at a capacity of 25 megawatts or more but less than

50 megawatts and for which an air permit from the PCA is not required, the local governmental unit is the RGU.

*[For text of subparts 4 and 5, see Minnesota Rules]*

Subp. 6. [See repealer.]

*[For text of subparts 7 to 37, see Minnesota Rules]*

#### **4410.4400 MANDATORY EIS CATEGORIES.**

##### **Subpart 1. Threshold test.**

A. Except as provided in item B, an EIS must be prepared for projects that meet or exceed any threshold in this part. Multiple projects and multiple stages of a single project that are connected actions or phased actions must be considered in total when comparing the project or projects to the thresholds of this part.

B. For projects under part 4410.4100, environmental review is governed by Minnesota Statutes, chapter 216I.

Subp. 2. **Nuclear fuels and nuclear waste.** Items A to E designate the RGU for the type of project listed:

*[For text of items A and B, see Minnesota Rules]*

C. For construction or expansion of an independent spent-fuel storage installation, the PUC is the RGU.

*[For text of items D and E, see Minnesota Rules]*

Subp. 3. [See repealer.]

*[For text of subparts 4 and 5, see Minnesota Rules]*

Subp. 6. [See repealer.]



5.1 *[For text of subparts 7 to 24, see Minnesota Rules]*

5.2 Subp. 24a. **Carbon dioxide pipelines.** For permitting the route of a carbon dioxide  
5.3 pipeline, the PUC is the RGU.

5.4 *[For text of subparts 25 to 28, see Minnesota Rules]*

5.5 **4410.5200 EQB MONITOR; PUBLICATION REQUIREMENTS.**

5.6 *[For text of subparts 1 and 2, see Minnesota Rules]*

5.7 Subp. 3. **Required EQB notices.** The EQB is required to publish the following in the  
5.8 EQB Monitor:

5.9 *[For text of items A to E, see Minnesota Rules]*

5.10 F. notice of application for a site permit for a large electric power generating plant  
5.11 or a route permit for a high voltage transmission line pursuant to Minnesota Statutes, chapter  
5.12 216I;

5.13 *[For text of items G and H, see Minnesota Rules]*

5.14 **REPEALER.** Minnesota Rules, parts 4410.0200, subparts 40 and 42; 4410.4300, subpart  
5.15 6; and 4410.4400, subparts 3 and 6, are repealed.

# Environmental Review: Conformance with Energy Infrastructure Permitting Act and related changes

## Rule summary and justification memo

### Purpose of rulemaking

In 2024, the Minnesota legislature made changes to the environmental review of certain energy projects.<sup>1</sup> The Legislature also directed the Minnesota Environmental Quality Board (“EQB”) to use the expedited rule process to conform its environmental review rules with the changes made.<sup>2</sup> This rulemaking consists of amendments necessary to conform to the 2024 changes.

### Minnesota Energy Infrastructure Permitting Act

The Legislature called the changes that it made to energy project environmental review and permitting the Minnesota Energy Infrastructure Permitting Act (“Act”). The Act represented a legislative effort to resolve issues arising from the patchwork of statutes and rules governing energy project permitting, by consolidating most of these authorities into a single statute, Minnesota Statutes Chapter 216I, and repealing redundant statutes and rules. The goal was to streamline and clarify the review and permitting requirements for certain kinds of energy infrastructure projects. Many of the Act’s provisions went into effect on July 1, 2025.

The Act establishes a process for site and route permitting and associated environmental review for “large energy infrastructure facilities”<sup>3</sup> and requires that large energy projects will now undergo environmental review as directed by Minn. Stat. ch. 216I. Under Minn. Stat. ch. 216I, the Public Utilities Commission (PUC) will generally do environmental review for large energy infrastructure facilities, although review can be done by local governmental units for certain smaller projects that still qualify as large energy infrastructure facility projects.

In passing the statute and requiring EQB to conform its rule to the new provisions using the expedited process, the Legislature did not authorize EQB to add any additional environmental review categories for energy projects covered by the Act. The Act states that the environmental review documents required by Minn. Stat. ch. 216I are the only state environmental review documents that must be prepared for a proposed energy project within the scope of Minn. Stat. ch. 216I. See Minn. Stat. § 216I.06, subd. 1 (“[n]o other state environmental review documents are required”); Minn. Stat. § 216I.07, subd. 3 (“[t]he environmental assessment is the only state environmental review document that must be prepared for the proposed project”).

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<sup>1</sup> These changes were passed as two identical bills, Minn. Laws 2024, Chapter 127, Art. 43, and Minn. Laws 2024, Chapter 126, Art. 7. This document will cite to Chapter 126.

<sup>2</sup> Minn. Laws 2024, Chapter 126, Art. 9, Sec. 19.

<sup>3</sup> The Act defines large energy infrastructure facility to include certain high-voltage transmission lines, large electric power generating plants, energy storage systems, large wind energy systems, and any associated facilities. It also covers solar energy generating systems.

To conform EQB rules with the new and revised requirements for environmental review of energy projects set out in statute, the EQB proposes to amend Minn. R. ch. 4410 to remove redundant environmental review mandatory categories and to adopt a new provision within Minn. R. ch. 4410 that will direct the public to the alternative environmental review process under the new statute, i.e., a “clearinghouse” provision. The EQB concludes this amendment will best address the legislative goal of the Act, which was to eliminate confusing and redundant review provisions. The EQB proposes to retain certain energy project environmental review provisions currently in EQB’s rules that were not affected by the Act.

## Other environmental review changes

The same session law (Laws 2024, Chapter 126, article 9, section 17)<sup>4</sup> included one new environmental review requirement that is not addressed in Minn. Stat. ch. 216I or in the EQB’s environmental review rules. The legislature mandated, through changes to Minn. Stat. § 216G.025, that carbon dioxide pipeline projects be the subject of an EIS before they are permitted. The EQB also proposes addressing this new requirement.

In addition, the legislature amended Minn. Stat. § 116C.83, subd. 6 to change the RGU for a required EIS for any proposal to construct or expand an independent spent-fuel storage installation at a nuclear power plant from the Department of Commerce to the PUC (Laws 2024, Chapter 126, article 9, section 2).<sup>5</sup> This is consistent with the parts of the law that transferred the responsibility for administering the environmental analysis of certain energy projects from the Department of Commerce to the PUC as of July 1, 2025. The EQB is therefore also proposing to update the RGU designation in Minn. R. 4410.4400.

## History of energy permitting and environmental review

Environmental review of energy projects has a long and complicated history. In 1973, the Legislature enacted the Power Plant Siting Act (then codified in Minn. Stat. ch. 116C) and gave EQB the responsibility for siting power plants and transmission lines. Until 2005, the EQB’s rules governed siting power plants, wind energy conversion systems, and high voltage transmission lines. The EQB had the responsibility for conducting hearings, completing environmental review (using an environmental assessment document that was specific to large electric generating plants and high voltage transmission lines), and issuing permits. The EQB rules addressing these procedures were codified as Minn. R. ch. 4400 and the EQB occasionally amended the rules as the energy infrastructure permitting process changed.

In 2005, the legislature transferred responsibility for the siting of energy facilities to the PUC. This included transferring the Power Plant Siting Act from Minn. Stat. ch. 116C to Minn. Stat. ch. 216E, and transferring statutes on wind energy systems from Minn. Stat. ch. 116C to Minn. Stat. ch. 216F. The Legislature also transferred EQB’s rules into chapters subject to the authority of the PUC, i.e., Minn. R. chs. 7849 and 7850 for power plant siting and Minn. R. ch. 7854 for wind energy conversion systems. The Legislature designated Department of Commerce staff as responsible for environmental review, supporting the PUC as the RGU.

After these actions, EQB adapted its general environmental review rules, Minn. R. ch. 4410, to identify those energy projects that needed environmental review, but noted that the review would take place under the processes laid out in PUC rules (Minn. R. chs. 7849, 7850, and 7854) and in various statutes (Minn. Stat. chs. 216B, 216E, and 216F). These rules and statutes continued to use alternative environmental review processes, such as the use of an environmental assessment (“EA”) in lieu of an environmental assessment worksheet (“EAW”).

As noted above, by 2023, the statutes and rules governing thresholds and responsibility for environmental review and permitting for energy facilities existed in multiple complex and overlapping spaces.

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<sup>4</sup> Also Laws of Minnesota 2024, Chapter 127, Article 45, Section 17.

<sup>5</sup> Also Laws of Minnesota 2024, Chapter 127, Article 45, Section 2.

In 2023, the PUC convened state, industry and environmental stakeholders to discuss and offer solutions to streamline the permitting process for energy infrastructure projects. The stakeholder meetings resulted in a report, titled [Permitting Reform Stakeholder Report to Minnesota Public Utilities Commission](#), prepared by Lipschultz Communications & Energy Consulting. This report identified issues within the permitting process and proposed operational reforms. The Act incorporated many of these proposed reforms.

The Act did not address pipelines generally, although carbon dioxide pipelines were addressed in a concurrent legislative enactment. As discussed below in more detail, the EQB is proposing that the present rulemaking address environmental review of carbon dioxide pipelines, but not other pipelines.

## Permitting and environmental review under Minn. Stat. ch. 216I

The new Minn. Stat. ch. 216I statutory language divides large energy infrastructure facility project permitting into three tracks: “major review,” “standard review,” and “local review.” Project applications may go through a different type of review (Environmental Impact Statement or Environmental Assessment) depending on the specific project characteristics or based on the request of a project proposer. Depending on the project there can be different requirements for environmental review and permitting for similar project types. Many of these project types are not reflected in EQB’s current rules.

### 1. Major review: Minn. Stat. § 216I.06

- Major review applies to applicants seeking to permit a large energy infrastructure facility. Major review requires the PUC to prepare an Environmental Impact Statement (EIS) and hold a public hearing with an administrative law judge presiding and preparing a report.
- Major review is mandatory for energy generating facilities using nonrenewable fuels with a capacity of 80 MW or greater and high-voltage transmission lines (“HVTLS”) over 300 kilovolts (kV) with 30 miles or more of length in Minnesota, or if the proposed HVTL will be sited such that more than 20% will need a new HVTL right of way.

### 2. Standard review: Minn. Stat. § 216I.07

- Under the standard review process, an applicant for a large energy infrastructure facility site or route permit notifies the PUC that it has elected to follow the “standard process” and submits an Environmental Assessment (EA) to the PUC as part of its site or route permit application. The PUC can ask for additional information during the permitting process. The standard process requires a public hearing. The PUC may request an administrative law judge to preside over the hearing, but an administrative law judge hearing and report is not mandatory.
- The following facilities are eligible for standard review: All solar energy, large wind energy conversion, and energy storage systems; all generating plants fueled by natural gas or with a capacity of less than 80 MW; HVTLS between 100 kV and 300 kV; and HVTLS in excess of 300 kV that (1) have less than 30 miles of length in Minnesota or (2) locate 80% of the proposed line along existing HVTL right of way.

### 3. Local review: Minn. Stat. § 216I.08

- In lieu of applying to the PUC for a site or route permit, an applicant may seek approval under this section from a local unit of government and use the EA process (either prepared by the local unit or the applicant) for environmental review for qualifying projects. The statute provides that the local unit may ask the PUC to take over within 60 days of receipt of the application. When the EA is complete, the public may comment on the document, and a copy is provided to the PUC.

- The following facilities are eligible for local review: large electric power generating plants and solar energy generating systems with a capacity of less than 80 megawatts (MW); large electric power generating plants of any size that burn natural gas and are intended to be a peaking plant; high-voltage transmission lines with a capacity between 100 and 200 kV; substations with a voltage designed for and capable of operation at a nominal voltage of 100 kV or more; a high-voltage transmission line service extension to a single customer between 200 and 300 kV and less than ten miles in length; a high-voltage transmission line rerouting to serve the demand of a single customer, if at least 80 percent of the rerouted line is located on property owned or controlled by the customer or the owner of the transmission line; energy storage systems; and large wind energy conversion systems with a capacity less than 25 MW.

## Rulemaking

### Legislative directive

The legislature, in Laws of Minnesota 2024, Chapter 126, Article 9, Sec. 19, mandated that the EQB undertake expedited rulemaking to conform the rule with the statute and other changes made in the session law, saying: *“The Environmental Quality Board must adopt rules, using the expedited process under Minnesota Statutes, section 14.389, that amend Minnesota Rules, chapter 4410, to conform with the changes made in this act.”* Based on this directive, EQB staff began working on the rule changes proposed here.<sup>6</sup>

### EQB’s current rules do not conform to Minn. Stat. ch. 216I

The environmental review rules in Minn. R. ch. 4410 contain “mandatory categories” that specify the form of the required environmental review document (environmental assessment worksheet (“EAW”) or environmental impact statement (“EIS”)) and the responsible governmental unit (RGU) for projects that meet or exceed specified thresholds based on project size or other characteristics.

Although EQB’s rules cover environmental review for certain types of energy projects, the rules (1) do not address all the projects now covered by Minn. Stat. ch. 216I, (2) use different descriptions and thresholds for environmental review, (3) cite to repealed rules and statutes or to rules that will likely be amended in the future to conform to the new review and permitting process established in Minn. Stat. ch. 216I and (4) don’t allow use of the processes authorized by Minn. Stat. ch. 216I such as “standard review” and “local review.”

### Projects not addressed by current EQB rules

Minn. Stat. ch. 216I defines and includes “energy storage system” projects as “large energy infrastructure facility” projects subject to permitting and review. EQB’s current rules do not address “energy storage system” projects. Similarly, Minn. Stat. ch. 216I specifically addresses solar energy generation projects and provides different pathways for review of these projects. EQB’s current rules do not address solar energy generation projects, except as an “electric-generating facility” required to be the subject of an EAW.

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<sup>6</sup> Because the Legislature adopted the rulemaking authority as a separate article, the EQB believes the word “act” as used in this provision refers broadly to legislative changes made in Minn. Laws 2024, Chapter 126, and not just those in Article 7, including the carbon dioxide pipeline provision and spent-fuel storage provision.

## Different descriptions and thresholds and references to repealed rules and statutes

One of the areas where EQB's rules are now most problematic involves the mandatory review categories for electric-generating facilities and transmission lines. The way projects are described is not consistent with the new statutory chapter, the rules refer environmental review to PUC rules and statutes that are repealed or likely to be changed, and generally the rules do not conform to the environmental review process for major, standard, and local project specifics authorized by Minn. Stat. ch. 216I. The enactment of Minn. Stat. ch. 216I also exacerbated an existing problem with the EQB's rules: classifying certain energy projects under the mandatory EAW category (Minn. R. 4410.4300) but requiring, in the individual project descriptions, the use of a non-EAW document as directed by PUC rules.

### **Minn. R. 4410.4300 and 4410.4400, subp. 3, Electric-generating facilities review**

The mandatory EAW category for electric-generating facilities includes:

- A. For construction of an electric power generating plant and associated facilities designed for or capable of operating at a capacity of 25 megawatts or more but less than 50 megawatts and for which an air permit from the PCA is required, the PCA is the RGU.
- B. For construction of an electric power generating plant and associated facilities designed for and capable of operating at a capacity of 25 megawatts or more but less than 50 megawatts and for which an air permit from the PCA is not required, the local governmental unit is the RGU.
- C. For construction of an electric power generating plant and associated facilities designed for and capable of operating at a capacity of 50 megawatts or more, the PUC is the RGU, and environmental review must be conducted according to parts [7849.1000](#) to [7849.2100](#) and chapter 7850.
- D. For construction of a wind energy conversion system, as defined in Minnesota Statutes, section [216F.01](#), designed for and capable of operating at a capacity of 25 megawatts or more, the PUC is the RGU, and environmental review must be conducted according to chapter 7854.

EQB's rules place certain projects now defined in Minn. Stat. ch. 216I as a "large electric power generating plant" projects into the "electric-generating facilities" mandatory EAW category (items C and D above) but the rules indicate that the process for environmental review is defined by Minn. R. ch. 7849 and 7850. Minn. R. ch. 7850 has now been repealed. Moreover, Minn. Stat. ch. 216I provides different documents and pathways for review, as described in more detail above. Some large electric power generating facility projects may be reviewed with an EIS, and some with an "environmental assessment."

EQB's rule treatment of "wind energy conversion system" projects is similarly problematic. EQB's rule (Item D) now references a repealed definition in Minn. Stat. ch. 216F and requires an EAW for a system 25 MW or more but using the process in Minn. R. ch. 7854. However, under the definition in Minn. R. ch. 7854 (which is also repealed), this process applies to wind energy conversion systems greater than 5 MW or more. The Minn. R. ch. 7854 review process involves an "analysis of the potential impacts of the projects, proposed mitigative measures, and any adverse environmental effects that cannot be avoided" with regard to certain categories of potential impacts, which is not a classic EAW. See Minn. R. 7854.0500, subp. 7. Under Minn. Stat. ch. 216I, a "large" wind energy project is 5 MW or more (not 25 MW or more), but large wind energy conversion system projects are eligible to be managed as "standard" projects using an "environmental assessment" as described above.

Finally, EQB rules require an EIS for a “large electric power generating plant.” Minn. R. 4410.4400, subp. 3. The definition of “large electric power generating plant” in Minn. R. 4410.0200, subp. 41 refers to the definition in Minn. R. 7849.1100, a rule that will likely be amended. But the mandatory category rule for a “large electric power generating plant” refers to a definition in Minnesota Statutes, section 216E.01, subdivision 5. Minn. Stat. ch. 216E is repealed. The Minn. R. 7849.1100 definition specifically includes transmission lines directly associated with the plant that are necessary to interconnect the plant to the transmission system, while Minn. Stat. ch. 216I includes transmission lines in projects as “associated facilities,” but limits those lines as those “designed for and capable of operating at 100 kilovolts or less.” These different definitions create the potential for confusion regarding what is part of the review. Further, the EIS mandatory category rule refers to the process for environmental review described in PUC rules which have either been repealed (Minn. R. ch. 7850) or will likely be amended (Minn. R. ch. 7849). The EQB rules do not authorize the environmental review processes now allowed under Minn. Stat. ch. 216I (major, standard and local review).

#### **Minn. R. 4410.4300 and 4410.4400, subp. 6, transmission line review**

EQB rules define “high voltage transmission line” by referencing Minn. R. 7849.1100 (200 kV or more), which is not consistent with how high voltage transmission lines are now defined under Minn. Stat. ch. 216I (100 kV or more). The mandatory EAW category references a different definition—Minn. R. 7050.1000—which is now repealed. The mandatory EIS category also references the repealed definition and directs environmental review to PUC rules that are repealed or likely to be changed because they are not consistent with Minn. Stat. ch. 216I.

In short, while some projects requiring review under the EQB’s current rules appear consistent in size with projects requiring review under Minn. Stat. ch. 216I, neither the existing EQB rules nor the rules referenced in EQB’s rules reflect the new permitting and review process in Minn. Stat. ch. 216I and therefore conforming changes are needed.

### **Proposed environmental review rule changes**

The goal of the Act, as stated above, was to streamline and clarify review and permitting requirements for certain kinds of energy infrastructure facilities. Many of the law’s provisions—including sections repealing certain statutes and rules—went into effect on July 1, 2025. Outside of specific energy infrastructure permitting, the legislature made two additional changes to environmental review requirements to which EQB’s rules should be conformed: requiring carbon dioxide pipelines permitting to include an EIS and changing the RGU for spent-fuel storage projects.

In total, EQB’s environmental review rules require changes to address:

- References to repealed authorities: Minn. R. ch. 4410 contains references to repealed rules and statutes.
- References to permitting processes now found in Minn. Stat. ch. 216I: Minn. Stat. ch. 216I defines the types and sizes of projects which require review using an EIS or a EA. Current EQB rules require environmental review of projects that are defined differently than under Minn. Stat. ch. 216I and do not specifically address the differences in processes.
- References to RGUs: Minn. Stat. ch. 216I has made the PUC the RGU for most projects but allows local review in some cases. Current EQB rules do not address this change in RGU designation. The 2024 legislation also changed the RGU for the spent-fuel storage category in Minn. R. 4410.4400.
- Reference to carbon dioxide pipeline environmental review: In Minn. Laws 2024, ch. 126, article 9, section 17, the Legislature added the requirement for an EIS to be conducted for carbon dioxide pipelines before the PUC issues a routing permit as an amendment to Minn. Stat. ch. 216G.



## Coordination and information sharing

EQB staff began the rule development process by reviewing the new statute and session law in coordination with other affected agencies, primarily Commerce and PUC but also the Minnesota Pollution Control Agency. The EQB staff also discussed the need for rulemaking at the following meetings with environmental review program and state government partners:

- EQB Technical Representatives meeting June 2, 2025.<sup>7</sup>
- EQB Technical Representatives meeting June 30, 2025.
  - At this meeting, the EQB staff discussed the option for amending the EQB rules under consideration.
- EQB Technical Representatives meeting Aug. 4, 2025.

Under EQB's tribal coordination and consultation policy, EQB staff 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. EQB staff did not identify this rulemaking as a matter that has tribal implications, because the substantive changes were made by the legislature. However, EQB did share updates on the rulemaking process with Tribal representatives.

- Minnesota Tribal Environmental Council (MNTEC) regular meeting on December 13, 2024.
- Minnesota Tribal Environmental Council (MNTEC) regular meeting on February 13, 2025.
- A meeting with MNTEC and other Tribal representatives on June 26, 2025.
  - At this meeting staff explained the possible conforming changes to Minn. R. ch. 4410.
- On July 1, 2025, the Executive Director sent a letter to all Tribes in Minnesota providing updates and offering the opportunity for consultation on several EQB projects, including this rulemaking.

Throughout the process, EQB staff made efforts to provide information to the public, including placing the following language on its website (March 5, 2025):

*Energy infrastructure permitting (expedited)*

*In 2024, the Minnesota Legislature passed the Minnesota Energy Infrastructure Permitting Act. This legislation aims to streamline and clarify the process for environmental review, siting, routing jurisdiction, and permitting for certain energy facilities and projects. (These facility types include: energy storage or battery systems, high voltage transmission lines, large electric power generating plants, wind energy systems, and solar energy generating systems.)*

*These energy projects have been governed by a patchwork of statutes and rules. The new act consolidates most of these into a single statute and repeals other statutes and rules. It also directs EQB to update our rules to conform with the changes, and requires the use of expedited rulemaking procedures.*

EQB staff presented information and updates about the rulemaking to multiple regular meetings of the board and its subcommittees. Each meeting included an opportunity for the public to give input.

- EQB meeting February 19, 2025.
- Environmental Review Implementation Subcommittee (ERIS) meeting June 18, 2025.
  - At this meeting, the EQB staff discussed the options under consideration for amending the rules.
- EQB meeting, August 20, 2025.
- EQB meeting, September 17, 2025.
  - At this meeting, the Board was asked to formally approve these proposed rule revisions.

The proposed amendments and the rationale for the amendments appear below.

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<sup>7</sup> The "technical representatives" are staff of EQB member agencies; many have expertise in environmental review.



## Proposed rule amendments

### Overview

The EQB proposes amendments that would create a new provision within Minn. R. ch. 4410 specifically for large energy infrastructure facility projects addressed under Minn. Stat. ch. 216I. This new provision would direct all environmental review of these projects to the procedures laid out in Minn. Stat. ch. 216I. The reference in Minn. R. ch. 4410 would function as a “clearinghouse” provision and Minn. R. ch. 4410 would not attempt to include parallel provisions for all energy projects captured in Minn. Stat. ch. 216I. In addition, the amendments would include pointing language in introductory sections of the mandatory categories portion of the rule (Minn. R. 4410.4300 and Minn. R. 4410.4400) to ensure that readers do not miss the applicable substitute review provision for these energy projects. The mandatory category references to projects covered by Minn. Stat. ch. 216I will be repealed.

The EQB concludes this is the most efficient way of effectuating the legislature’s intent in adopting the Act. It effectively gives notice to those reviewing Minn. R. ch. 4410 that environmental review is required, while pointing them to the statutes that define the requirements and environmental review options created by the Act. This provision more effectively recognizes the distinct nature of the review process that is applicable to large energy infrastructure facility projects.

This proposal is different than how EQB has updated these rules in the past. Typically, EQB has added energy projects subject to environmental review into the Minn. R. ch. 4410 mandatory categories and, if necessary, referenced the separate rule or statutory authority controlling the review process.

However, because of the way Minn. Stat. ch. 216I was written, it is not easy to conform the rule and statute in this traditional manner. Mandatory categories within Minn. R. ch. 4410 identify the type of project, with a threshold, and then assign an RGU to conduct environmental review for projects larger than the specified threshold. Minn. Stat. ch. 216I uses its definitions to set out a project size and initially assigns large energy infrastructure facilities to prepare an EIS. Minn. Stat. ch. 216I then identifies (mostly smaller or non-fossil fuel related) specific large energy infrastructure facility projects that can be reviewed under standard or local environmental review procedures, which are environmental assessments. In some cases, project proposers can choose the level of review, which can affect the RGU (i.e., PUC or local unit) completing the review or the environmental review document required. Since the types of projects that are identified in Minn. Stat. ch. 216I may have different RGUs and environmental review based on the specifics of the facility or proposer choice, it is difficult to conform those provisions with the system for project classification and RGU selection found in Minn. R. ch. 4410.

The proposed amendments will not change certain existing EQB rules addressing energy projects that are not covered under Minn. Stat. ch. 216I. Minn. Stat. ch. 216I covers mostly larger projects that are required to get site or route permits from the PUC. Two types of smaller energy projects – smaller electric generating facilities and lower voltage transmission lines – currently require environmental review under the mandatory categories in Minn. R. ch. 4410. EQB is proposing that these electric generating facility projects continue to be reviewed under EQB rules, but that the mandatory categories for large electric power generating plants, lower-voltage transmission lines, and high-voltage transmission line projects be removed.

### Retained project category: smaller electric-generating facilities

The existing mandatory categories in Minn. R. 4410.4300, subp. 3 (A) and (B) require an EAW for electric generating facilities with a capacity greater than 25 MW but less than 50 MW, with one mandatory category applicable to a project requiring an air permit from the MPCA (with MPCA as the RGU) and the other for projects that do not require an air permit (with the local unit as the RGU). Minn. Stat. ch. 216I does not cover projects of this size. The proposed amendments keep these EAW requirements in place.

The EAW mandatory category for electric generating facilities was added in 1982 and has been evaluated multiple times. When the category was updated in 2003, EQB determined that it remained necessary for smaller facilities to undergo an EAW. During the last update to the mandatory categories, completed in 2019, EQB again evaluated this category and decided to keep the EAW requirement for these projects. EQB records show that there were 13 projects that fell into this mandatory category from 2011 until the 2019 rulemaking documents were drafted. In the last four years, four projects have triggered this category (all projects that did not need an air permit). Although these projects are smaller, EQB concludes that there is still a need for this category. The public tends to be interested in obtaining information about these projects and commenting on them. For example, one of the projects evaluated in 2021 had 40 comments. EQB reasons that environmental review supports public awareness of these projects, the ability to comment, and ultimately informs the permitting process for these projects. EQB staff also had a conversation with MPCA staff about whether the Minn. R. 4410.4300, subp. 3 (A) mandatory category should be removed. MPCA staff were in favor of keeping the category and EQB staff agreed with this proposal.

### Repealed project category: lower voltage transmission lines

Minn. R. 4410.4300, subp. 6 requires an EAW for certain transmission lines, including lower voltage lines between 70 and 100 kV, with the EQB as the RGU. The proposed amendments remove this category from Minn. R. ch. 4410.

Minn. Stat. ch. 216I revised the definition of high voltage transmission lines and added a definition for “associated facility” that covers smaller transmission lines. This definition states (emphasis added):

*Minn. Stat. § 216I.02 subd. 2. Associated facility. “Associated facility” means a building, equipment, communication instrumentation, or other physical structure that is necessary to operate a large energy infrastructure facility. **Associated facility includes transmission lines designed for and capable of operating at 100 kilovolts or less that interconnect the large energy infrastructure facility with the existing high-voltage transmission system.***

As a result, lower voltage transmission lines will now be reviewed along with the core electric generating facility project, making a separate project category obsolete. In addition, there is strong evidence that transmission lines between 70 kV and 100 kV are not built in Minnesota and therefore this category can be removed. No projects have triggered this category in the last four years, and likely for several years before that. From EQB staff’s research, the existing 70 kV threshold is not a relevant size threshold in Minnesota. According to Minnesota Electric Transmission Planning, ([Electric Transmission Planning in the State of Minnesota](#)), transmission lines used in Minnesota are 500 kV, 400 kV, 345 kV, 230 kV, 161 kV and 115 kV, and then 69 kV through 23 kV. Minnesota does not use any transmission lines between 70 kV and 100 kV, and none are likely to be built because they would not fit into the existing system.

Standalone transmission lines with voltage greater than 100 kV are now addressed by the requirements under Minn. Stat. ch. 216I, and the new definition of “associated facility” ensures that there will be evaluation of transmission lines of 100 kV or less (mostly 70 kV or less), when associated with a large energy infrastructure facility.<sup>8</sup> Therefore, this mandatory category is unneeded.

## Other environmental review changes

In addition to establishing Minn. Stat. ch. 216I, the legislature made other changes that the EQB should reflect in its rules.

In the 2024 legislation, the Legislature created the requirement for an EIS for carbon dioxide pipelines before a routing permit is granted. As this requirement is presently in law, EQB rules must be amended to conform to it.<sup>9</sup>

Finally, Minn. R. 4410.4400 must be amended to change the RGU to PUC for an EIS for spent-fuel storage installation to conform to legislative changes to Minn. Stat. § 116C.83, subd. 6.

## Proposed rule language changes

### Proposed clearinghouse provision language

#### New rule part

To effectuate the plan to sweep environmental review projects that are covered by Minn. Stat. ch. 216I into the RGU selection and environmental review requirements in Minn. Stat. ch. 216I rather than address them under the EQB environmental review rule, a new rule provision is necessary.

The EQB will add a new part, Minn. R. 4410.4100 (designation and final language subject to consultation with the Revisor), into the section of EQB’s rules that addresses alternative review processes. The new part reads:

#### 4410.4100 REVIEW OF ENERGY PROJECTS UNDER MINNESOTA STATUTES CHAPTER 216I

Any large energy infrastructure facility project or solar energy generating system project must follow the RGU selection and review requirements in Minnesota Statutes, chapter 216I and rules adopted thereunder. As described in Minnesota Statutes, chapter 216I, a large energy infrastructure facility project includes a high-voltage transmission line, a large electric power generating plant, an energy storage system, a large wind energy conversion system, and any associated facilities.

Adopting this “clearinghouse” provision requires amending Minn. R. 4410.0200 by adding a definition of “large energy infrastructure facility” that references the definition in Minn. Stat. ch. 216I, and by adding a definition of solar energy generating system also as defined in Minn. Stat. ch. 216I. The separate reference to “solar energy generating system” is necessary because, although these projects are not included in the definition of “large energy infrastructure project,” they are included as projects under Minn. Stat. ch. 216I. These proposed new definitions are described below.

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<sup>8</sup> This is the most common use of lower voltage transmission lines – to connect a project to a larger line. Those projects are usually 69kV or less, and so already fall outside of the environmental review requirements.

<sup>9</sup> Although the Legislature made changes to Minn. Stat. ch. 216B governing pipelines that could be interpreted to include certain pipelines under Minn. Stat. ch. 216I (see Minn. Stat. §§ 216B.243, subd. 4 and 216B.2421, subd. 2(5)), the EQB will not change the current EQB rules governing environmental review of pipelines, primarily because Minn. Stat. ch. 216I itself does not address pipelines and they were not addressed during the 2023 stakeholder process that resulted in the Act.

To further ensure that the public is aware that projects covered under Minn. Stat. ch. 216I will be addressed under that chapter, the “mandatory category” parts of EQB rule will be amended to contain introductory language referencing the EQB’s decision to redirect review. The proposed amendment to Minn. R. 4410.4300, subp. 1 adds an item that reads:

C. For projects under part 4410.4100, environmental review is governed by Minnesota Statutes, chapter 216I.

Similar language will be inserted in Minn. R. 4410.4400, subp. 1. The new item reads:

B. For projects under part 4410.4100, environmental review is governed by Minnesota Statutes, chapter 216I.

## **Changes proposed to definitions and mandatory categories**

### **Energy storage system definition**

The EQB will add a definition of “energy storage system” so that the public knows which projects are subject to the clearinghouse provision. The definition reads:

Subp. 22b. Energy storage system. “Energy storage system” has the meaning in Minnesota statutes, section 216I.02, subd. 6.

The reference to Minn. Stat. ch. 216I will be a hyperlink to Minn. Stat. ch. 216I in the online published rule, making it easy for users to find the definitions without creating a need to update EQB’s rule if changes are made in the future. EQB staff has worked with the Revisor to determine the best way to highlight which types of projects are covered under Minn. Stat. ch. 216I environmental review without creating ambiguity within the rules or requiring the rules to be updated for small rule changes that do not impact Minn. R. ch. 4410 except to list additional project types within Minn. Stat. ch. 216I.

### **Large energy infrastructure facility definition**

The EQB will add a definition of “large energy infrastructure facility” so that the public knows which projects are subject to the clearinghouse provision. The definition reads:

Subp. 41a. Large energy infrastructure facility. “Large energy infrastructure facility” has the meaning in Minnesota statutes, section 216I.02, subd. 10.

The reference to Minn. Stat. ch. 216I will be a hyperlink to Minn. Stat. ch. 216I in the online published rule, but including the projects within the new provision will make it easy for the reader to understand the types of projects included. EQB staff has worked with the Revisor to determine the best way to highlight which types of projects are covered under Minn. Stat. ch. 216I environmental review without creating ambiguity within the rules or requiring the rules to be updated for small rule changes that do not impact Minn. R. ch. 4410.

### Large wind energy conversion system definition

The EQB will add a definition of “Large wind energy conversion system” so that the public knows which projects are subject to the clearinghouse provision. The definition reads:

Subp. 41b. Large wind energy conversion system. “Large wind energy conversion system” has the meaning in Minnesota statutes, section 216I.02, subd. 11.

The reference to Minn. Stat. ch. 216I will be a hyperlink to Minn. Stat. ch. 216I in the online published rule making it easy for users to find the definitions without creating a need to update EQB’s rule if changes are made in the future. EQB staff has worked with the Revisor to determine the best way to highlight which types of projects are covered under Minn. Stat. ch. 216I environmental review without creating ambiguity within the rules or requiring the rules to be updated for small rule changes that do not impact Minn. R. ch. 4410 except to list additional project types within Minn. Stat. ch. 216I.

### Solar energy generating system definition

The EQB will add a definition of “Solar energy generating system” so that the public knows which projects are subject to the clearinghouse provision. The definition reads:

Subp. 83a. Solar energy generating system. “Solar energy generating system” has the meaning in Minnesota statutes, section 216I.02, subd. 18.

The reference to Minn. Stat. ch. 216I will be a hyperlink to Minn. Stat. ch. 216I in the online published rule making it easy for users to find the definitions without creating a need to update EQB’s rule if changes are made in the future. EQB staff has worked with the Revisor to determine the best way to highlight which types of projects are covered under Minn. Stat. ch. 216I environmental review without creating ambiguity within the rules or requiring the rules to be updated for small rule changes that do not impact Minn. R. ch. 4410 except to list additional project types within Minn. Stat. ch. 216I.

### Carbon dioxide pipeline definition

The EQB rules will add a definition and mandatory category for carbon dioxide pipelines, which is a classification of project added by the legislature. The definition reads:

Subp. 6b. Carbon dioxide pipeline. “Carbon dioxide pipeline” has the meaning given in Minnesota Statutes section 216G.025 subd.1.

The EQB proposes that the definition reference the statutory definition, rather than repeating the statutory language defining “carbon dioxide pipeline” so that if the legislature makes changes to that definition, the EQB rule does not require amendment. The statutory definition will be a hyperlink in the rule, so this proposal should not be burdensome to the public.

### Carbon dioxide pipeline project mandatory EIS category amendment:

The EQB will add “carbon dioxide pipeline” to the mandatory EIS projects listed in Minn. R. 4410.4400, because the legislature has required an EIS for carbon dioxide pipelines that meet the definition. The EQB will add a new subpart in Minn. R. 4410.4400, that reads:

Subp. 24a. Carbon dioxide pipelines. For permitting the route of a carbon dioxide pipeline, the PUC is the RGU.

The statute creating this category specifies that an EIS is required prior to the issuance of a route permit under Minn. Stat. ch. 216G, and that the PUC is the RGU. Although arguably it would not be necessary to include this as a mandatory category in rule given the legislation, the EQB typically attempts to ensure that all projects requiring environmental review are included in the Minn. Stat. ch. 4410 rules, unless that would cause undue complexity, as is the case with the large energy infrastructure projects. EQB has concluded that this environmental review requirement should be included in Minn. R. 4410 so that it remains complete.

## Electric power generating facilities definition

Minn. Stat. ch. 216I addresses only “large” electric power generating plants. Current EQB rules contain a redundant mandatory EIS category and a redundant EAW category that can be eliminated if the clearinghouse proposal is adopted.

The existing EQB rules require review of certain smaller electric power generating facilities (called “plants”) that are not included in Minn. Stat. ch. 216I’s “large” classification. However, while EQB’s current rules define “large electric power generating plant”, the rules do not contain a general definition for an electric power generating plant or facility.

Because the EQB is proposing that these projects continue to be included in Minn. R. ch. 4410, it is necessary to define “electric power generating facility.” Because the power-generation levels necessary for review are specified in the mandatory category, it is appropriate that the definition define the activity, not the power generation levels involved. To ensure that associated transmission lines are subject to review, these are described (as they are in Minn. Stat. ch. 216I and Minn. R. 7849.1100) in the definition to ensure review is included. The proposed definition also signals to the public that large power generation facilities are covered elsewhere, i.e., Minn. Stat. ch. 216I.

EQB will add a new definition for “electric power generating facility” that reads:

Subp. 20a. Electric power generating facility. “Electric power generating facility” means any plant or combination of plants at a single site designed to generate electricity and transmission lines directly associated with the plant that are necessary to interconnect the plant to the transmission system. As used in this rule, ‘electric power generating facility’ does not include a large electric generating plant that qualifies as a large energy infrastructure project under Minnesota statutes, chapter 216I.

The EQB finds this definition to be a needed and useful clarification. It does not change the way the existing and remaining mandatory categories are applied.

### Electric power generating facility project mandatory EAW category amendments:

Under EQB’s current rules, there are four EAW mandatory categories for “Electric-generating facilities” projects – Minn. R. 4410.4300, subp. 3. EQB is proposing to remove two of these project types from the EAW mandatory category of Minn. R. 4410.4300 because the projects described in these categories would now undergo environmental review using Minn. Stat. ch 216I.

~~C. For construction of an electric power generating plant and associated facilities designed for and capable of operating at a capacity of 50 megawatts or more, the PUC is the RGU, and environmental review must be conducted according to parts 7849.1000 to 7849.2100 and chapter 7850.~~

~~D. For construction of a wind energy conversion system, as defined in Minnesota Statutes, section 216F.01, designed for and capable of operating at a capacity of 25 megawatts or more, the PUC is the RGU, and environmental review must be conducted according to chapter 7854.~~

Minn. Stat. § 216I.02 Subd. 9 defines a “large electric power generating plant” as “electric power generating equipment and associated facilities designed for or capable of operation at a capacity of 50,000 kilowatts or more.” Large electric power generating plants are subject to environmental review in Minn. Stat. ch. 216I and therefore would not use Minn. R. ch. 4410. A wind energy conversion system capable of operating at a capacity of 25 MW or more would also be required to follow Minn. Stat. ch. 216I for environmental review. Both of the mandatory category project areas as written in Minn. R. 4410 also have references to repealed rules or statutes. Minn. R. 4410.4300, subp.3(C) references chapter 7850 which was repealed. Minn. R. 4410.4300, subp.3(D) references a repealed statute, Minnesota Statutes, section 216F.01 and a repealed rule, chapter 7854. For these reasons EQB proposes to remove both Minn. R. 4410.4300, subp. 3(C) and (D) from the electric-generating facilities EAW mandatory category.



### Large electric power generating plant definition

The EQB will revise the definition of “Large electric power generating plant” so that the public knows which projects are subject to the clearinghouse provision. The revised definition reads:

Subp. 41. Large electric power generating plant; LEPGP.<sup>10</sup> “Large electric power generating plant” or “LEPGP” has the meaning given in ~~part 7849.1100~~ Minnesota Statutes, section 216I.02, subd. 9.

The reference to Minn. Stat. ch. 216I will be a hyperlink to Minn. Stat. ch. 216I in the online published rule making it easy for users to find the definitions without creating a need to update EQB’s rule if changes are made in the future. EQB staff has worked with the Revisor to determine the best way to highlight which types of projects are covered under Minn. Stat. ch. 216I environmental review without creating ambiguity within the rules or requiring the rules to be updated for small rule changes that do not impact Minn. R. ch. 4410 except to list additional project types within Minn. Stat. ch. 216I. This was an existing definition within Minn. R. ch. 4410 and EQB proposes it be updated to reflect Minn. Stat. ch. 216I.

### Large electric power generating facility project mandatory EIS amendments:

Under EQB’s current rules, there is a mandatory EIS category for “Electric-generating facilities” – Minn. R. 4410.4400, subp. 3. EQB is proposing to remove this EIS mandatory category because the project described in this category would now undergo environmental review using Minn. Stat. ch 216I.

~~Subp. 3. Electric-generating facilities. For construction of a large electric power generating plant, as defined in Minnesota Statutes, section 216E.01, subdivision 5, the PUC is the RGU. Environmental review must be conducted according to parts 7849.1000 to 7849.2100 and 7850.1000 to 7850.5600.~~

Minn. Stat. § 216I.02 Subd. 9 defines a “large electric power generating plant” as “electric power generating equipment and associated facilities designed for or capable of operation at a capacity of 50,000 kilowatts or more.” Large electric power generating plants are subject to environmental review in Minn. Stat. ch. 216I. Minn. R. 4410.4400, subp. 3 also references Minn. Stat. 216E.01, Subd 5 and Minn. R. 7850.1000 to 7850.5600 both of which are repealed. Minn. Stat. ch. 216I is the new authority that governs the environmental review process for large electric power generating plants. For these additional reasons, the EQB proposes to remove 4410.4400, subp. 3 from the EIS mandatory category.

### High-voltage transmission lines definition

The EQB will amend the definition of high-voltage transmission line to reference the definition in Minn. Stat. ch. 216I. The definition reads

Subp. 38. High-voltage transmission line or HVTL.<sup>11</sup> “High-voltage transmission line” or “HVTL” has the meaning given in ~~part 7849.1100~~ Minnesota Statutes section 216I.02, subd 8.

A definition of HVTLs needs to be maintained because the term is used in Minn. R. 4410 in reference to early notice publication requirements.

Referencing the statute instead of the rule will ensure consistency as it is less likely to be changed and reflects legislative preference to require review of projects greater than 100 kV that are greater than 1,500 feet in length.

<sup>10</sup> The current EQB rules contain an unnecessary separate definition of this acronym in subp. 42. The EQB proposes deleting this separate definition.

<sup>11</sup> The current EQB rules contain an unnecessary separate definition of this acronym in subp. 40. The EQB proposes deleting this separate definition.

## High-voltage transmission line mandatory project category amendment

Under EQB's current rules, there is a mandatory EAW category for "transmission line" projects—Minn. R. 4410.4300, subp. 6. It addresses both "transmission lines" and "high-voltage transmission lines and associated facilities, as defined in part 7850.1000." Transmission lines include a line at "new location," with "20 or more miles of length in Minnesota," and carrying "between 70 kilovolts and 100 kilovolts." The EQB proposes to delete this category in its entirety. The "clearinghouse" provision will address *high-voltage transmission line projects* subject to Minn. Stat. ch. 216I, which will override any inconsistent or repealed rules. For "transmission lines," the EQB expects that these projects will now be addressed with larger energy projects under Minn. Stat. ch. 216I as "associated facilities." As defined in Minn. Stat. § 216I.02, subd. 2, an "associated facility" includes "transmission lines designed for and capable of operating at 100 kilovolts or less that interconnect the large energy infrastructure facility with the existing high-voltage transmission system."

Based on EQB's experience and according to PUC staff experts, "stand alone" transmission lines of between 70 and 100 kV or less are not constructed except in conjunction with larger projects.<sup>12</sup>

There is also an EIS mandatory category—Minn. R. 4410.4400, subp. 6—for transmission lines. This mandatory category also addresses "high-voltage transmission lines and associated facilities, as defined in part 7850.1000." which is a repealed reference, and these projects will be covered in Minn. Stat. ch. 216I. For this reason, EQB proposes deleting the mandatory category for transmission lines from Minn. R. 4410.4400, subp. 6.

### Spent-fuel storage

In the 2024 legislation, the legislature determined that the RGU for spent-fuel storage projects should be the PUC, not the Department of Commerce. As a result, Minn. R. 4410.4400, subp. 2, item C requires amendment to the designated RGU. The new language reads:

C. For construction or expansion of an independent spent-fuel storage installation, the ~~Department of Commerce~~ PUC is the RGU.

## Changes to other provisions.

### Early notice rules

The EQB rules address when project proposers must publish an EQB Monitor notice for certain significant projects that are entering the environmental review process. See Minn. R. 4410.5200. Because the early notice rule contains references to statutory chapters (i.e., Minn. Stat. ch. 216E) repealed and replaced by Minn. Stat. ch. 216I, the amendment is necessary to amend Minn. R. 4410.5200, Subp. 3, Item F, which addresses a large electric power generating plant or a route permit for a high-voltage transmission line, to reference Minn. Stat. ch. 216I. The new language reads:

F. notice of application for a site permit for a large electric power generating plant or a route permit for a high voltage transmission line pursuant to Minnesota Statutes, chapter ~~216E~~ 216I;

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<sup>12</sup> In 2019, EQB proposed to delete this mandatory EAW category on the ground that these projects are not constructed, but this proposal met public resistance and was not moved forward. With the adoption of Minn. Stat. ch. 216I, it is clearer that these lines will be subject to mandatory review along with the larger energy project that they are associated with. As a result, the EQB believes that the current provision is redundant and will not be used as a basis for environmental review of transmission lines in the future.



# Environmental Review: Conformance with Energy Infrastructure Permitting Act and related changes

## Rule summary and justification memo addendum

### Purpose of addendum

The purpose of this addendum is to address comments that the Environmental Quality Board (EQB) received in response to publication of rule amendments proposed to conform EQB’s environmental review rules—Minn. R. Chapter 4410—with the Energy Infrastructure Permitting Act (codified as Minn. Stat. Chapter 216I) and related statutory changes enacted into law by the Minnesota Legislature in 2024. The Legislature directed the EQB to use the expedited rule process to conform its environmental review rules with the statutory changes.<sup>1</sup>

### Rulemaking History

The EQB staff brought the proposed amendments before the EQB Board on September 5, 2025. To support the rulemaking request, the EQB staff prepared a memorandum (Justification Memo) that summarized the history of the EQB staff’s work to identify appropriate amendments, including public outreach, the amendments in the form approved by the Revisor of Statutes, and the rationale for each amendment proposed. At the meeting, the EQB Board adopted a resolution that authorized the Executive Director to proceed with all steps necessary to complete the expedited rulemaking under Minn. Stat. §14.389. Pursuant to this resolution, the Executive Director published the proposed amendments in the *Minnesota State Register* for public comment on Monday, October 6, 2025 (50 SR 354), with the comment period closing on November 14, 2025.

### Comments

Two groups filed comments concerning the proposed amendments during the comment period: The Minnesota Center for Environmental Advocacy (MCEA) and the Minnesota Bio-Fuels Association (MBFA).

#### Comment 1: MCEA

MCEA’s comment expressed concern that proposed rule language redirecting environmental review requirements for large energy infrastructure projects to Chapter 216I was confusing because it “creates an inference that environmental reviews performed for projects in chapter 216I are a different type of environmental review that is solely governed by chapter 216I and not the Minnesota Environmental Policy Act or “MEPA.””

MCEA asserts that environmental reviews performed for projects listed in 216I are “fundamentally governed by MEPA and are environmental reviews performed under MEPA.” MCEA states that “chapter 216I does not address the substance of what needs to be included in an environmental review document, which instead is found in chapter 116D (MEPA).” To resolve its concern, MCEA suggests modification of the proposed rule that stated that environmental review for large energy infrastructure projects would be “governed by” chapter 216I to state that environmental review of such projects would be “governed by Minnesota Statutes, chapter 216I in conjunction with chapter 116D.”

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<sup>1</sup> Minn. Laws 2024, Chapter 126, Art. 9, Sec. 19.

## EQB staff response

The EQB staff do not agree that MCEA's proposed change to the rule language is helpful.

The legislature has long addressed environmental review of the siting and permitting of large energy infrastructure projects through separate statutory authority not codified within MEPA (formerly the Power Plant Siting Act and now the Energy Infrastructure Permitting Act). The EQB's environmental review rules have long pointed at these separate statutes and rules as the authority governing environmental review of such projects, as described in the Justification Memo. One purpose of the Energy Infrastructure Permitting Act was to eliminate the confusion caused by the potential for multiple environmental review processes by ensuring that the process is managed by one entity, generally the Public Utilities Commission (PUC), and one statute, Chapter 216I.

For projects that proceed as "major" projects, Chapter 216I requires the PUC to prepare an environmental impact statement (EIS) on each proposed large energy infrastructure facility for which a complete application has been submitted (Minn. Stat. § 216I.06, subd. 1 (a)). The legislature included a specific definition of "environmental impact statement" in this provision, stating that it "means a detailed written statement that describes a large energy infrastructure facility and satisfies the requirements of section 116D.04." *Id.* The PUC is prohibited from considering need during environmental review, and the legislation states "[n]o other state environmental review documents are required." *Id.*

The language of Chapter 216I addresses the issue that MCEA is concerned about, making its "in conjunction with" language redundant with the legislative language.

Further, Chapter 216I provides procedural requirements applicable to the EIS (Minn. Stat. § 216I.06, subd. 1(c)-(e) and Minn. Stat. § 216I.05, subds. 8-10) and describes the environmental information that must be included in an application, much of which is similar to the mandated content for an EIS prepared under EQB's rules. See Minn. Stat. § 216I.05, subds. 3-4 and compare Minn. R. 4410.2300.

Otherwise, Chapter 216I provides that large energy infrastructure projects are reviewed using a document that is not described in MEPA and the EQB's rules, i.e., the "environmental assessment." MEPA addresses only projects reviewed by an Environmental Assessment Worksheet (EAW) or an EIS (Minn. Stat. § 116D.04), not "environmental assessments," which were established as part of the Power Plant Siting Act and the rules adopted to implement that Act.

Chapter 216I describes the content of the environmental assessment and procedures relevant to its content, and states that "[t]he environmental assessment is the only state environmental review document that must be prepared for the proposed project" (Minn. Stat. § 216I.07, subd. 3). Given this separate document and process, the EQB believes that it would cause confusion for the EQB's rules to note that the environmental assessment should be prepared "in conjunction with" EQB's rules governing MEPA-based projects.

## Comment 2: MBFA

MBFA's comments concern EQB's decision to amend its rules to include carbon dioxide pipelines in the EIS mandatory categories (Minn. R. 4410.4400) based on the statutory requirement that carbon dioxide pipeline projects be subjected to a mandatory EIS before they are permitted under Minn. Stat. § 216G.025. MBFA's comments recognize that the 2024 legislation defined "carbon dioxide pipeline" and added a statutory requirement that carbon dioxide pipeline projects undergo a mandatory EIS before they are permitted, although MBFA's letter also indicates that language is "proposed to be codified".

MBFA argues that the intent of the legislation was to require an EIS for large scale multi-state carbon dioxide pipelines and raises concerns that EQB's proposed rule "goes above and beyond the original intent of the law." MBFA objects to the definition "as proposed to be codified in Minn. Stat. § 216G.025" being used because "if an ethanol plant is participating in a [carbon capture utilization] project that incorporates a pipeline - regardless of its size, scale, scope, location, or length - it would require a mandatory EIS and route permit." MBFA asks EQB to

delay rule amendments until a carbon dioxide pipeline study, and related recommendations for regulatory requirements, are completed by the PUC. (This study was directed by Laws of Minnesota 2024, Chapter 126, Article 6, section 50.)

### **EQB staff response**

EQB has proposed to incorporate the 2024 carbon dioxide pipeline statutory definition and the statutory requirement that an EIS be prepared before a route permit is issued into its rules because EQB prefers to ensure that the environmental review rules are a complete list of both law-based and rule-based environmental review requirements. The definition, route permit requirement, and environmental review requirement are enacted law.

EQB understands the comment as supporting environmental review requirements for “multi-state carbon dioxide pipeline projects” but objecting to the scope of the statute (and therefore the proposed rules) because it would require review of small carbon dioxide pipelines that would not pose the same potential for impact.

The EQB does not have the authority to carve out small carbon dioxide pipelines from the EIS requirement given the statutory language. The EQB was aware that the definition could be changed in the future. In the supporting memorandum for the proposed rule, the EQB stated:

The EQB proposes that the definition reference the statutory definition, rather than repeating the statutory language defining “carbon dioxide pipeline” so that if the legislature makes changes to that definition, the EQB rule does not require amendment. The statutory definition will be a hyperlink in the rule, so this proposal should not be burdensome to the public.

Should the legislature (based on the study if completed<sup>2</sup> or other information) change the statutory definition of “carbon dioxide pipeline” to exclude smaller pipelines, no change would be necessary to the EQB’s rule because it directly references the legislative definition.

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<sup>2</sup> As allowed by law, the PUC has consulted with the EQB on the study. PUC was directed to contract with an independent third party to complete the study. No qualified contractor was found, and the EQB staff understand that the PUC has returned the funds allocated for the study.

**From:** Colleen C Bailey [REDACTED]  
**Sent:** Wednesday, November 19, 2025 7:51 AM  
**To:** Env Review (EQB) <[Env.Review@state.mn.us](mailto:Env.Review@state.mn.us)>  
**Subject:** Due Diligence for Data Centers

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Good morning,

I want your agency and any other state or county office to hold Data Centers (proposed or in progress) in Minnesota to very high environmental standards as well as public review and input.

Minnesota's resources should be prioritized for Minnesotans, not rapacious billionaires who pay no taxes here and add no REAL value while strip mining our economy and our politics. Crypto and AI are a bubble that will collapse. You can't drink Bitcoin.

Sincerely,

Colleen C Bailey, MS, LPCC

**From:** ReNae Bowman <[REDACTED]>  
**Sent:** Wednesday, November 19, 2025 8:08 AM  
**To:** MN\_EQB\_Info <[info.EQB@state.mn.us](mailto:info.EQB@state.mn.us)>  
**Subject:** Protect our water!

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Six cities are proposing a hyperscale data center with one near the metro/in SE MN from one or both aquifers: Jordan and Prairie du Chien. These aquifers serve parts of the metro. None of them have done environmental assessments. None of them are operating with transparency to their own towns.

There have not been tests to ensure the aquifers could sustain this kind of demand nor are the state regulations sufficient enough to prevent irreparable damage.

We need a statewide moratorium on data center development, particularly hyperscale ones, until comprehensive regulations are in place. I am asking for a moratorium to be implemented immediately and comprehensive regulations put in place before it's too late.

Respectfully,

ReNae Bowman

[REDACTED]

[REDACTED]

[REDACTED]

**From:** Bridget Doyle <[REDACTED]>  
**Sent:** Wednesday, November 19, 2025 8:23 AM  
**To:** MN\_EQB\_Info <[info.EQB@state.mn.us](mailto:info.EQB@state.mn.us)>  
**Subject:** Moratorium on data centers in MN

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Hello,

I am a resident of Hennepin County, but my love for the state of Minnesota extends across all peoples, places, and communities in the state. I am proud to live in a state that values clean water, air, soil, and equal access to these resources for our communities. Hyperscale data centers raise immediate concerns around contamination and degradation of air, water, and soil, as well as creating sound and light pollution, and often in rural and other lower-income areas.

Data centers like the one being proposed in Rosemount, MN - and the proposals we expect in the future- all are projects which should require the most rigorous and progressive review process to protect the quality of our natural resources and affected communities. We have been curtailed by the current administration at a federal level, which has made it harder for the environmental process to be completed for things like data centers. We will see a rise in data center proposals as AI applications continue to surge. We are not immune from the dangers that these proposed projects may cause.

It is our responsibility to hold ourselves accountable and to hold our governing agencies to a high standard when it comes to protecting our resources and our residents for generations to come.

Please consider enforcing environmental review on all proposed data centers in Minnesota. If we are unable to perform the environmental review process on data centers due to administrative or fiscal challenges, please consider a moratorium on all new data center construction in the state of Minnesota.

Sincerely,

Bridget Doyle

Resident of Brooklyn Center, [REDACTED] —

**From:** Ann Ackerman <[REDACTED]>  
**Sent:** Wednesday, November 19, 2025 9:04 AM  
**To:** MN\_EQB\_Info <[info.EQB@state.mn.us](mailto:info.EQB@state.mn.us)>  
**Subject:** Data Center Development

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

---

We need a statewide moratorium on data center development, particularly hyperscale ones, until comprehensive regulations are in place. This needs to be implemented immediately and comprehensive regulations put in place before it's too late.

Ann Ackerman

[REDACTED]



**From:** Tom Bloom <[REDACTED]>

**Sent:** Wednesday, November 19, 2025 10:49 AM

**To:** MN\_EQB\_Info <[info.EQB@state.mn.us](mailto:info.EQB@state.mn.us)>

**Subject:** Data Center moratorium

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

---

Hi there, I'm writing to ask for a statewide moratorium on data center development. I was informed of hyperscale data center projects in SE Minnesota where there have been no tests to gauge what the impact on surrounding areas may be, particularly related to water usage and other limited resources.

Until these matters have been thoroughly investigated and the results transparently disclosed to the public, there must be no further development.

Sincerely,

Tom Blunt

[REDACTED]

[REDACTED]

**From:** Ronald Pribyl <[REDACTED]>  
**Sent:** Wednesday, November 19, 2025 12:30 PM  
**To:** MN\_EQB\_Info <[info.EQB@state.mn.us](mailto:info.EQB@state.mn.us)>; Senator Amy Klobuchar  
<[senator@klobuchar.senate.gov](mailto:senator@klobuchar.senate.gov)>; Rep. Steven Jacob  
<[rep.steven.jacob@public.govdelivery.com](mailto:rep.steven.jacob@public.govdelivery.com)>; Congressman Brad Finstad  
<[mn01bfima@mail.house.gov](mailto:mn01bfima@mail.house.gov)>  
**Subject:** Data Center Development

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We need a statewide moratorium on data center development, particularly hyperscale ones, until comprehensive regulations are in place.

My city is one of 6 cities proposing a hyperscale data center near the metro/in SE MN from one or both aquifers: Jordan and Prairie du Chien. These aquifers serve parts of the metro. None of them have done environmental assessments. None of them are operating with transparency to their own towns. There have not been tests to ensure the aquifers could sustain this kind of demand nor are the state regulations sufficient enough to prevent irreparable damage.

Ron Pribyl

Citizen of Elgin, MN

**From:** Kylie Sonnenburg <[REDACTED]>  
**Sent:** Wednesday, November 19, 2025 1:07 PM  
**To:** MN\_EQB\_Info <[info.EQB@state.mn.us](mailto:info.EQB@state.mn.us)>  
**Subject:** Data Center Moratorium

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To Whom It May Concern:

My name is Kylie Sonnenburg, resident of our beloved state of Minnesota. I am urging you to consider a moratorium on the hyperscale data centers proposed near the metro and southeast Minnesota. The aquifers implicated in cooling the centers are a critical resource for our natural ecosystem and folks who live in the area. Testing must be done to ensure these aquifers are able to sustain the demand the centers would place on them. Additionally, no environmental assessments have been completed, leaving the fate of the surrounding areas in the hands of the developers.

**Please consider placing a moratorium on all data center proposals until comprehensive tests and regulations have been put in place, ensuring we make informed choices regarding our life-sustaining resources.**

Respectfully,

Kylie Sonnenburg (she/her)

[REDACTED]

[REDACTED]

**From:** Gabriela Santiago <[REDACTED]>  
**Sent:** Wednesday, November 19, 2025 1:22 PM  
**To:** MN\_EQB\_Info <[info.EQB@state.mn.us](mailto:info.EQB@state.mn.us)>  
**Subject:**

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Good afternoon,

I am writing to ask for a moratorium to be implemented immediately on the proposed hyperscale data center from the Jordan and/or Prairie du Chien aquifers, and comprehensive regulations put in place before it's too late. None of them have done environmental assessments. None of them are operating with transparency to their own towns. There have not been tests to ensure the aquifers could sustain this kind of demand nor are the state regulations sufficient enough to prevent irreparable damage. We need a statewide moratorium on data center development, particularly hyperscale ones, until comprehensive regulations are in place.

Thank you for your time,

Gabby

**From:** Vicki Poels <[REDACTED]>  
**Sent:** Wednesday, November 19, 2025 1:22 PM  
**To:** MN\_EQB\_Info <[info.EQB@state.mn.us](mailto:info.EQB@state.mn.us)>  
**Subject:** SAVE OUR WATER FROM DATA CENTERS

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Request for action. A SE MN city is one of 6 cities proposing a hyper scale data center near the metro from one or both aquifers: Jordan and Prairie du Chien. These aquifers serve parts of the metro. None of them have done environmental assessments. None of them are operating with transparency to their own towns. There have not been tests to ensure the aquifers could sustain this kind of demand nor are the state regulations sufficient enough to prevent irreparable damage. We need a statewide moratorium on data center development, particularly hyperscale ones, until comprehensive regulations are in place. Please consider a moratorium immediately and implement comprehensive regulations before it's too late. SAVE OUR WATER!!!! WATER IS LIFE. WHEN IT IS SCARCE OR GONE, SOMIS LIFE AS WE KNOW IT.

Thank you for your attention to this matter.

**From:** Catherine Lundoff <[REDACTED]>  
**Sent:** Wednesday, November 19, 2025 3:14 PM  
**To:** MN\_EQB\_Info <[info.EQB@state.mn.us](mailto:info.EQB@state.mn.us)>  
**Subject:** Data Center Development Moratorium

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Dear Sir/Madam:

I am writing to express my concerns about the new data centers proposed for SE Minnesota that will draw on the Jordan and Prairie du Chien aquifers. This is terrifying and dangerous, given that there are not currently enough legal protections to defend Minnesota's people or environment from the impacts of having massive amounts of water drained from the aquifers. We are already dealing with a yearly drought - how much worse is this is going to get before state regulatory bodies like this one step up to protect us from the impacts of these centers? They will not create a significant number of jobs and the damage that they are doing will last for generations.

Please support the people of Minnesota by placing a moratorium on the construction of these centers until such time as they can adhere to strict environmental standards and are no longer an actual public danger, rather than an asset.

Yours,

Catherine Lundoff

**From:** Bridget L. <[REDACTED]>  
**Sent:** Wednesday, November 19, 2025 3:39 PM  
**To:** MN\_EQB\_Info <[info.EQB@state.mn.us](mailto:info.EQB@state.mn.us)>  
**Subject:** Re: Moratoriums on data center development

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Hello,

I am sending this email because I am concerned about a proposed hyperscale data center near the metro area/in the SE MN near one or more aquifers. These aquifers are meant to serve Minnesotans and not for the use of a corporation's data centers. We need to put a moratorium on ALL proposed data centers in this state until environmental assessments are done, any tests to ensure aquifers meant for humans can sustain the demand a data center would put on it.

We especially need to put a moratorium on any further potential data centers in communities where they think they don't need to be more transparent with the people. Please put Minnesotans over corporate greed.

Bridget Logan



**From:** Devin A <[REDACTED]>  
**Sent:** Wednesday, November 19, 2025 3:46 PM  
**To:** MN\_EQB\_Info <[info.EQB@state.mn.us](mailto:info.EQB@state.mn.us)>  
**Subject:** Data Centers

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED].

---

I'm writing to ask that we put a state-wide moratorium on hyperscale data centers until we know what environmental impact they will have. People come to and stay in Minnesota because of our forest and lakes and I don't think we should risk our aquifers for potential jobs.

Thanks for the consideration,

Devin Abraham

[REDACTED]

[REDACTED]

**From:** E. Fabel <[REDACTED]>  
**Sent:** Wednesday, November 19, 2025 5:02 PM  
**To:** MN\_EQB\_Info <info.EQB@state.mn.us>  
**Subject:** Data Centers and water usage

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After reading about Herman Town and now seeing this post on Facebook I am becoming increasingly worried about the data centers going up and proposed in MN. Are there any environmental studies being done? Impact studies? Anything statewide to make sure we don't screw up our water supply?

These aquifers serve parts of the metro. Have any of them have done environmental assessments? Are any of them are operating with transparency to their own towns? Have tests been done to ensure the aquifers could sustain this kind of demand and are the state regulations sufficient enough to prevent irreparable damage. I am asking for a statewide moratorium on data center development, particularly hyperscale ones, until comprehensive regulations are in place before it's too late.

*Have a Happy Day!!* 🤗

*Liz Fabel*

From: Julie Dulude <[REDACTED]>  
Sent: Wednesday, November 19, 2025 5:17 PM  
To: MN\_EQB\_Info <info.EQB@state.mn.us>  
Subject: HOLD on data center development

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To Whom It May Concern:

I am writing to express my serious reservations about the 6 hyperscale data centers being planned near important aquifers in Minnesota and the lack of transparency surrounding the process.

We need a statewide moratorium on data center development, particularly hyperscale ones, until comprehensive regulations are in place.

Please put a stop to letting companies rush their plans through without due process to protect our water sources.

Thank you,

Julie Dulude

From: K.R. Gromer <[REDACTED]>  
Sent: Wednesday, November 19, 2025 6:15 PM  
To: MN\_EQB\_Info <info.EQB@state.mn.us>  
Subject: Giant water projects

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Dear EQB,

please demand study before you give away access to our aquifer to corporations. This water is something millions of people in this area depend upon. We don't need artificial intelligence. We need water.

KRGromer MD

[REDACTED]

**From:** Damon Erickson <[REDACTED]>  
**Sent:** Wednesday, November 19, 2025 10:00 PM  
**To:** MN\_EQB\_Info <info.EQB@state.mn.us>  
**Subject:** Data Center Development Moratorium Needed

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We need a statewide moratorium on data center development, particularly hyperscale ones, until comprehensive regulations are in place. We need proper environmental assessments for the amount of water usage for these projects to determine sustainability before they irreparable damage to our water supply.

Thank you for your attention to this matter.

Damon Erickson

**From:** Deborah Knutsen <[REDACTED]>  
**Sent:** Thursday, November 20, 2025 5:33 AM  
**To:** MN\_EQB\_Info <info.EQB@state.mn.us>  
**Subject:** Data centers

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Do not allow datacenters near the Jordan and Prairie du Chien aquifers. They serve parts of the metro. None of them have had environmental assessments. None of them are operating with transparency to their own towns. There have not been tests to ensure the aquifers could sustain this kind of demand nor are the state regulations sufficient enough to prevent irreparable damage. We need a statewide moratorium on data center development, particularly hyperscale ones, until comprehensive regulations are in place. I am asking for a moratorium to be implemented immediately and comprehensive regulations put in place before its to late.

Deb Knutsen

**From:** Deb Provence <[REDACTED]>  
**Sent:** Thursday, November 20, 2025 8:19 AM  
**To:** MN\_EQB\_Info <info.EQB@state.mn.us>  
**Subject:** Moratorium on data centers

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Good morning,

Minnesota needs a moratorium on AI data center development. Minnesota doesn't have the comprehensive regulations necessary to protect our aquifers and communities from these water and energy hogs. Until Minnesota has protective and comprehensive regulations in place, no data centers should be developed.

**From:** Kyra Shrake <[REDACTED]>  
**Sent:** Thursday, November 20, 2025 10:44 AM  
**To:** MN\_EQB\_Info <info.EQB@state.mn.us>  
**Subject:** Data centers near Prairie du Chien

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Hi

I'm a concerned MN resident and I'm asking for a moratorium to be implemented immediately and comprehensive regulations put in place before it's too late. Our water matters and a data center is completely unnecessary but also extremely detrimental to those of us who rely on that water.

Please stop this before we can't.

Thanks.

**Best,**

**Kyra Shrake**



**From:** Rebecca <[REDACTED]>  
**Sent:** Wednesday, November 19, 2025 8:28 AM  
**To:** MN\_EQB\_Info <info.EQB@state.mn.us>  
**Subject:** Dara centers in MN

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Hello,

Please put a moratorium on new data centers until environmental review and community feedback can be completed. There is a lack of environmental concern and public input/transparency in this process which is undemocratic and dangerous. Please fulfill your moral obligation to protect our environment and our rights to engage as a community to protect our environment.

Thank you,

Rebecca

--

Best wishes,  
Rebecca Tryon

Pronouns: she, her, hers

[REDACTED]

"Live as if you were to die tomorrow, learn as if you were to live forever." -Mahatma Gandhi

**From:** Grace Butler <[REDACTED]>  
**Sent:** Wednesday, November 19, 2025 12:03 PM  
**To:** MN\_EQB\_Info <info.EQB@state.mn.us>  
**Subject:** Data Centers and Water

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I am aware of our need for data centers as they are being driven by AI and general communication needs.

HOWEVER, as a past Watershed District Manager, I am concerned that MN with its 10,000 lakes will be asked to shoulder a disproportionate burden of the water needs for these operations.

Please ensure that we manage new requests for data centers from a statewide perspective. Do not place individual environmental fights on top of this national administration's abuse of water rights.

Tell us how to help and how we move forward. Be LEADERS.

Thank you,

Grace

--

Grace Butler

"How can I support and accommodate water within my community?" Author Erica Gies,  
Water Always Wins

From: Sarah [REDACTED] >  
Sent: Wednesday, November 19, 2025 1:26 PM  
To: MN\_EQB\_Info <info.EQB@state.mn.us>  
Subject: Data centers

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I am fully in support of a moratorium on data centers until the state of Minnesota has had time to study the implications and consequences of this proliferation. We are headed into an AI bubble and this is NOT to moment for unchecked growth of these data centers county by county with little to no oversight.

Please do the responsible thing.

Thank you,

Signed,

A voter and taxpayer

Sarah Lechner

**From:** Kristine Brummer <[REDACTED]>  
**Sent:** Wednesday, November 19, 2025 3:26 PM  
**To:** MN\_EQB\_Info <info.EQB@state.mn.us>  
**Subject:** Protecting our water

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

---

To Whom It May Concern:

It has recently come to my attention that there may be plans to build a hyper scale data center

in SE Minnesota and that no research has been done as far as the impact this would have on our aquifers and that there are no regulations in existence that would protect our water supply.

Please halt all plans to build a data center until regulations that protect our aquifers have been put in place before it is too late.

We must be proactive in protecting our natural resources, and not cave to developers and corporations that seek only to further their own agendas without any care given to ensuring our environment and water supply remain healthy and unpolluted.

It would be beyond irresponsible and short-sighted to allow the construction of a data center without first taking every precaution to protect our natural resources.

Sincerely,

Kristine Brummer

[REDACTED]

**From:** Rachel Finch <[REDACTED]>  
**Sent:** Thursday, November 20, 2025 7:07 AM  
**To:** MN\_EQB\_Info <info.EQB@state.mn.us>  
**Subject:** No data centers in our cities!

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To whom it may concern,

I have learned of the proposals to build data centers in 6 cities, including Jordan and Prairie du Chien. This is being done without consideration for those cities ability to continue to have safe and sustainable water supply, without any testing to protect against potentially catastrophic impacts to the environment and without any information or input from the cities residents. AI and the giant data centers being built to support it will hit fast forward on climate change and destroy our planet. Please stop these actions! No data centers in MN.

Thank you,

Rachel Postle

From: Nick <[REDACTED]>  
Sent: Wednesday, November 19, 2025 7:20 AM  
To: MN\_EQB\_Info <info.EQB@state.mn.us>  
Subject: Environmental Impact of Data Centers

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Hello, my name is Nick DeMaris, and as a resident of Minneapolis & Minnesota I have a deep concern for what the AI boom (and rapidly approaching bubble burst) is going to do to our communities. People in many states like West Virginia, New Mexico and Texas are already experiencing skyrocketing electricity bills and a lack of access to water due to data centers in their area overloading the grid and using WAY more water than advertised (have you seen the leaked Amazon emails in which they debated how to best cover that up?). On top of that, the previously mentioned bubble - no data center will be able to recoup its operating costs because none of them are generating money outside of investors. Once the investors bail, there will be dozens of concrete wastelands that we know those companies won't clean up, and we will have sacrificed natural resources as well as deteriorated the locals' quality of life for nothing. Please, please do all of the environmental impact testing that you can to delay these projects - their only benefit is to increase profits for billionaires, while the potential harm is increased homelessness, poverty, and disease associated with proximity to data centers. On that note, consider remaking 94 into a boulevard as well please. Have a good day!

Nick

**From:** Carly Paolillo <[REDACTED]>  
**Sent:** Friday, November 21, 2025 2:53 PM  
**To:** MN\_EQB\_Info <info.EQB@state.mn.us>  
**Subject:** Stop the Ai Data Centers

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Hello,

I'm writing to you in absolute horror.

I'm appalled that you're trying to build a data center that RUINS OUR WATER.

The city is one of 6 cities proposing a hyperscale data center near the metro/in SE MN from one or both aquifers: Jordan and Prairie du Chien. These aquifers serve parts of the metro. None of them have done environmental assessments. None of them are operating with transparency to their own towns. There have not been tests to ensure the aquifers could sustain this kind of demand nor are the state regulations sufficient enough to prevent irreparable damage. We need a statewide moratorium on data center development, particularly hyperscale ones, until comprehensive regulations are in place. Please send an email to the MN Environmental Quality Board asking for a moratorium to be implemented immediately and comprehensive regulations put in place before it's too late.

We need to stop this."

Carly



**From:** Elizabeth Wright <[REDACTED]>

**Sent:** Sunday, November 23, 2025 9:50 AM

**To:** MN\_EQB\_Info <info.EQB@state.mn.us>

**Subject:** Proposed Data Centers

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As a concerned citizen of Rice County, Minnesota, I am writing to ask for EQB to declare a moratorium on data center development, statewide.

These projects are moving forward without the kind of scrutiny they deserve. Citizens have not been kept informed of these projects. Data centers have the potential for great and irreparable harm to the environment. Comprehensive regulations should be in place to assure that aquifers are protected.

Further, the impact on ordinary people when their utility bills increase and the air quality decreases should be part of the equation.

Thank you for your consideration.

Elizabeth Wright

[REDACTED]

[REDACTED] Message-----

From: Alison Sanders <[REDACTED]>

Sent: Monday, November 24, 2025 11:17 AM  
To: MN\_EQB\_Info <info.EQB@state.mn.us>  
Subject: Concern about data centers near Aquifers

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Hello,

I saw that there are proposed data centers going in around the Prairie du Chien Aquifer. I am concerned that there has not been adequate studies done about the environmental impact to the groundwater that sustains our community. I would encourage comprehensive environmental impact studies be done and regulations put in place prior to these being built. Thank you,

-- Alison Sanders

**From:** Mary Brodd <[REDACTED]>  
**Sent:** Saturday, November 29, 2025 4:20 PM  
**To:** MN\_EQB\_Info <[info.EQB@state.mn.us](mailto:info.EQB@state.mn.us)>  
**Subject:** data center moratorium now

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

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I am writing to urge a moratorium on data-center development in MN until such time as appropriate regulations can be in place to protect our aquifers. We need to keep our water clean!

Sincerely,

Mary Brodd

[REDACTED]

**From:** Aubree Derksen <[REDACTED]>  
**Sent:** Wednesday, December 3, 2025 6:20 PM  
**To:** MN\_EQB\_Info <[info.EQB@state.mn.us](mailto:info.EQB@state.mn.us)>  
**Subject:** Public comment: EQB petitions

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I'm submitting a public comment regarding the EQB petition. There is a regulatory disconnect that leaves residents high and dry when it's presented as an option to prevent that from happening.

Here is what's happening on the ground with how the EQB petition currently stands:

As a resident I filed an EQB petition regarding the data center proposal. The city gets it and then notices of the public hearing for final zoning approval go out when they shouldn't because the petition needs to be addressed first. The city is continuing with zoning approvals because their understanding of the law is that it only applies to "final project approval decisions" and final zoning approvals they view as "early, preliminary decisions." They also stated it doesn't apply because an AUAR (that they did) is more "in-depth" than an EAW and the EQB petition is only for projects that didn't do any environmental review whereas they did. I call the EQB who confirms that the city's understanding is 100% wrong and the EQB staff needs to check with their boss to see if they can reach out to the city to correct their understanding because as it stands the EQB has nothing in place to prevent a city from just outright ignoring a petition and there's no option for the EQB to even ensure that the city is understanding the law correctly in order to make an informed decision.

Please update the rules so that:

1) City leaders are required to have an accurate understanding of the law-this means clarifying the language of the law so they can't interpret it as "oh this is preliminary and this law does not apply" when it actually does This also means including a step where the city has to talk to the EQB to ensure there's correct understanding so EQB staff are not left having to ask a supervisor if they can in fact make sure city officials correctly understand the law. The petition is there as a way to protect communities and it's one of few options residents have yet with how it's set up it's not actually protecting anything or doing anything if cities can just flat out ignore it and not be required to actually understand the law.

2) Require that an EIS or EAW be completed to avoid having an inadequate AUAR being deemed as more "in depth" and a reason to dismiss the petition. Also, please add a specific clause to the EQB petition for data centers. This has to connect to new state regulations that also need to be updated to reflect data centers. Considering all the MN lawsuits challenging that AUARs are inadequate there has to be a stipulation that if the petition relates to a data center it has to follow necessary environmental assessment relevant to a data center.

3) There needs to be required tracking/documentation of EQB petitions filed and actions taken. Cities should not be allowed just to outright dismiss petitions without providing written documentation to both the petitioner and EQB that gets filed at the state level as to why it's dismissed. There also needs to be a review process where the EQB reviews the dismissal grounds and judges whether the dismissal reason holds up. If the reason doesn't hold up there needs to be a consequence, ie the EQB/state agency pursues a legal lawsuit, permits are withdrawn, projects are halted, cities get sanctions that prohibit them from pulling new permits if they have a history of ignoring environmental protections etc. As it currently stands the city can outright ignore the petition on baseless grounds and there's no tracking, no follow up, no teeth behind the petition when there's supposed to be, the residents that filed the petition are left hanging without options to help them when the EQB petition is supposed to be a tool to help them. The only recourse is then a lawsuit, financed privately by the resident. Our neighboring town was quoted \$8K just to get a petition filed. This is a completely unrealistic financial expectation to put on private citizens.

Aubree Derksen

"Not being able to speak is not the same as not having anything to say." -Rosemary Crossley