

July 2026 Environmental Review Implementation Subcommittee meeting

Wednesday, July 15 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 [ERIS meeting webpage](#)
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Participating in board meetings

Attending in person

The Environmental Review Implementation Subcommittee (ERIS) 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 ERIS 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 ERIS 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 ERIS will accept oral public comment. The chair will use their discretion to direct public comment and ensure the subcommittee'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 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)

Sarah Strommen – Chair, ERIS; Commissioner, Department of Natural Resources

2. Approval of consent agenda (1:05 pm)

- Meeting minutes from the March 18, 2026, Environmental Review Implementation Subcommittee meeting on packet page 5
- Preliminary agenda for the July 15, 2026, Environmental Review Implementation Subcommittee meeting

3. Executive Director’s report (1:10 pm)

Catherine Neuschler – Executive Director, EQB

4. Gas resource development projects – rulemaking update (1:15 pm)

Type of item: Informational

Summary: The proposed rules relating to environmental review of gas resource development projects went on notice on May 18. The comment period closes on July 2, and staff will then begin the process of reviewing comments and considering what, if any, changes should be made prior to bringing rules forward to the Board for adoption.

ERIS will receive a brief update on 2026 legislative changes that may impact the contents of the final rule; major themes of the public comments; and the expected process for finalizing the rule.

Outcome: ERIS has an understanding of the information staff are reviewing and the process to bring forward a final rule, and will have a chance to provide input. Staff will not be presenting ideas for changes or responses to comments at the July meeting.

Presenter: Jesse Krzenski – Environmental Review Program Director, EQB

5. ER program workplan and continuous improvement report out (1:45 pm)

Type of item: Informational

Summary: EQB staff will provide a preliminary proposed workplan for the environmental review program in FY27. This will also include a review of the feedback from the continuous improvement process, and where the proposed workplan aligns with that input. ERIS will review and discuss. A memo can be found on packet page 9.

Outcome: Executive Director receives feedback on environmental review program workplan items to incorporate into FY27 EQB workplan for Board review and approval later in August.

Presenters: Catherine Neuschler – Executive Director, EQB; Kayla Walsh – Environmental Review Program Administrator, EQB

6. Public comment (2:30 pm)

ERIS welcomes oral public comment on any of today’s agenda items, or other relevant topics. Please see guidance and procedures on packet page 2.

7. Closing and adjournment (3:00 pm)

March 2026 Environmental Review Implementation Subcommittee meeting

Wednesday, March 18, 2026 | 1:00-4:00 p.m. | 520 Lafayette Road, St. Paul, MN 55155, lower level conference rooms and online via Teams

Minutes

1. Welcome and roll call

Nancy Daubenberger, Commissioner of the Department of Transportation, EQB Chair acting as ERIS Chair, called to order the Environmental Review Implementation Subcommittee meeting.

Members present: Nancy Daubenberger, Rylee Hince, Todd Holman, Katrina Kessler, Paul Nelson, Angie Smith

Members excused: Grace Arnold, Sarah Strommen

Proxies present: Forest Eidbo (for Arnold), Melissa Kuskie (for Strommen)

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

2. Approval of consent agenda

- Minutes from the December 17, 2025, Environmental Review Implementation Subcommittee meeting
- Preliminary agenda for the March 18, 2026, Environmental Review Implementation Subcommittee meeting

Motion: Member Nelson moved the consent agenda; Member Kessler seconded. Motion carried with a unanimous vote.

3. Executive Director's report

Catherine Neuschler – Executive Director, EQB

- Staffing updates – Close to filling the vacancy in EQB's Environmental Review program.
- Legislative updates – Some bills and amendments have been presented that would have EQB do rulemaking, generally focused on creating specific mandatory categories such as one for drainage,

an EIS category for large feedlots, and an EIS for data centers. Data centers and groundwater use and quality (both related to and separate from data centers) continue to be topics of interest. Currently no large items that would dramatically impact EQB’s work in FY27.

- Data centers – Will be on a panel at the Humphrey School on March 25. Board member Kessler attended the Data Centers Future event on March 17.
- Rulemaking – The rule conforming our rules with the energy infrastructure permitting act was adopted on March 9 so it is now effective. The comment period on the EIS scoping rule closed on March 17. There is interest in what an alternative scoping document should look like/what guidance EQB should provide; we will be considering that for the workplan and bringing it to the Board for discussion.
- Summer calendar – ERIS was going to meet in June and then July was going to be a break. Due to the timing of some ongoing projects, looking at taking a break in June and then having ERIS meet in July to start to talk about the FY27 ER program workplan and other items.

4. Election of ERIS Chair and Vice Chair

Type of item: Decision

Summary: Under the Committee’s operating procedures, the subcommittee is to elect a chairperson at their first meeting each year. The chair presides at ERIS meetings. The Committee also elected a vice chairperson to preside in the absence of the chair.

The acting chair announced that Member Strommen was interested in continuing as ERIS Chair, and Member Smith was interested in serving as Vice Chair.

Motion 1: Member Kessler moved to nominate Commissioner Strommen to serve as Chair of ERIS, Member Holman seconded.

Motion 2: Member Holman moved to elect Member Smith as Vice Chair; Member Kessler seconded.

In favor: Daubenberger, Hince, Holman, Kessler, Nelson, Smith

Opposed: none

Excused: Arnold, Strommen

Outcome: ERIS re-elected Commissioner Strommen as Chair and elected Member Smith as Vice Chair to serve until the first ERIS meeting in 2027.

Member Smith took over Chair for this meeting.

5. 2025 Performance Report

Presenter: Sarah Lerohl – Environmental Review Program Administrator, EQB

Type of item: Informational

Summary: Environmental review program staff provided an overview of Environmental Review Program measures from 2025, and how those measures compare to past trends and help inform the effectiveness of the program. Staff also provided updates regarding data improvements that took place in 2025.

Discussion:

- To get the total average amount of time spent on an EAW, add time in environmental review together with time and development.
- A breakdown of time spent on specific parts of the EIS process would be helpful to share with people who are critical of the process or want to participate in the process.

Outcome: The Board was informed about the data representing the 2025 year of environmental review and asked questions about how the data informs the effectiveness of the program.

6. Final Minnesota ER Climate Calculator update

Presenters: Stephanie Aho – Greenhouse Gas Data Analyst, EQB

Type of item: Informational

Summary: EQB staff determined the Minnesota Environmental Review Climate Calculator should undergo an update to include expanded functionality indicated by user comments. The EAW Climate Guidance is also undergoing updates to include relevant climate calculator information in appropriate areas. Staff provided an overview of the climate calculator v1.2 updates and a demonstration of the new functionality, along with brief information on potential climate guidance updates.

Discussion:

- It would be beneficial to expand the credit for forests and grasslands replacement to other land use types. Staff will add this to the agenda for future updates.
- It would be interesting to make comparisons within project types of the range of estimates that come out so that staff could do some quartiles of urban development, what the range is in terms of production and thus over time, develop some sense of range and what might be high end and low end, and the mitigation types and the ones that are more effective as estimated by the calculator.

Outcome: ERIS was informed about the latest updates to the Minnesota ER Climate Calculator.

7. Gas production rules update

Presenter: Jesse Krzenski – Environmental Review Program Director, EQB

Type of item: Informational

Summary: As discussed at the February Board meeting, EQB staff have been conducting research, engagement, and collaborating with other state agencies and tribes in order to develop the proposed mandatory categories rules for gas production. Staff provided an additional update on rule development and asked for any additional input from ERIS members.

Discussion:

- When sharing the draft rules in the packet for review, a summary of what comments staff received, and if possible, what staff did with that information would be really helpful.
- Do some of the Pulsar Helium documentation points about differences in triggers or thresholds make sense with respect to the rules, such as projects that include flaring or hydrocarbons, or other greenhouse gases?
- Information about the proposed timeline for the regulatory framework would be helpful at the April meeting. Staff will reach out to DNR to coordinate.
- Concerning that the Board is not likely to have any opportunity to provide feedback on the proposed rules before the need for a vote at the April Board meeting.
- Concerned that the Tribal collaboration that's been emphasized in earlier stages of the process has seemingly lost some traction. Encourages staff, through the EQB Tribal Coordination and Consultation policy, to take deliberate steps with some urgency, so that at the April meeting staff will be able to report to the Board regarding when the draft language was shared with Tribal staff, what input they offered in response to seeing the draft rules, and how that input has been considered and accounted for.

Public comment:

- Board members were directed to view written input provided by Stephen Campbell, Operations Manager, and Brad Cage, Vice President of Engineering – Pulsar Helium Inc. (attached to the [March packet](#)).

Outcome: ERIS was informed about the progress of rule development. ERIS members provided input to staff for drafting the rules and identified data or information that should be provided to the Board to support the Board's April review and planned decision item related to the proposed rule language. (Legislation requires that the EQB use the expedited rulemaking process for promulgating these rules and formally propose the rules by publishing a Notice of Intent to Adopt rules no later than May 22, 2026.)

8. Public comment

- Krishna Woerheide – Intertribal Gas Extraction Task Force:
 - Tribal staff have not received updated draft rule language to review and have concerns about some of the tribal perspectives that have thus far not been incorporated into the rules as written.
 - Regarding environmental review thresholds, both EQB and tribal analysis have supported a three well trigger. Increasing Minnesota’s threshold above 3 wells would not align with a precautionary approach, particularly given the risk of cumulative impacts.
 - Lower production per well doesn’t necessarily reduce impact. It often results in more wells and subsequently greater cumulative effects. So for this reason, Tribes are still recommending the threshold of three wells.
 - Our understanding is that as currently written, an EIS would only be required in the case of proposed hydraulic fracturing. We believe this is too narrow given the potential for cumulative and landscape level impacts. Tribes would like to continue working with EQB to ensure that some of the language we provided in the tribal gas extraction document is included in EQB rule.
 - Early notification to tribal governments has not yet been incorporated into rule language.
 - Tribal staff have not been provided with draft language to review.
 - We recognize the complexity of this rulemaking and the effort to align with the DNR to ensure legal clarity and at the same time, we feel that meaningful collaboration requires access to the draft language while it's still in development.
 - Request that EQB provide Tribal governments with the current draft rule language as it's written so that we can review and provide meaningful input.
- Darren Vogt – Resource Management Division Director, 1854 Treaty Authority, an Intertribal Natural Resource Agency, governed by the Bois Forte and Grand Portage Bands.
 - The process should not move forward to the Board until proper Tribal communication, coordination, and consultation take place.
- Renee Keezer – Water Resources Manager, White Earth Band of the Minnesota Chippewa Tribe.
 - Fully support the comments from the other members of the public. Would like to see more Tribal involvement, more Tribal notification, more Tribal coordination and collaboration.

9. Closing and adjournment

Member Strommen shared that MPCA recently released the [Minnesota climate adaptation and resilience cost study](#).

With no further business, the Chair adjourned the meeting.

Memo

Date: July 2, 2026

To: Environmental Review Implementation Subcommittee Members

From: Catherine Neuschler, EQB Executive Director

RE: FY27 Environmental review work planning

This memo provides an overview of the work completed in the environmental review (ER) program in FY26 and a proposed workplan for the environmental review program for FY27. The proposed ER program workplan includes, at a high level, the daily work the staff do to administer the environmental review program. Beyond that, it focuses on projects and initiatives that have been mandated by the legislature or are important to support our ongoing commitment to program effectiveness.

The goal for the Environmental Review Implementation Subcommittee (ERIS) is to review and discuss the projects proposed for FY27, including making any recommendations for changes. The ER workplan will then be incorporated into the overall proposed EQB workplan that will be before the Board for approval in August. (Per Minn. Stat. 116C.03, the Board must adopt an annual work program.)

Review of FY26 work

The following projects on the FY26 environmental review workplan have been successfully completed.

- **Minnesota Environmental Review Calculator** – The updates to the calculator (v1.2) were completed at the end of March. All legislatively allocated funds for this project have been spent.
- **Rulemaking** – We completed two rulemakings in FY26 and made substantial progress on a third.
 - *Energy infrastructure permitting:* The 2024 legislature made multiple changes to the state’s process for permitting large energy projects and EQB was directed to make conforming changes to the environmental review rules. These rule changes were adopted on March 9, 2026.
 - *EIS scoping:* The 2025 legislature directed EQB to make changes to the process of scoping mandatory environmental impact statements; specifically, to not require an EAW for scoping. The rule changes were adopted on June 8, 2026.
 - *Mandatory categories for gas resource development projects:* The legislature and state agencies identified the need to develop a regulatory framework for gas production. EQB staff developed proposed rules establishing mandatory categories. The proposed rules went on notice on May 18, 2026, meeting the legislative deadline. Work will continue in FY27.
- **Guidance and training** – A key focus area for the program in FY26 was updating guidance materials and providing training on environmental review.
 - *Guidance on EAW petitions:* In early FY26 we completed guidance for members of the public on submitting petitions, which has driven a reduction in incomplete petitions.
 - *Guidance on AUARs:* Staff revised key components of our Alternative Urban Areawide Review guidance, to better support local governments in completing these reviews. The new web-based guide, completed in June, replaces a 2015 “quick reference guide.”
 - *Trainings:* In FY26 we hosted trainings on the climate calculator, using the EQB Monitor online submittal service, and completing natural heritage review (in collaboration with DNR).

- **Continuous Improvement (CI)** – The EQB has committed to regularly (every four years) implement the CI process – soliciting ideas for improvements, reviewing them and scoring them using the effectiveness matrix, and identifying key improvement projects. This process was completed in FY26, with a public input period running from February through April. Results are discussed in this memo and attached.
- **Health in environmental review** – The FY26 workplan called for us to summarize most recent work and develop potential options for future consideration. The summary was presented to the Board in June, and this workplan includes additional work for moving forward.

EQB staff recommended FY27 ER program workplan

The staff recommended workplan for FY27 (July 1, 2026 – June 30, 2027) for the environmental review program includes daily work, ongoing projects, and proposed new work.

Day-to-day work

The ER program’s ongoing work consists of the regular tasks to ensure the functioning of the program. This list is not comprehensive but includes a general overview of daily, operational items.

- **ER program administration** – Staff process ER petitions and public notices and assist RGUs with the EQB Monitor online submittal service.
- **Technical assistance** – Staff provide technical assistance to members of the public, project proposers, RGUs, and others. This may be general (information, tools, guidance, and overview trainings) or project-specific in response to calls or emails.
- **Data management** – We have continued to implement processes for data gathering, particularly around time to complete reviews and technical assistance needs, and data sharing through the ER performance summary dashboard.
- **Outreach, engagement, and collaboration** – Staff spend time maintaining connections with environmental review partners (state/local/Tribal governments) and interested parties. If a partner agency has a specific need, EQB staff may contribute to more defined projects or workgroups.

Ongoing projects

The FY27 workplan includes several continuing projects. Many of these projects are scheduled to be at least substantially complete by the end of calendar year 2026.

- **Gas production rulemaking** –The comment period for the proposed rules creating mandatory categories for gas resource development projects closes on July 2, and staff will then begin reviewing comments. Staff are working with the DNR and other agencies to understand the impact of changes made to the gas production legislation in the 2026 session. At the July ERIS meeting we plan to provide information on the legislative changes and present a brief overview of the comments, focusing on general themes. Staff also plan to coordinate with Tribal environmental staff as we consider what changes might be needed, based on the comments received. We aim to adopt the rule by the end of 2026.
- **Guidance and training** – The staff continue to focus on updating guidance materials and providing training on environmental review. This is one of our key program strategies for maintaining and improving the environmental review program, and the continuous improvement process has generally identified resources (such as guidance) and training as key programmatic needs.
 - *Climate guidance*: Update the guidance for addressing the climate items in the EAW form in order to include the climate calculator and provide additional clarity for RGUs. This is anticipated to be done early in FY27.
 - *Guidance on evaluating petitions*: Update guidance for local RGUs on reviewing and responding to petitions.

- *Guidance on AUAR content and format*: Update the 2008 “recommended content and format” document for AUARs to align with the current EAW form.
- *Guidance on Tribal Resources*: Develop guidance and best practices to support RGUs in effectively considering Tribal engagement in ER and recognizing Tribal cultural resources.
- *Training*: We will continue to offer regular (approximately quarterly) trainings in a webinar format. Ideas for FY27 trainings include working with the State Historic Preservation Office (SHPO), a review of the updates to the form and climate guidance, and the AUAR guidance.
- **EAW form readability and accessibility** – ER rules direct EQB to make a periodic assessment of the EAW form. Staff have been reviewing and identifying updates to the formatting and language to provide for accessibility and increase readability. This will not include substantive content changes. It is anticipated to be done early in FY27.

New FY27 projects

This section includes additional projects based on staff recommendations and legislative mandates.

- **Health impacts in environmental review** – In FY27, based on the June Board discussion, EQB staff are proposing to begin the process of developing options for consideration of health in environmental review. Health has been frequently mentioned in the continuous improvement process. We envision this initial work will consist of:
 - Developing organizing concepts for the varying scopes of health information that could be considered in ER
 - Reviewing recent ER documents for inclusion of health information (based on above concepts)
 - Reviewing public comments on ER documents
 - Reviewing and updating past work, especially regarding practices in other states
 - Convening conversations about the definition and scope of health information that may be useful and practical to include in environmental review

We also envision ongoing learning about key health concepts, including HIAs.

- **Guidance**
 - *Guidance for EISs*: EQB staff have been working to transition old PDFs to web-based guidance. The next phase of that work is the EIS guidance. A key update will be the addition of guidance for non-EAW scoping documents, as identified by the Board when approving the scoping rule revisions for mandatory EISs.
 - *Guidance for EAW form items*: In discussions around EAW form and climate guidance updates, tech reps identified the need to update the “item-by-item” guidance for the EAW form. The “item-by-item” guidance is part of the *2013 EAW Guidelines* and does not match the current EAW form.
- **Program updates to reflect Tribal sovereignty** – During the discussion of the proposed mandatory category rules for gas resource development projects (April 2026), there was substantial Board discussion regarding the Tribal input, the application of that input to the whole program (not just the gas rules), and the need to think about how to address the identified concerns. Multiple suggestions related to Tribal sovereignty and the ER program were also provided during the continuous improvement engagement. EQB staff are proposing a FY27 workplan item that involves connecting with Tribal governments and their staff to identify the goals and objectives of environmental review policy and program changes and to discuss some of the specific ideas brought forward in the CI process. We would bring the outcomes of these discussions to the Board, then further develop potential implementation scope and mechanisms.

- **2027 mandatory categories report** – The EQB, MPCA, DNR and MnDOT are required to conduct an evaluation of the environmental review mandatory categories and complete a report every three years. The next report is due by December 1, 2027. EQB staff lead and coordinate the report’s development. In FY27 we will develop a project plan, outline, and do a preliminary draft of the report.
- **Housekeeping rules** – Through technical assistance calls, the continuous improvement process, the Mandatory Category Report development, and internal discussions, EQB staff have identified several needed updates to our operating procedures (Minn. R., ch. 4405) and the environmental review rules (Minn. R., ch. 4410). In the second half of FY27, we plan to compile a preliminary list of “housekeeping” updates that will keep the program current and the rules easy to understand. This will include interagency and public engagement. Late in the fiscal year we anticipate asking to proceed to a request for comments (RFC), which is the first step in a formal rulemaking process.

Work on hold

- **Cumulative impacts and decision criteria** – Our FY26 workplan included supporting an MPCA pilot study to include cumulative impacts analysis in EISs; MPCA plans to do this study did not materialize. EQB staff have been and will continue to track MPCA’s cumulative impacts work; MPCA’s rule was proposed in May 2026. We anticipate that after the rule is complete, EQB will need to develop a plan for considering how it drives any need for changes to environmental review. This will likely be FY28 work.
- **Improved permit performance tracking** – As noted in FY26, we continue to hope to develop tools to systematize required reporting of how an EIS is considered in permit decisions (Minn. R. 4410.2900). Given the major updates to our data tracking in FY25 and the identified need for guidance updates in FY27, we will reconsider appropriate evaluation and data tracking needs in FY28.

Capacity and resources

At the beginning of FY27, the EQB environmental review program maintains four full-time staff members, plus the staff member working on the climate calculator. With the addition of new projects, we do have to consider capacity; in most cases projects may start as research, planning, and scoping to develop requests for the appropriate resources to support implementation.

EQB staff are mindful that some projects we take on need input from other agencies (in the case of ER, particularly from state agencies and local governments that act as RGUs).

State agency staff asked that EQB try to identify any projects on our workplan that might rely on interagency workgroups, as the capacity and resources of our collaborators can impact our workplan. EQB staff continue to work to develop this information and plan to present it when the full Board reviews the organizational workplan.

Attachment: Continuous improvement process results

Prepared by Kayla Walsh, ER Program Administrator

Date: July 2, 2026

As part of its role in monitoring the effectiveness of Minnesota’s environmental review (ER) program, in 2023 the EQB developed and implemented a continuous improvement (CI) process. The CI process allows the EQB to systematically solicit, consider, and track ideas that may help make the ER program more effective.¹

The process of soliciting, reviewing, and evaluating ideas occurs every four years, and the results are considered annually during the program’s workplan development.² Recent annual workplans included projects informed by CI ideas related to: improving data management; providing guidance for greenhouse gas estimation and supporting life cycle analysis; and updated guidance, best practices, and trainings.

This spring, EQB staff launched the 2026 CI public engagement process and invited additional ideas. Previously considered ideas were made available to commenters in the [EQB Environmental Review Continuous Improvement Compilation of Ideas](#).

EQB received 92 submittals. Staff reviewed the submittals and added new ideas to the compiled list. Staff then evaluated *all* ideas using the program effectiveness matrix.³ This memo provides an overview of:

- The 2026 CI engagement process and themes of submitted ideas
- Staff’s evaluation and scoring of all ideas (past and present) for program effectiveness
- How the results of this evaluation inform the recommendations in the FY27 ER program workplan

The CI process results are one factor in determining the staff-recommended annual ER workplan items. The 2026 CI results support the workplan’s continued focus on: improving ER guidance and training; researching and considering incorporating health concepts consistently in ER; and the proposed work (also driven by Board discussions this past spring) to evaluate ways to involve Tribes and better reflect Tribal sovereignty in ER.

Summary of 2026 CI input

For the 2026 CI process, staff prepared an online engagement platform for soliciting program improvement ideas. Respondents were asked to:

- Select area(s) of work their idea improves
- Describe their idea in detail and clearly identify why it is needed
- Identify which program effectiveness criteria the idea addresses (i.e. information, engagement, process)

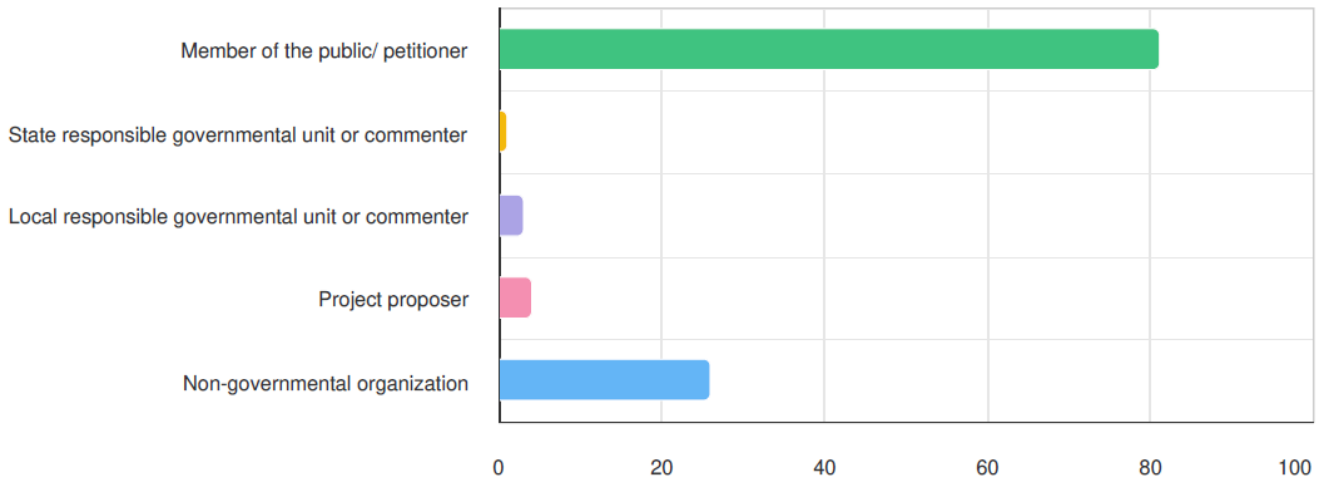
¹ Full information about the process is available on [EQB’s continuous improvement website](#), including how the process was developed, a copy of the Environmental Review program effectiveness matrix, and past results.

² The timing of the CI process has been adjusted since its initial adoption; the original plan was to solicit ideas every two years. This was adjusted to every four years, starting in 2026, to give sufficient time for program changes and to align with budget and policy development processes.

³ The [ER program effectiveness matrix](#) aligns with the program objectives listed in Minn. R. 4410.0300.

EQB received 92 ideas from 42 unique respondents. Most identified as “members of the public/petitioners” (89%) and/or “non-governmental organizations” (29%). See figure 1 for all responses (91 answered; 1 skipped).

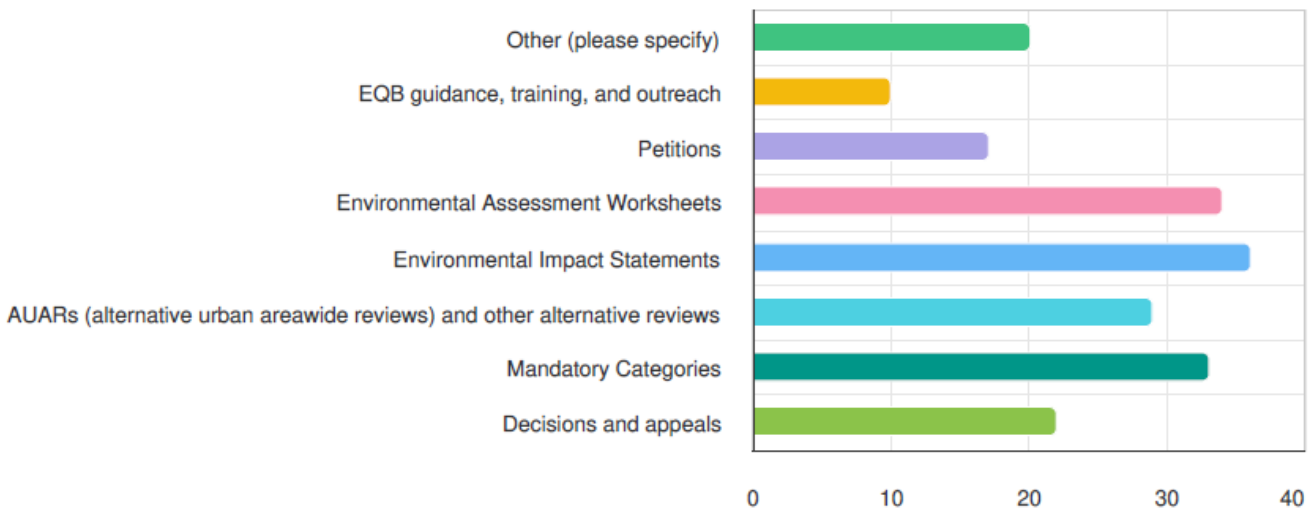
Figure 1. Checkbox question, “My main experience in environmental review is from the perspective of a:”



Of the ideas submitted, respondents said that 94% would improve the “process” objective, slightly higher than “information” (70%) and “engagement” (64%). (89 answered; 3 skipped)

When asked which area of work their idea would improve, from a list of options respondents most frequently selected that their submittal would improve Environmental Impact Statements (37%) or Environmental Assessment Worksheets (36%). See figure 2 for all responses (92 answered; 0 skipped).

Figure 2. Checkbox question, “My idea improves the following area(s) of work:”



Two themes emerged in the 2026 submitted CI ideas: a desire for increased program oversight and a desire for EQB to further address the environmental review of data centers.

Theme 1: Oversight

Many of the 2026 CI ideas pertaining to oversight asked for EQB to ensure the quality of reviews and that the process steps are followed accurately. Of the 2026 responses, 28 suggested a new appeals process, enforcement, or some kind of oversight to ensure quality reviews. Examples of ideas, as submitted, include:

FY27 environmental review workplanning

Attachment: Continuous improvement process results

- “Environmental review should include meaningful, accessible mechanisms for ensuring compliance during the process itself, rather than relying on litigation after decisions are made...”
- “Assigning compliance oversight to a state-level entity, such as the Minnesota Environmental Quality Board or another designated authority, would help ensure that environmental review is conducted objectively and consistently. This oversight role would not replace the RGU, but would provide an additional layer of accountability to verify that the process is being followed correctly.”
- “Environmental review should include clear accountability measures when the public is forced to pursue legal action to ensure compliance with environmental review laws...In many cases, the only meaningful option available is litigation, even when concerns are valid and supported by evidence. A more effective approach would require that if members of the public are forced to pursue legal action to enforce environmental review laws and prevail or resolve the matter through settlement, the Responsible Governmental Unit (RGU) should reimburse all attorney fees, court costs, and other related expenses...”

Changes to the program’s appeals procedures or EQB’s role would be a major policy shift that would require legislative action. Within the scope of the current program EQB staff will continue providing guidance and technical assistance to help increase the likelihood of quality reviews that follow the timelines set in rule. Other structural changes to alter procedures or EQB’s role would require further investigation and resources to explore.

Theme 2: Data centers

Currently, several data center projects are being considered around the state. The 2026 CI submittals reflect strong public interest in these projects. Of all responses, 26 mentioned data centers. Respondents suggest defining “hyper-scale data centers” and creating clear mandatory categories for data center projects. Examples of ideas, as submitted, include:

- “Proposed hyper scale data centers should be required to complete an EIS. Hyper scale data centers proposals throughout Minnesota are going forward based on AUAR...After the AUARs are accepted, they begin to reveal further details; that the project is really a heavy industrial project. The AUARs therefore have not accurately assessed the impacts of the project...”
- “Data centers should be added as a specific category under Minnesota Rules Chapter 4410 with tiered thresholds to ensure appropriate environmental review. Environmental Assessment Worksheet (EAW): required for smaller or mid-sized data centers...[and] Environmental Impact Statement (EIS): required for larger data centers...”
- “Require state review of proposed hyper scale data centers because impacts are regional, not local. Require an EIS for these data centers because the environmental impacts are potentially massive and small local governments are not equipped to make these huge impact decisions...”

EQB staff recently published a frequently asked questions (FAQ) document related to the environmental review of data centers and we remain active in interagency conversations related to data centers in Minnesota. We will continue building our understanding of data centers and providing technical assistance as needed. Any other structural changes would require further scoping and resources to explore.

Staff evaluation and scoring of all CI ideas

EQB staff assessed and considered a total of 94 improvement ideas from past and present submittals.

After completing the scoring process, staff arranged the ideas based on the type of change they would represent – either a “new policy,” “policy change,” or “process change.” A new policy would represent a shift in the program’s overall operating framework and would require a statute change or large rule change. A policy change would require rulemaking to update or change an existing rule. A process change is one that influences programmatic operations like guidance or form updates.

Many of the CI ideas are conceptually broad and/or would require new policy that represents a shift in the program's framework. Effectively implementing these ideas would require: significant resources and multiple steps to evaluate the idea (or the problem it aims to solve); information gathering from a broad range of partners (such as RGUs and interested parties); considerable scoping; and planful implementation of any changes deemed necessary.

The Appendix, "Matrix Scoring Results" shares the highest-scoring ideas and the highest-scoring ideas for each of the three objectives of effectiveness: usable information, education, and process.

Continuous improvement and FY27 program workplanning

Annual environmental review workplanning is influenced by the most recent CI results. Given previously mentioned constraints, EQB staff recommend focusing on improvements that can be made through process changes and on early evaluation of improvements that might need greater program changes. The staff-recommended FY27 ER workplan includes three projects that are informed by CI improvement ideas.

CI-informed workplan item #1: Program updates to reflect Tribal Sovereignty

CI ideas related to Tribes and Tribal sovereignty align with our ongoing work, namely the FY26 workplan item to draft guidance for working with Tribes on environmental review, and our pursuit of legislative changes to better serve Tribes in the petition process.

Examples include:

- "Add Tribes (all Tribal contacts and affiliations) to the EAW distribution list in rule,"
- "Revise 4410.0400 to allow Tribes to appeal an RGU decision directly to the Board," and
- "Work with Tribal staff to co-develop a definition or criteria for considering Tribal Ecological Knowledge and considering historic and cultural properties and require its use in reviews."

EQB staff are proposing a FY27 workplan item to "begin planning for program updates to better reflect Tribal sovereignty." The work would begin with dedicating staff time toward meaningful conversations with Tribal partners to better understand their goals and objectives and seek more in-depth input. Staff intend to collaborate with Tribes and discuss CI ideas, improvements offered by Tribes during recent rule coordination, and any other ideas that Tribes offer. (Staff maintain a list of all past and present suggestions related to working with Tribes, which is provided in the Appendix.)

CI-informed workplan item #2: Guidance and training

EQB staff recognize the need to update program guidance and provide additional training and tools, particularly for project proposers and RGUs. CI feedback validated and further informed our ongoing workplan focus in these areas. The following two CI ideas relate to guidance; they both scored high in the "engagement" criteria of effectiveness. Staff believe we can consider these ideas as we work on guidance-related items proposed for the FY27 workplan:

- "Strengthen guidance for RGUs on how to encourage public input from the earliest possible stages of the project and how to respond meaningfully to comments received on a draft review document; this includes explaining how concerns will be addressed or why concerns cannot be addressed"
- "Provide guidance or best practices for RGUs on document accessibility and accessing alternative languages and formats for all documents."

EQB staff also recently established quarterly trainings on ER topics of interest. For example, staff hosted webinars ranging from a broad overview of ER to featuring specific tools for completing EAWs. The following idea scored well in the "engagement" criteria and aligns with ongoing work:

- “Consider training people at local organizations with regional reach (colleges, extension offices, etc.) so they may help increase education on environmental review, provide a local perspective on review documents, provide help to small LGUs, and translate long and highly technical documents to members of the public to aid in their commenting.”

Based on this submittal, as part of our ongoing training work, EQB staff plan to increase outreach to local experts to both promote trainings and gauge the local extension office’s capacity and interest in becoming more involved, overall, in the ER program.

CI-informed workplan item #3: Health in ER

Finally, CI feedback over time has included multiple suggestions that including health in ER would improve the program. This helped influence our FY26 workplan item to “incorporate health concepts in ER.” We plan to carry this work forward in FY27 by developing options for considering health in ER. Several high-scoring ideas that present concepts of health equity that we can evaluate in our ongoing work:

- “Require all environmental review documents to include: 1) An assessment of how a proposed project will affect Indigenous people and EJ areas and 2) A determination of whether the adverse effects of the project are disproportionately borne by Indigenous people, people of color, and low-income people.”
- “Update rules to include a location-based mandatory category that requires a mandatory EAW for any project in or in a certain radius of an environmental justice area because reviews should take into account community demographics due to health disparities and socioeconomic effects on vulnerable populations.”

These are only two examples of many submittals that highlighted environmental justice concerns. While staff are not proposing to undertake these actions as written, there is a strong connection between environmental justice and health equity. These ideas provide information and underlying values that can be incorporated into our research around considering health in ER.

Conclusion

Staff greatly appreciate the public’s engagement in the CI process and will continue tracking all ideas ([EQB Environmental Review Continuous Improvement Compilation of Ideas](#)) which we will again review before finalizing the FY28, FY29, and FY30 workplans. The next CI ideas solicitation will take place in spring 2030, but staff always remain open to hearing comments, questions, or concerns as they arise.

Appendix: Matrix scoring results

To ensure consistency and effective ongoing tracking of ideas, EQB staff compiled *all* improvement ideas into one list. The full list, with 2026 ideas, is available on [EQB’s website](#).

Of all ideas submitted in 2026, 38 were not scored because they were either out of scope or fully matched existing ideas. EQB staff collated remaining submittals into 24 distinct, new ideas that were added for scoring and 4 submittals bolstered existing ideas. This made for a total of 94 ideas that staff scored using the program effectiveness matrix.

The total possible points for each idea were 18 across the 9 criteria of an effective program. The total scores are an average from all four ER staff that scored ideas. Ideas pertaining to Tribes, which will be considered separately and in conversation with Tribal staff, are listed at the end of the appendix.

Overall top scoring ideas

Table 1 below shows the overall top scoring ideas based on total points across all nine criteria.

Table 1. Overall top scoring CI ideas.

Total score	Improvement Idea	Notes
10	Require all environmental review documents to include: 1) An assessment of how a proposed project will affect Indigenous people and EJ areas and 2) A determination of whether the adverse effects of the project are disproportionately borne by Indigenous people, people of color, and low-income people.	Components of this idea could inform the work being done under the “health in ER” proposed workplan item.
9.75	Update rules to include a location-based mandatory category that requires a mandatory EAW for any project in or in a certain radius of an environmental justice area because reviews should take into account community demographics due to health disparities and socioeconomic effects on vulnerable populations.	Components of this idea could inform the work being done under the “health in ER” proposed workplan item.
8.5	EQB rules generally require a project to undergo a new review only if there has been a “substantial change” to the project. This language was added in the late 2000s. The rulemaking documents explain “if a project is not built for a long time and there is no time limit on the ‘shelf-life’ of the EAW, there could be substantial changes in the circumstances in which the project would be built that could affect the potential for environmental impacts of the project that were not addressed in the EAW...The EQB considered addressing the issue by adding a time limit on the ‘shelf-life’ of an EAW.” A specific timeline applicable to all projects was found to be unreasonable; instead, the language around “substantial change” was added. Confusion remains, because “substantial change” is difficult for the RGU to interpret. Both decision-makers and the public may benefit from a clear timeline after which certain environmental review documents “expire” and require new review regardless of permit status. Over time, land use, development patterns, infrastructure, and environmental conditions can change significantly. Environmental review completed years—or even decades—earlier may no longer reflect the actual conditions or impacts of a project. Environmental review should not remain valid indefinitely when the conditions it was based on have fundamentally changed. This proposal ensures that projects are evaluated based on the realities that exist at the time they are pursued—not those that existed decades earlier. The lifespan for ER should be no more than 10 years.	Idea retained for future consideration; staff may begin collecting more information on the issue
8.25	Add to rules a clear and consistent definition of “impacted residents” and require they are notified throughout the process to ensure appropriate public	Idea retained for future consideration

Total score	Improvement Idea	Notes
	participation notice, and analysis. The rules should require that impacted residents be identified using objective, measurable criteria such as proximity to the project, noise, traffic, air quality, vibration, or visual impacts.	
8.25	While balancing RGUs’ ability to exercise discretion, improve the existing decision criteria to aid in RGUs’ decisions on whether a proposed project may or has the potential for significant environmental effects. Update rule to add a specific threshold for extremely high greenhouse gas emissions. Or, add a definition or set of standards for considering “cumulative potential effects” of individual projects contextualized in the overall pollution burdens in watersheds, lands, and air nearby. Cumulative potential effects should examine psychological impacts to Tribal communities and how the project relates to the community.	Idea retained for future consideration
8.25	Consider creating a mandatory EIS category for air pollution, as it relates to criteria pollutants, air toxics, and greenhouse gas emissions. Requiring an EIS for large emitters of greenhouse gas (GHG) emissions will help project proposers, decision-makers, and the public to understand where the emissions are coming from and provide information about alternatives, mitigations, and new approaches that could decrease emissions.	Idea retained for future consideration
8.25	Environmental review rules should establish a clearly defined compliance and enforcement authority, a public-facing complaint process, and the ability for qualified agencies to challenge environmental review procedures and require corrective action.	Idea retained for future consideration
8.25	Fund experts that work as an independent, neutral body (possibly funded by EQB), to peer-review environmental review documents. The intent is to provide a pool of experts to improve the scientific integrity of the information provided in the documents.	Idea retained for future consideration
7.75	Create a new administrative appeals process where an administrative law judge may hear an appeal of an RGU’s decision on petitions, need for an EIS, and EIS adequacy so that a costly judicial appeal is not the only available option to re-visit an RGU’s decision. Evaluate what role EQB should play to provide independent advisory (only) review for ER challenges to reduce unnecessary legal challenges, costs, wasted time, resources and divisiveness.	Idea retained for future consideration
7.75	Consider rulemaking for new mandatory categories based on project types. Suggestions include drainage/agricultural drainage, cemeteries/green burials, data centers, cumulative water impacts, public transit, impaired watersheds, PFAS producers and dischargers, energy (battery) storage, wind turbines (specifically EISs), and more.	Idea retained for future consideration
7.75	To ensure public opportunity for input and fully evaluate potential impacts, create mandatory categories for environmental review for data centers. Consider an EAW for smaller projects (impacts include continuous noise from cooling systems, increased energy demand, and local land use and visual impacts). Consider an EIS for larger or “hyperscale data centers” (impacts include major electrical infrastructure expansion, high water usage, air emissions from backup generators). Consider the RGU to be a state agency.	Idea retained for future consideration

High-scoring ideas within single objectives

Of all improvement ideas, EQB staff scored the following as meeting the highest number of criteria for program effectiveness within each of the three main objective groupings: providing usable information, engagement, and process.

Objective scores; providing usable information

The following nine improvements received high average scores for “usable information” (3.75 points or more). Several other ideas tied for tenth place, so this memo provides only the top nine. Providing usable information (objective A) includes the criteria for scientific integrity, environmental protection, and measurability.

Table 2. Top scoring CI ideas for usable information.

Usable information total score	Improvement
4	Amend rule to require EAWs include some method of analysis of a specified range of alternatives to the project that would be scoped and further developed in an EIS, if required.
4	Consider creating a mandatory EIS category for air pollution, as it relates to criteria pollutants, air toxics, and greenhouse gas emissions. Requiring an EIS for large emitters of greenhouse gas (GHG) emissions will help project proposers, decision-makers, and the public to understand where the emissions are coming from and provide information about alternatives, mitigations, and new approaches that could decrease emissions.
3.75	While balancing RGUs’ ability to exercise discretion, improve the existing decision criteria to aid in RGUs’ decisions on whether a proposed project may or has the potential for significant environmental effects. Update rule to add a specific threshold for extremely high greenhouse gas emissions. Or, add a definition or set of standards for considering “cumulative potential effects” of individual projects contextualized in the overall pollution burdens in watersheds, lands, and air nearby. Cumulative potential effects should examine psychological impacts to Tribal communities and how the project relates to the community.
3.75	EQB should initiate a generic environmental impact statement for project types such as anaerobic digesters, ethanol production, nuclear projects, noise from wind turbines, gas (including helium) production projects, data centers, and copper nickel mining, etc.
3.75	Update rules to include a location-based mandatory category that requires a mandatory EAW for any project in or in a certain radius of an environmental justice area because reviews should take into account community demographics due to health disparities and socioeconomic effects on vulnerable populations.
3.75	EQB should require that reviews include tools that model existing environmental and health impacts in the project’s location and use this information alongside community knowledge in assessing potential for significant environmental effects.
3.75	Fund experts that work as an independent, neutral body (possibly funded by EQB), to peer-review environmental review documents. The intent is to provide a pool of experts to improve the scientific integrity of the information provided in the documents.
3.75	Any action that requires an EIS under EQB rules should also require an Ecological Risk Assessment performed by a qualified independent contractor that has relevant training and scientific technical and scientific expertise in ecological risk assessments. The contractor must certify they have no connection with the project proposer or other similar entities, monetary or otherwise. The assessment shall be paid for by the project proposer.
3.75	Require all environmental review documents to include: 1) An assessment of how a proposed project will affect Indigenous people and EJ areas and 2) A determination of whether the adverse effects of the project are disproportionately borne by Indigenous people, people of color, and low-income people.

Objective scores; engagement

The following nine improvements received high average scores for “engagement” (3.5 points or more). Several other ideas tied for tenth place, so this memo provides only the top nine. Criteria for engagement (objective B) includes the criteria for inclusivity, user-friendliness, and accessibility.

Table 3. Top scoring CI ideas for engagement.

Total score	Improvement
4	Require all environmental review documents to include: 1) An assessment of how a proposed project will affect Indigenous people and EJ areas and 2) A determination of whether the adverse effects of the project are disproportionately borne by Indigenous people, people of color, and low-income people.
4	Consider training people at local organizations with regional reach (colleges, extension offices, etc.) so they may help increase education on environmental review, provide a local perspective on review documents, provide help to small LGUs, and translate long and highly technical documents to members of the public to aid in their commenting.
3.75	Create a new administrative appeals process where an administrative law judge may hear an appeal of an RGU’s decision on petitions, need for an EIS, and EIS adequacy so that a costly judicial appeal is not the only available option to re-visit an RGU’s decision. Evaluate what role EQB should play to provide independent advisory (only) review for ER challenges to reduce unnecessary legal challenges, costs, wasted time, resources and divisiveness.
3.75	Strengthen guidance for RGUs on how to encourage public input from the earliest possible stages of the project and how to respond meaningfully to comments received on a draft review document; this includes explaining how concerns will be addressed or why concerns cannot be addressed
3.5	Add to rules a clear and consistent definition of “impacted residents” and require they are notified throughout the process to ensure appropriate public participation notice, and analysis. The rules should require that impacted residents be identified using objective, measurable criteria such as proximity to the project, noise, traffic, air quality, vibration, or visual impacts.
3.5	Update rule 4410.1600 to provide a minimum of 60 days for public comment from when notice is given for the EAW comment period instead of 30 days to increase participation for the public and inclusivity for Tribal communities.
3.5	Update rules to include a location-based mandatory category that requires a mandatory EAW for any project in or in a certain radius of an environmental justice area because reviews should take into account community demographics due to health disparities and socioeconomic effects on vulnerable populations.
3.5	Environmental review rules should establish a clearly defined compliance and enforcement authority, a public-facing complaint process, and the ability for qualified agencies to challenge environmental review procedures and require corrective action.
3.5	Provide guidance or best practices for RGUs on document accessibility and accessing alternative languages and formats for all documents.

Objective scores; process

The following ten improvements received high average scores for “process” (3 points or more). Criteria for process (objectives D and E) includes the criteria for consistency, quality assurance, and accountability.

Table 4. Top scoring CI ideas for process.

Total score	Improvement
4.25	EQB should automatically review all environmental documents—EAWs, EISs, AUARs, etc.—for completeness. Incomplete documents should be returned to RGUs with the missing items identified and the understanding that the review process will not proceed until the missing information is supplied.
4	MEPA should be amended to improve the judicial appeals process, clearly stating that AUAR decisions can be appealed, adding that EIS scoping decisions can be appealed, and allowing the process to be held in the same county as the project location, if desired. For example, MEPA could say, “Decisions by an RGU on the need for an EAW, the need for an EIS, the adequacy of an EIS, or the need for or adequacy of an AUAR are final decisions and may be reviewed as provided in Minn. Stat. 116D.04, subd. 10.”
3.75	Establish a mechanism for mandatory independent review at the conclusion of environmental review. A state-level entity such as the EQB should review completed environmental review documents (EAW/EIS) for compliance with applicable laws and rules, ensure that substantive concerns raised by residents were meaningfully addressed, and provide a formal complaint and review process for residents prior to final project advancement. If deficiencies are identified, the reviewing body should have authority to require corrections or supplemental analysis before the process is complete.
3.5	Per MN R 4410.3610, subp 8 the chair may ask an RGU to report on the status of actual development within an AUAR area and on the status of implementation of the plan for mitigation. The EQB Chair should request the local units of government that acted as RGU on AUARs (2024 to present) to report this information to the EQB; the audit should include an assessment of whether the development is consistent with the approved Comprehensive Plan and development scenarios.
3.5	To verify compliance along the way, EQB should provide state-level oversight authority during the ER process to review concerns raised by the public. EQB should evaluate whether the process is being conducted accurately and in accordance with law, and provide intervention when credible concerns are raised.
3.25	When a required environmental review is not performed or the required environmental review procedures are not performed correctly, the only current recourse is filing a lawsuit which takes time, money, and civic literacy. To ensure reviews are performed consistently, EQB should enact new policy to enable EQB's ability to enforce environmental review rules, including potential compliance actions up to a monetary penalty to be applied to project proponents who fail to conduct a required environmental review or to RGUs that do not follow the ER process in good faith. This could include EQB helping to provide compliance and enforcement actions in circumstances where a permit is issued during a prohibition, or other process issues arise.
3.25	Fund experts that work as an independent, neutral body (possibly funded by EQB), to peer-review environmental review documents. The intent is to provide a pool of experts to improve the scientific integrity of the information provided in the documents.
3	Create a new administrative appeals process where an administrative law judge may hear an appeal of an RGU's decision on petitions, need for an EIS, and EIS adequacy so that a costly judicial appeal is not the only available option to re-visit an RGU's decision. Evaluate what role EQB should play to provide independent advisory (only) review for ER challenges to reduce unnecessary legal challenges, costs, wasted time, resources and divisiveness.
3	Environmental review rules should establish a clearly defined compliance and enforcement authority, a public-facing complaint process, and the ability for qualified agencies to challenge environmental review procedures and require corrective action.
3	EQB rules generally require a project to undergo a new review only if there has been a “substantial change” to the project. The 2006 SONAR explains: “It has been pointed out to the EQB staff that if a project is not built for a long time and there is no time limit on the ‘shelf-life’ of the EAW, there could be substantial changes in the circumstances in which the project would be built that could affect the potential for environmental impacts of the project that were not addressed in the EAW...The EQB considered addressing the issue by adding a time limit on the ‘shelf-life’ of an EAW.” However, a specific timeline applicable to all

Total score	Improvement
	<p>projects was found to be unreasonable; instead, the clarifying language around “substantial change” was added. We now know that confusion remains, because “substantial change” is difficult for the RGU to interpret. In addition to a “new project” or “substantial change” both decision-makers and the public may benefit from a clear timeline after which certain environmental review documents “expire” and require new review regardless of permit status. Over time, land use, development patterns, infrastructure, and environmental conditions can change significantly. Environmental review completed years—or even decades—earlier may no longer reflect the actual conditions or impacts of a project. Environmental review should not remain valid indefinitely when the conditions it was based on have fundamentally changed. This proposal ensures that projects are evaluated based on the realities that exist at the time they are pursued—not those that existed decades earlier. The lifespan for ER should be no more than 10 years.</p>

Improvements focused on Tribes and Tribal sovereignty

The following lists, in no particular order, all improvement ideas that EQB received that relate to improving the ER process for Tribes. This list will be discussed with and prioritized with Tribes, should the Board choose to approve this area of work for the FY2027 workplan.

Improvement
<p>Require all environmental review documents to include: 1) An assessment of how a proposed project will affect Indigenous people and EJ areas and 2) A determination of whether the adverse effects of the project are disproportionately borne by Indigenous people, people of color, and low-income people.</p>
<p>Work with Tribal staff to co-develop a definition or criteria for considering Tribal Ecological Knowledge and considering historic and cultural properties and require its use in reviews. For example, the EAW form asks for information on historic structures, archaeological sites, and/or traditional cultural properties near the site. It is important that project proposers and RGUs are able to assess if the proposed project activities will impact Tribal cultural resources, then work to ensure that any projects impacting those resources receive adequate consideration within environmental review.</p>
<p>EQB should revise 116D (MEPA) to highlight and explicitly state MEPA’s relation to Tribes and Tribal Sovereignty.</p>
<p>Design a process for Tribes to disclose that Tribal resources are present without needing to disclose the exact type and location.</p>
<p>Create a mandatory category for any project impacting Tribes or Tribal Cultural Resources requires review.</p>
<p>Revise 4410.0400 to allow Tribes to appeal an RGU decision directly to the Board.</p>
<p>Add “Tribes” (all Tribal contacts and affiliations) to the EAW distribution list required in rule.</p>
<p>Require Tribal consultation on certain environmental reviews.</p>
<p>While balancing RGUs' ability to exercise discretion, improve the existing decision criteria to aid in RGUs' decisions on whether a proposed project may or has the potential for significant environmental effects. Update rule to add a specific threshold for extremely high greenhouse gas emissions. Or, add a definition or set of standards for considering "cumulative potential effects" of individual projects contextualized in the overall pollution burdens in watersheds, lands, and air nearby. Cumulative potential effects should examine psychological impacts to Tribal communities and how the project relates to the community.</p>
<p>Revise Minn. R. 4410.0500 to explicitly state that Tribes can directly request a RGU re-designation from the Board.</p>
<p>Revise Minn. R. 4410.1600 to provide a minimum of 60 days for public comment from when notice is given for an EAW comment period instead of 30 days to increase participation for the public and inclusiveness for Tribal communities.</p>
<p>Add the following language to the list of sensitive locations in the feedlot mandatory category to capture projects impacting Tribal Nations: ‘...delineated under chapter 4720 or federally delineated under similar criteria’</p>