

July 2024 Environmental Quality Board meeting

Wednesday, July 17 from 1 – 4:00 p.m.

Join in person or online

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

Attending in person

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

Transportation options:

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

Attending virtually

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

Accessibility

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

Public engagement opportunities at EQB meetings

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

Oral public comment

In this meeting, the board will accept oral public comment at multiple points in the agenda.

Procedure and guidelines for giving oral public comment:

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

Written public comment

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

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

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

Agenda

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

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

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

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

- Meeting minutes from the June 12, 2024, Environmental Quality Board meeting on packet page 5
- Preliminary agenda for the July 17, 2024, Environmental Quality Board meeting

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

Catherine Neuschler – Executive Director, EQB

4. GHG Calculator: High level overview and update (1:20 pm)

Type of item: Informational

Summary: EQB has hired a consultant, ICF, to develop a greenhouse gas emissions calculator tool that can be used by RGUs to answer the climate-related questions in Minnesota's Environmental Assessment Worksheet (EAW), focused on question 18. The board will hear an update on the scoping and methodology phase of this project, including insight gathered from our technical advisory team, work done to group mandatory categories into manageable subgroups, and ongoing efforts to appropriately size the tool to the resources and data available.

Outcome: The Board hears an update GHG emissions calculator scoping and methodology and has the opportunity to provide feedback on the process.

Presenter: Stephanie Aho – Greenhouse Gas Data Analyst, EQB

Break (2:00 pm / 5 minutes)

5. Strategic Plan: Feedback overview and approval (2:05 pm)

Type of item: Decision

Summary: Since late 2023, the Board has undertaken a series of facilitated exercises to revise and update the existing EQB strategic plan for the next five years. In late May and early June, the EQB staff conducted some public engagement on the plan. The final draft strategic plan (on packet page 11) will be presented for Board review and approval. The strategic plan is drafted to cover July 2024 to June 2029.

Outcome: The Board adopts the strategic plan, or recommends changes that are needed prior to adoption.

Presenter: Catherine Neuschler – Executive Director, EQB

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

6. Tribal policy vote (2:35 pm)

Type of item: Decision

Summary: EQB seeks to facilitate positive government-to-government relations with all federally recognized Tribal Nations that share geography with the state of Minnesota. To support this, EQB staff drafted a Tribal coordination and consultation policy. The draft policy (on packet page 17) describes how EQB will engage with Tribal governments on issues under EQB's specific authority.

This item is a continuation from an agenda item in April 2024, when the Board directed staff to bring this draft to the Minnesota Indian Affairs Council (MIAC) for further input and present again to the Board at a future meeting. Executive Director Neuschler, along with MnDOT tribal liaison Levi Brown, shared the policy and presented a summary at the MIAC executive session on May 22. Kayla Walsh, as tribal point of contact, also reached out to members of the Minnesota Tribal Environmental Committee (MNTEC). No additional comments or recommended changes were received.

Outcome: The Board adopts the Tribal policy, or recommends changes that are needed prior to adoption.

Presenter: Catherine Neuschler – Executive Director, EQB and Kayla Walsh – Tribal point of contact for EQB

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

7. Public Comment (2:50 pm)

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

8. Closing and adjournment (4:00 pm)

May 2024 Environmental Quality Board meeting

Wednesday, May 15, 2024 | 1:00-4:00 p.m. | Via Teams.

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, Rylee Hince, Todd Holman, Daniel Katzenberger, Katrina Kessler, Nicholas Martin, Paul Nelson, Sarah Strommen

Members excused: Brooke Cunningham, Tamar Gronvall, Thom Petersen, Matt Varilek, Charles Zelle

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

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

Approval of consent agenda

- Meeting minutes from April 17, 2024, Environmental Quality Board meeting
- Proposed agenda for May 15, 2024, Environmental Quality Board meeting

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

2. Executive Director's report

Catherine Neuschler – Executive Director, EQB

- Legislative items: two bills in conference committee that may impact EQB
 - SF4942, the Omnibus Agriculture, Commerce, Energy, Utilities, Environment and Climate supplemental appropriations bill.
 - HF3911, which could contain the provisions requiring EQB to make rules establish a threshold for a mandatory EIS for feedlots and contains some direction to the state agencies to establish a regulatory framework for the extraction of non-petroleum gas in Minnesota. EQB would participate in that to consider the need for environmental review.

- Minnesota Indian Affairs Council (MIAC) – EQB staff are going to present the tribal coordination and consultation policy to MIAC at the executive session next week.

3. Environmental Congress planning update

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

Type of item: Informational

Summary: The Board received an update on the progress being made in planning for the 2024 Environmental Congress, including proposed dates, locations, and topics of discussion for each meeting.

Outcome: The Board heard the latest planning updates for the congress.

4. State Energy Policy and Conservation Quadrennial Report

Presenter: Laura Lyons – Energy Information Planning Specialist, Minnesota Department of Commerce

Type of item: Informational

Summary: Every four years, the Department of Commerce prepares the State Energy Policy and Conservation Report. The goal of the report is to provide legislators and energy leaders with information on the status of energy use in Minnesota, including trends, projections, and recommendations. The report identifies major emerging trends and issues in energy supply, consumption, conservation, and costs. Department of Commerce presented to the Board information on the report requirements, information that will be discussed in the 2024 report, and information on an upcoming public meeting for the report. Minn. Stat. 216C.18 requires the draft report be shared with the Environmental Quality Board. This will occur before the final report is distributed.

Outcome: The Board heard an update on the draft report.

5. Implementation of the Pollinator Action Framework

Presenter: Rebeca Gutierrez-Moreno – State Pollinator Coordinator, EQB

Type of item: Informational

Summary: The board heard an overview of the interagency pollinator protection team's work to prioritize the actions included in the Pollinator Action Framework and documenting the progress to implement actions. This process and information will be used to update the scorecards to keep track of progress toward pollinator protection goals and will be included in this year's pollinator report.

Discussion:

- Quick wins and actions that take a longer time investment are equally important.
- Leading an effort takes more resources than encouraging an effort, but both should be considered.

Outcome: The board was updated on the implementation of the Pollinator Action Framework.

6. Mandatory Categories Report: feedback, plan, outline

Presenter: Kayla Walsh – Environmental Review Program Administrator, EQB

Type of item: Informational

Summary: The Mandatory Categories Report is due December 1, 2024. The board heard an overview of the feedback EQB staff has heard thus far. EQB staff will also share an updated timeline and next steps for the report.

Discussion:

- It's important that EQB vet what public comments might be reflective of specific projects or site versus what might be a broader programmatic issue that EQB would consider addressing.
- Be sure to work with the agencies' technical representatives for input on the report.

Outcome: The board was briefed on the progress of the Mandatory Category Report.

7. Public comment

Joy Anderson, Minnesota Center for Environmental Advocacy: it's a great first step to get the Mandatory Category Report feedback, but it's important to turn that feedback into action.

8. Closing and adjournment

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

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ENVIRONMENTAL QUALITY BOARD

MISSION

Support informed decision-making that protects and enhances Minnesota's environmental quality.

VISION

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

VALUES



Collaboration



Engagement



Equity



Trust

Strategic Plan 2024-2029: Outcomes and Strategies



Foster meaningful conversations around environmental issues

Strategy 1: Build and maintain meaningful relationships with diverse groups representing partners and interested and affected people statewide

Strategy 2: Regularly convene events – such as the Environmental Congress – that bring Minnesotans together to talk about environmental issues.

Strategy 3: Create opportunities for partners and interested and affected people to bring forward key environmental issues for discussion.

Strategy 4: Implement policies and processes to improve engagement with Tribal nations and their members.



Support innovative state policy and program development on priority and emerging environmental issues

Strategy 1: Convene the interagency pollinator protection team ensure interagency coordination, develop cross-agency policies and programs, and report on progress towards protecting Minnesota's pollinator species.

Strategy 2: Advance water planning and policy development by supporting integrated cross-agency reporting on Minnesota's surface water and groundwater conditions and aligning discussions about gaps and opportunities to protect Minnesota's water.

Strategy 3: Collaborate with the Climate Change Subcabinet to support information sharing and reporting on implementation progress around Minnesota's Climate Action Framework.

Strategy 4: Develop and implement a process to regularly identify key environmental issues where EQB support and action can drive effective interagency coordination to improve program alignment and information sharing.



Maintain and improve Minnesota's environmental review program

Strategy 1: Provide guidance and training to support responsible government units in completing EAWs.

Strategy 2: Develop tools and guidance to support the inclusion of climate pollution and resiliency information in environmental review.

Strategy 3: Improve data collection to support EQB's ability to evaluate the effectiveness of Minnesota's environmental review program and our provision of technical assistance.

Strategy 4: Develop and implement updates to Minn. R. 4410 to support program effectiveness and clarity in implementation.



Work towards achieving environmental quality without disproportionate impacts

Strategy 1: Identify how EQB member agencies are working on disproportionate impacts and where there are tools or actions that can be used by EQB.

Strategy 2: Ensure all EQB reports provide information on equity in implementing the state's environmental goals.

Strategy 3: Explore possible frameworks and tools that could support consideration of the potential for disproportionate impacts in environmental review.

Strategy 4: Participate in conversations around cumulative impacts, considering how that framework relates to environmental review requirements and how it may be used to identify disproportionate impacts.

RESOLUTION OF THE MINNESOTA ENVIRONMENTAL QUALITY BOARD

Approval of EQB Strategic Plan

The current EQB strategic plan was approved by the Board in September 2018. In the resolution adopting the strategic plan, the EQB affirmed a commitment to regularly adopt a strategic plan on a five-year cycle.

The stated purpose of the organization's strategic plan is to "establish a directional framework that guides action and decision-making for the coming five years."

Beginning in August 2023, the Board reviewed the existing strategic plan and held a series of conversations about the EQB's foundational mission, vision, and values; the outcomes that the EQB should seek to achieve over the next five years; and the strategies that will support meeting the desired outcomes.

Therefore, **the board resolves to** adopt the attached Environmental Quality Board Strategic Plan, dated July 2024, to guide its work through June 2029.

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

Nancy Daubenberger, Chair
Minnesota Environmental Quality Board

Date: _____

Attachments: EQB Strategic Plan – July 2024 through June 2029

Environmental Quality Board Strategic Plan

Introduction

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

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

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

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

Supporting One Minnesota Plan

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

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

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

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

Strategic Plan – July 2024 through June 2029

Purpose and Overview

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

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

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

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

Mission

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

Vision

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

Values

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

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

Outcomes and Strategies

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

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

1. The EQB fosters meaningful conversations around environmental issues

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

RESOLUTION OF THE MINNESOTA ENVIRONMENTAL QUALITY BOARD

Approval of EQB Tribal Coordination and Consultation Policy

EQB recognizes and supports the unique status of Tribes and their absolute right to existence, self-governance, and self-determination. Minnesota Statutes, section 10.65, subpart 3(k) encourages and allows all agencies and boards to “engage in consultation and communication with the Minnesota Tribal governments for all matters that have Tribal implications.”

EQB seeks to facilitate positive government-to-government relations with all federally recognized Tribal Nations that share geography with the State of Minnesota, and therefore wishes to establish a Tribal Coordination and Consultation policy in alignment with Minn. Stat. § 10.65.

The purpose of this policy is:

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

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

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

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

The Board approved and adopted this resolution on July 17, 2024.

Nancy Daubenberger, Chair
Minnesota Environmental Quality Board

Date: _____

Attachments: EQB Tribal Coordination and Consultation Policy

Environmental Quality Board

Tribal coordination and consultation policy

I. Background and Purpose

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

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

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

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

The purpose of this policy is:

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

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

II. Policy of the Environmental Quality Board

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

Definitions

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

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

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

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

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

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

Roles and responsibilities of the EQB

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

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

EQB Tribal Coordination and Consultation Policy

July 2024

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

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

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

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

Coordination and Consultation Protocols

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

Coordination

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

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

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

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

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

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

Consultation

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

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

EQB will have the Board Chair, Executive Director, and Tribal Relations Point of Contact present for consultations. The Board will receive all the information regarding coordination and consultation discussions.

III. Who needs to know this policy?

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

Nancy Daubenberger, Chair
Minnesota Environmental Quality Board

Date: _____