

June 2025 Environmental Review Implementation Subcommittee meeting

Wednesday, June 18 from 1 – 4:00 p.m.

Join in person or online

- In person: [520 Lafayette Road, St. Paul, MN 55155](#), conference rooms 200/201
 - 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 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.

Public comment opportunities at EQB meetings

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

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

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

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

Oral public comment



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

Procedure for giving oral public comment:

- **Virtual:** when prompted, use the "raise hand" feature in Teams, located at the top of your screen.
- **In person:** sign up at the welcome table before the meeting starts.
- When the chairperson calls on you to speak:
 - Introduce yourself before beginning your comment.
 - Please keep your remarks to the agenda item at hand.
 - Please be respectful of board members, staff, and other meeting participants. The chair, vice-chair, or other presiding officer will not tolerate personal attacks.
- The chairperson may limit commenters' time for remarks to ensure there is equal opportunity for the public to comment. Generally, your remarks will be limited to two (2) minutes.
- The chairperson may discontinue a commenter's time to speak if the comments are not reasonably related to the agenda item at hand.

Written public comment



You may submit written comment to EQB by emailing your letter to info.EQB@state.mn.us 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 (1:10 pm)

- Meeting minutes from the March 19, 2025, Environmental Review Implementation Subcommittee meeting on packet page 5
- Preliminary agenda for the June 18, 2025, Environmental Review Implementation Subcommittee meeting

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

Catherine Neuschler – Executive Director, EQB

4. Energy Infrastructure Rulemaking update (1:25 pm)

Type of item: Informational

Summary: EQB staff will provide an update on progress in developing revisions to the provisions of Minn. R. 4410 related to energy infrastructure. These rules are being revised to conform with changes made during the 2024 legislative session in the Minnesota Energy Infrastructure Permitting Act. A memo is provided on packet page 9.

Outcome: ERIS members understand the goal, scope, and possible options for structuring the rule changes and provide feedback to the staff. Feedback will inform rule revisions, which will be presented for Board review and approval later this year.

Presenter: Colleen Hetzel – Director Environmental Review Program, EQB

Public comment: ERIS will take public comment specifically on this item.

Break (2:25 pm / 5 minutes)

5. ER FY26 proposed workplan (2:30 pm)

Type of item: Informational

Summary: EQB staff will provide a preliminary proposed workplan for the environmental review program in FY26. ERIS will review and discuss environmental review program work, including the status of ongoing work from the FY25 workplan and a draft workplan for FY26. A memo can be found on packet page 13.

Outcome: Executive Director receives feedback on environmental review program workplan items to incorporate into FY26 EQB workplan for Board review and approval later in the summer.

Presenter: Catherine Neuschler – Executive Director, EQB

6. Petition guidance update (3:15 pm)

Type of item: Informational

Summary: As highlighted in recent Environmental Review Performance Reports, EQB staff have been receiving an increased number of incomplete petitions for environmental assessment worksheets. In an effort to curb this trend, staff have been working to update guidance and provide a number of new tools to assist the public in assembling complete petitions.

Outcome: ERIS members are informed about new guidance being developed and provide feedback.

Presenters: Jesse Krzenski – Environmental Review Program Administrator, EQB

7. Public comment (3:35 pm)

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

8. Closing and adjournment (4:00 pm)

March 2025 Environmental Review Implementation Subcommittee meeting

Wednesday, March 19, 2025 | 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: Joseph Bauerkemper, Nancy Daubenberger, Rylee Hince, Todd Holman, Katrina Kessler, Paul Nelson

Members excused: Grace Arnold, Sarah Strommen

Proxies present: Melissa Kuskie (for Strommen), Marie Laverdiere (for Arnold)

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

2. Approval of consent agenda

- Meeting minutes from September 18, 2024, Environmental Review Implementation Subcommittee meeting
- Proposed agenda for March 19, 2025, Environmental Review Implementation Subcommittee meeting

Motion: Member Kessler moved to approve the consent agenda; Member Bauerkemper seconded.

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

Opposed: none

Excused: Arnold, Strommen

3. Executive Director's report

Catherine Neuschler – Executive Director, EQB

- Legislative Update
 - Gas production – Bills SF2530 and HF2447 have been introduced to implement a temporary framework for gas production. The current versions of the bill do not include any of EQB staff's recommendations related to environmental review; the Senate Environment and Natural Resources Committee will likely bring these up when discussing the bill
 - Off highway vehicles – Upcoming hearing on HF1012, a bill that would direct EQB to update the rules around environmental review for off-highway vehicle trails. There are concerns that the bill has a very short timeframe for making those rules and will be testifying accordingly.
 - There's been a lot of interest in environmental review and other regulations for data centers, etc. in this legislative session.
- Sustainable Aviation Fuel – EQB staff, Catherine Neuschler, Sarah Lerohl, and Steph Aho, are also participating in an interagency task force to ensure that the state is ready to implement environmental review and permitting regulations to support production of sustainable aviation fuel, a low-carbon jet fuel that can be made from biomass, waste, electricity and that is a key near-term method to reduce greenhouse gas emissions from air transportation.
- The Minnesota Pollution Control Agency (MPCA) has been following up with last month's board meeting comments on greenhouse gas emissions and nitrate and water quality. Working with MPCA to find a good time for the EQB to get an update on the state's revisions to the Climate Action Framework; hopefully sometime this fall. May have a chance to hear about the state's overall nutrient reduction strategy, which is currently being updated.

4. Election of 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 acting chair announced that Member Strommen was interested in continuing as ERIS chair.

Motion: Member Kessler moved to re-elect Member Strommen as Chair of ERIS; Member Nelson seconded.

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

Opposed: none

Excused: Arnold, Strommen

Outcome: ERIS re-elected Member Strommen as chair to serve until the first meeting in 2026.

5. ER Program FY25 work update

Presenter: Catherine Neuschler – Executive Director, EQB

Type of item: Informational

Summary: The executive director provided a brief update and overview of the work of the Environmental Review Program for FY25, including what has been accomplished, is in progress, and what is still upcoming.

Discussion:

- There was a question about legislation related to environmental review and data centers. EQB staff has been involved in legislation (HF28) to clarify that the things that are allowed by rule to go through an Alternative Urban Areawide Review (AUAR) can be evaluated that way and can move forward, even in the case where a project like a data center within a AUAR might trigger some additional separate environmental review. The legislation aims to be clear about those elements being separate pieces, but both applying as needed.
- There was a question about MPCA's efforts around cumulative impact assessment and whether that was designed to inform environmental review. EQB's goal for environmental review is for a lot of information to come out earlier in the environmental review process. MPCA's environmental review team is looking at how to pilot cumulative impacts assessment in environmental review. Colleen Hetzel is working with MPCA to see how EQB might, in the long-term, be able to provide things that might support that, e.g. guidance, form changes, rule updates, etc.

Outcome: ERIS was informed about progress on key work items.

6. 2024 Performance Report

Presenters: Jesse Krzenski – Environmental Review Program Administrator, EQB; Sarah Lerohl – Environmental review technical assistance and energy transition communities support, EQB

Type of item: Informational

Summary: Environmental Review Program staff provided an overview of program measures from 2024, and how those measures compare to past trends and help inform the effectiveness of the program. Staff also provided updates regarding data improvements that have taken place in 2024.

Discussion:

- There was a statement that it would be interesting to see how many Environmental Assessment Worksheets (EAW) lead to an Environmental Impact Statement, as there seem to be relatively few. Staff plan to track this information going forward.

- ERIS members identified that information about what mitigation measures were used in EAWs would be useful information. Staff are considering methods of obtaining this information in the future.
- ERIS members also identified that it would be interesting to have information about the time and value that Responsible Government Unit staff are taking before applications are submitted or determined to be complete or incomplete. Difficult to obtain this information with a quick survey.

Outcome: The Board was informed regarding the data representing the year of environmental review.

7. GHG Calculator Update (2:50 pm)

Presenter: Stephanie Aho – Greenhouse Gas Data Analyst, EQB

Type of item: Informational

Summary: The Climate Calculator Tool is being created to facilitate the quantification of greenhouse gas emissions required by question 18 of the Environmental Assessment Worksheet (EAW). A draft version of that calculator will soon be available to the public. Staff gave a background on the tool's objectives and demonstrated the functionality of this draft calculator. Staff also discussed next steps in the process of finalizing the calculator for completion in early May, as well as the accompanying guidance and training that will become available in June.

Discussion:

- A guide on comparative analyses of calculator emissions totals would be helpful for users.

Public comment:

- Akilah Sanders-Reed: It would be helpful for decision makers and project proposers to have a comparative unit of measurement, to give a sense of scale, such as the greenhouse gas emissions of driving a midsize gas-powered vehicle 100 miles or operating a coal plant for a year.

Outcome: ERIS understands the functionality of the draft Climate Calculator Tool and the remaining project timeline.

8. Public comment

There were no comments.

9. Closing and adjournment

With no further business, the Chair adjourned the meeting.

Memo

Date: June 18, 2025

To: EQB ERIS Members

From: Colleen Hetzel, EQB Environmental Review Director

RE: EQB Energy Rulemaking Update

The goal of the Minnesota Energy Infrastructure Permitting Act, passed during the 2024 legislative session, is to streamline and clarify review and permitting requirements for certain kinds of energy infrastructure projects. It establishes a new statute – Minnesota Statutes, chapter 216I – which outlines the Public Utilities Commission’s process for site and route permitting and associated environmental review for large energy infrastructure facilities (large energy infrastructure facility means a high-voltage transmission line, a large electric power generating plant, an energy storage system, a large wind energy system, and any associated facility) and solar energy generating systems. Many of the law’s provisions go into effect on July 1, 2025.

The enactment of Minn. Stat., ch. 216I introduces new and revised requirements for environmental review processes in Minnesota. To ensure compliance and consistency, the Minnesota Environmental Quality Board (EQB) must align Minnesota Rules, chapter 4410 with the provisions of the new statute.

This memo provides an update on the EQB staff’s progress towards developing potential rule changes to conform and align Minn. R. 4410 with Minn. Stat. 216I. Specifically, it highlights the necessary areas for conformance and integration and introduces next steps and the need for education on the changes.

Conforming the Rule and Statute

Minnesota Rules, chapter 4410 covers environmental review procedures. Information about the history and connection between the chapter 4410 environmental review procedures and procedures for energy permitting was provided to the Board in February 2025.

It is important to remember that language in the statutes (and included in the new Minn. Stat. 216I) clearly states that the environmental review under the energy statutes is what is required, and no additional environmental review documents are needed.

Over time, EQB has adapted Minn. R. 4410 to identify those energy projects that need environmental review, but review has been conducted under processes laid out in PUC rules (Minn. R., chapter 7850 and chapter 7854) and in various statutes (such as Minn. Stat., chapters 216B, 216E, and 216F). In many cases the statutes direct alternative environmental review processes, such as an environmental assessment.

The updates to Minn. R. 4410 in response to Minn. Stat. 216I will bring some changes to how environmental review (and permitting) for energy projects occurs. Overall, the additional changes to what projects undergo review will be incremental, not wholesale, and are in keeping with the way the rules have evolved over the years based on legislative direction.

Here are the high-level areas that will need some changes:

- References to permitting processes for energy projects: Minn. Stat. 216I consolidates permitting requirements for energy infrastructure projects. Minn. R. 4410 contains several references or “redirects” to now outdated or repealed rules and statutes, which means we will need to update portions of the rule to refer or redirect readers to the updated process in Minn. Stat. 216I.
- Revised Environmental Impact Statement (EIS) Requirements: Changes to Minn. Stat. 216G mandate an EIS for all carbon dioxide (CO₂) pipelines; updating Minn. R. 4410 will ensure readers are aware of this requirement.
- Updated Public Engagement Processes: Minn. Statute 216I outlines the process for engagement on these types of projects, which will necessitate a few revisions that reference outdated rules and statutes within Minn. R. 4410.5200, publication requirements.
- Changes to Mandatory Review Categories: Certain energy projects may see adjustments or additions to the environmental review thresholds under Minn. R. 4410 to align with the new statute’s permitting framework.

The following provides more detail on the actual areas that require change in Minn. R. 4410:

1. Key goals for alignment

- Review and update definitions in Minn. R. 4410 to reflect terminology introduced in Minn. Stat. 216I.
 - 4410.0200 - Definitions and Abbreviations: To incorporate new terminology (definitions of project types) introduced in Minn. Stat. 216I.

2. Ensure consistency for types of projects undergoing environmental review

- Ensure consistency in the scope and application of environmental review requirements.
- Modify the language for EAW and EIS mandatory categories to incorporate new statutory requirements.
 - 4410.4300 & 4410.4400 - Mandatory EAW and EIS Categories: Integrate any new mandatory review categories.
- Incorporate all project types outlined in Minn. Stat. section 216I into Minn. R. 4410 to ensure a comprehensive list of projects that must undergo environmental review **or** update Minn. R. 4410 to identify that environmental review is necessary by redirecting readers to the statutory requirements for all large energy infrastructure projects by pointing to the categories and procedures in 216I.

Possible Revised or New Definitions

Many of the definitions that relate to energy within Minn. R. 4410 currently redirect or refer to definitions in other rules or statutes for specific energy project types. Many of these statutes and rules will either be renumbered or repealed with the passing of Minn. Stat. 216I. This means some definitions within Minn. R. 4410 will need to be conformed. New or changed definitions have also been added to 216I.

One way to conform the rule would require a number of these definitions to be added to Minn. R. 4410. The possible definitions to be changed are:

Changed Definitions	New Definitions
High voltage transmission line	Large energy infrastructure facility
Large electric power generating plant	Energy storage system

Changed Definitions	New Definitions
Associated facilities	Solar energy generating system
	Wind energy storage system
	Large wind energy conversion system
	Small wind energy conversion system
	Carbon dioxide pipeline
	Environmental assessment

Mandatory Category Changes

Minn. R. 4410 has two mandatory category groupings that address energy project types that are also in Minn. Stat. 216I – electric generating facilities (Minn. R. 4410.4300 and .4400, Subp. 3) and transmission lines (Minn. R. 4410.4300 and .4400, Subp. 6).

For electric generating facilities, Minn. Stat. 216I generally covers siting, routing, and environmental review for larger facilities – those with a capacity larger than 50 or 80 MW. Within Minn. R. 4410, larger projects (greater than 50 MW) already undergo review through processes laid out in PUC rules and statutes; they would now follow the requirements of Minn. Stat. 216I. Minn. R. 4410 also requires review for some electric generating facilities with smaller capacities (25 to 50 MW); EQB staff are recommending that these remain the same.

The transmission line mandatory category is similar – larger projects (high voltage transmission lines) already go through PUC processes, while Minn. R. 4410 requires review of smaller projects (that are not subject to Minn. Stat. 216I). The smaller transmission line projects in Minn. R. 4410 are lower voltage lines with a capacity between 70 kilovolts and 100 kilovolts; in this instance EQB staff are recommending that we not maintain mandatory category thresholds for these smaller projects. In most instances, smaller lines would be reviewed as “associated facilities”, a newly created associated facilities definition in the statute. In addition, according to Minnesota Electric Transmission Planning, ([Electric Transmission Planning in the State of Minnesota](#)), transmission lines used in Minnesota are 500kV, 400kV, 345 kV, 230 kV, 161 kV and 115 kV, and then 69 kV through 23 kV. Minnesota does not seem to use any transmission lines between 70 kV and 100 kV. All of the other transmission line projects would be covered in Minn. Stat. 216I.

Examples of Conforming Changes

There are different ways to conform the rule with the new statute. Here is one way that the conforming could be done. This is provided as an example and is not necessarily the way that the conforming will occur.

Current Minn. R. 4410.4300, Subp. 3. Electric-generating facilities.	Version Conforming to Minn. Statute 216I
<i>C. For construction of an electric power generating plant and associated facilities designed for and capable of operating at a capacity of 50 megawatts or more, the PUC is the RGU, and environmental review must be conducted according to parts 7849.1000 to 7849.2100 and chapter 7850.</i>	<i>C. For construction of a <u>large</u> electric power generating plant, <u>as defined in Minnesota Statutes, section 216I.02 Subd. 09</u>, and associated facilities designed for and capable of operating at a capacity of 50 megawatts or more the PUC is the RGU, and environmental review must be conducted according to parts 7849.1000 to 7849.2100 and chapter 7850 <u>Minn. Stat. section 216I and the rules adopted thereunder. The PUC is the RGU unless the proposer applies under Minn. Statute section 216I.08 and the local governmental unit accepts jurisdiction and would be the RGU.</u></i>

Another possibility for conforming changes would be to create a new part within Minn. R. 4410 to recognize that these kinds of energy projects go through different processes and the requirements for environmental review are constructed and implemented differently. This would remove specific references to all energy projects that are covered by Minn. Stat. 216I from the Minn. R. 4410 mandatory categories and definitions (Minn. R. 4410.0200, 4410.4300, and 4410.4400) and put them in a new part within Minn. R. 4410. That part would then direct readers to Minn. Stat. 216I for all requirements related to environmental review. References to specific energy projects, some definitions, and mandatory review would otherwise be removed from Minn. R. 4410. The smaller electric generating facility projects and potentially transmission lines would remain.

Next Steps

The next steps for conforming Minn. R. 4410 with Minn. Statute 216I are to:

- Seek input on draft amendment ideas.
- Continue to collaborate with relevant agencies and ensure seamless implementation.
- Provide updates to interested parties.
- Develop the proposed amendments and notice of intent to adopt for Board approval.
- Once the Board has approved the proposed amendments, continue the process for expedited rule making and finalize the rule.

Conclusion

The staff goal in our ongoing efforts to develop rule changes to conform Minnesota Rules, chapter 4410 with the new Minnesota Statute, chapter 216I is to ensure consistency and clarity in environmental review requirements for energy infrastructure projects. As Minnesota transitions to the updated framework, collaboration with stakeholders and governmental agencies will be essential for effective implementation.

EQB staff will continue working on proposed changes, seek input from relevant parties, and finalize updates through the expedited rulemaking process. Regular communication with the Board will be a priority to ensure transparency and alignment with statutory requirements.

Memo

Date: June 6, 2025

To: Environmental Review Implementation Subcommittee Members

From: Catherine Neuschler, EQB Executive Director

RE: FY26 Environmental review work planning

The draft proposed environmental review (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.

Review of FY25 work

The following projects on the FY25 environmental review workplan have been successfully completed.

- **Annual performance report and data dashboard** – Staff implemented the new Data Management Plan, resulting in an improved annual performance report and a regularly updated online dashboard.
- **2024 Mandatory Category Report** – Staff from EQB and the agencies completed and submitted the legislative report on time.
- **Climate calculator** – The calculator and instructions are finalized and will formally launch July 1, 2025. Staff and the contractor are hosting trainings. (EQB staff will continue to provide training in FY26.)
- **Data gathering and organization** – Informed by the updated Data Management Plan, staff completed several efforts related to data gathering and organization, informing current and future updates to our performance and program tracking. This included the new online data dashboard, an internal technical assistance library, surveys, and more.
- **Alternative EAW form for animal feedlots** – Staff provided technical assistance to MPCA staff through the process for submitting and gaining approval for an alternative EAW form for animal feedlot projects.
- **EAW guidance refresh** – The FY25 workplan identified the need for an updated guidance format and webpages and removal of outdated information. This was completed for EAW guidance.

EQB staff recommended FY26 ER program workplan

The staff recommended workplan for FY26 (July 1, 2025 – June 30, 2026) for the environmental review program includes daily work, ongoing projects (begun in FY25 and continuing), 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. In FY25, we added staff capacity in this area and began to implement more trainings.
- **Data management** – In FY25 staff launched some additional processes for data gathering and data sharing. Implementation of those now rolls into ongoing work.
- **Outreach, engagement, and collaboration** – Staff spend time maintaining connections with environmental review partners (state/local/Tribal governments), both individually and through groups like the Minnesota Tribal Environmental Council and Association of Minnesota Counties; cross-agency groups like Minnesota Business First Stop; and many others. If a partner agency has a specific need, EQB staff may contribute to more defined projects or workgroups such as the interagency taskforce on sustainable aviation fuel and DEED’s energy transition office and advisory committee.

Projects carrying over from FY25 into FY26

The FY26 workplan contains the continuation of several projects that began in FY25. Most of these projects are scheduled to be at least substantially complete by the end of FY26.

- **Guidance and training** – The staff continue to focus on updating guidance materials and providing training on environmental review, one of the key strategies to meet the strategic plan outcome of maintaining and improving the environmental review program.
 - *Guidance:* In FY25 staff focused on reviewing existing guidance materials and planning updates in a few key areas. Updated materials should be done in the first half of FY26.
 - Petitions for EAWs – Update guidance for members of the public on submitting petitions (likely to be done early in FY26); update guidance for RGUs on responding to petitions.
 - Alternative Urban Areawide Reviews – Update existing AUAR guidance for LGUs, including making the 2015 “quick reference” guide web-based and the 2008 “recommended content and format” document align with the current EAW form.
 - Tribal Resources – Create new guidance and best practices to support RGUs in effectively considering Tribal engagement in ER and recognizing Tribal cultural resources.
 - *Training:* ER program staff are developing a more robust training program focused towards RGUs, with the addition of EQB-hosted webinars and potentially in-person training days on a likely quarterly basis. An ER101 webinar was held in FY25, along with initial trainings on the climate calculator. FY26 will focus initially on training for the new climate calculator and then enhanced basics for ER.
- **Rulemaking** – EQB has two rulemakings, both legislatively directed or suggested, that will be going through the formal, expedited rulemaking process in FY26.
 - *Energy Infrastructure Permitting:* The 2024 legislature made multiple changes to the state’s process for permitting of large energy projects. EQB was directed to make conforming changes to the environmental review rules. These rule changes are expected to be proposed in Fall 2025.
 - *Gas Production Mandatory Category:* The legislature and state agencies have identified the need to develop a regulatory framework for gas production (anticipated to be primarily helium and hydrogen) in Minnesota. In April 2025, the Board directed staff to move forward with rulemaking to establish mandatory categories for the environmental review of gas production. The rules must be proposed by May 2026.

- **Cumulative Impacts** – EQB staff will continue to track and participate in MPCA’s cumulative impacts work. In the first part of FY26, there will be a pilot study on including a cumulative impact analysis within an environmental impact statement. EQB staff will be supporting the analysis and will update the Board likely in early 2026.

New FY26 projects

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

- **Climate calculator and guidance** – EQB staff plan to update the EAW climate guidance to incorporate references and information on how to use the new climate calculator. EQB staff also plan to provide separate documentation of best practices for using the climate calculator to quantitatively estimate the impact of mitigation measures that are suggested by the climate calculator. If funds allow, we may also pursue adding some key identified components to the climate calculator – namely decommissioning and/or more direct quantitative mitigation
- **Continuous Improvement (CI)** – Board members have asked staff to regularly implement the process of soliciting ideas for programmatic improvements, review the ideas, scoring them using the effectiveness matrix developed in FY23, and identifying key improvement projects. These parts of the process were originally planned to happen biennially; later discussions identified the need for more time to complete projects. EQB staff plan to request the Board’s approval to do this part of the process beginning late in FY26 and then every four years; this timing is designed to align with schedules for developing policy and budget proposals for legislative session.¹
- **EAW form readability and accessibility** – ER rules direct EQB to make a periodic assessment of the EAW form. Staff plan to review and update the formatting to increase accessibility, readability, and user understanding. This will not include substantive content changes.
- **Health impacts consideration** – There is long-standing interest in moving forward with methods to consider health impacts in environmental review. Given the time since the Board last discussed this issue, staff plan to document and present the history of EQB’s consideration of this issue to ground newer staff and Board members in the issue. Staff, with input from others, will then develop and evaluate potential options to move forward and will provide recommendations to the Board. This evaluation will identify any future deliverables or projects needed to support the recommendations. This was identified as a priority in the 2024 Mandatory Category 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 procedures in Minn. R., ch. 4405 and Minn. R., ch. 4410. In FY26, staff plan to scope a potential “housekeeping” rulemaking to make non-controversial updates to keep the program current and the rules easy to understand and ask the Board for approval to proceed.
- **Improved performance tracking** – Staff will develop tools to systematize required reporting under Minn. R. 4410.2900, which mandates submitting to EQB a concise record of how an EIS is considered in permit decisions. This will provide a metric for program performance by showing how an EIS might lead to mitigation of environmental impacts or benefits. EQB staff will also explore ways to help tell the story of how an EAW or AUAR provides environmental benefits. For instance, staff can use existing data sources (like permits’ annual reports) for projects that have gone through ER. This will not place any new requirements on the project proposer or RGU.

¹ These are steps one through four on the CI process; steps 5 and 6 (planning and implementation) are part of annual workplanning.

Capacity and resources

At the beginning of FY26, the EQB environmental review program maintains four fulltime staff members. 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.

Goal for ERIS

The goal for the Environmental Review Implementation Subcommittee (ERIS) is to review and discuss the projects described above and provide any recommendations for changes to the ER program workplan.