

# June 2024 Environmental Review Implementation Subcommittee meeting

**Wednesday, June 12 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 in the lower level conference rooms at the Minnesota Pollution Control Agency St. Paul office building. All visitors must sign in at the front desk. Transportation options:

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

### Attending virtually

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

### Accessibility

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

### Public input opportunities at EQB meetings

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

## Oral public comment

In this meeting, ERIS will accept oral public comment where specifically noted on the agenda. The following are the procedures and guidelines for giving oral public comment:

- If you wish to speak:
  - Virtual: when prompted, use the “raise hand” feature in Teams, located at the top of your screen.
  - In person: sign up at the welcome table before the meeting starts.
- Your remarks will be limited to two (2) to three (3) minutes. When necessary, the chairperson may limit commenters’ time for remarks to ensure there is equal opportunity for the public to comment.
- When the chairperson calls on you to speak:
  - Introduce yourself before beginning your comment.
  - Please keep your remarks to those facts which are relevant and specific, as determined by the chairperson, to the agenda item at hand.
  - Please be respectful of board members, staff, and other meeting participants. Avoid questioning motives. The chair, vice-chair, or other presiding officer will not tolerate personal attacks.
  - Please note that the chair will use their discretion for directing public comment to ensure the board’s ability to effectively conduct business.

## Written public comment

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

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

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

## Agenda

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

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

Sarah Strommen– Chair, ERIS

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

- Meeting minutes from the March 20, 2024, Environmental Review Implementation Subcommittee meeting on packet page 5
- Preliminary agenda for the June 12, 2024, Environmental Review Implementation Subcommittee meeting

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

Catherine Neuschler – Executive Director, EQB

### 4. FY25 Environmental Review Draft Workplan (1:15 pm)

**Type of item:** Informational

**Summary:** ERIS will review and discuss environmental review program work, including the status of ongoing work from the FY24 workplan and a draft workplan for FY25. A memo can be found on packet page 9.

**Outcome:** Executive Director receives feedback on environmental review program workplan items to incorporate into FY25 EQB workplan for Board review and approval later in the summer.

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

### 5. Data Management: FY25 data gathering (1:50 pm)

**Type of item:** Informational

**Summary:** EQB staff will provide and update ERIS on revisions to the environmental review program’s Data Management Plan (DMP). The purpose of the DMP is to document standardized data collection procedures for environmental review (ER) program data; this includes the data sources and how data is used to monitor and track ER program operations and effectiveness. The revision identifies new data that can be collected to better evaluate program effectiveness and new ways to provide greater transparency regarding the data collected. The draft report can be found on packet page 15.

**Outcome:** ERIS understands plan revisions and has the opportunity to view new items regarding data collection and reporting.

**Presenter:** Jesse Krzenski – Environmental Review Program Administrator, EQB

## Break (2:30 pm / 5 minutes)

### 6. Mandatory Categories Report update (2:35 pm)

**Type of item:** Informational

**Summary:** EQB staff provide an update on the Mandatory Category legislative report, including an update on work so far and the remaining process to finalize the report, due December 1, 2024.

**Outcome:** ERIS hears update and is able to have any needed discussion

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

**7. Public comment (3:05 pm)**

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

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

# March 2024 Environmental Review Implementation Subcommittee meeting

Wednesday, March 20, 2024 | 1:00-4:00 p.m. | 520 Lafayette Road, St. Paul, MN 55155, lower level conference rooms and via Teams.

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## Minutes

### 1. Welcome and roll call

EQB Chair Nancy Daubenger, acting as ERIS chair, called to order the meeting of the Environmental Review Implementation Subcommittee.

Members present: Grace Arnold, Joseph Bauerkemper, Nancy Daubenger, Rylee Hince, Todd Holman, Katrina Kessler, Paul Nelson

Members excused: Sarah Strommen

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

### 2. Approval of consent agenda

- Meeting minutes from July 19, 2023, Environmental Review Implementation Subcommittee meeting
- Proposed agenda for March 20, 2024, Environmental Review Implementation Subcommittee meeting

Acting chair Daubenger announced that EQB Public Member Kenneth Foster is resigning from the Board, effective March 21, 2024

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

### 3. Executive Director's report

Catherine Neuschler – Executive Director, EQB

- Master Contract – The Department of Admin has issued an RFP to renew the Master Contract for Environmental Review and Technical Services. RFP closes on April 16, 2024.

- Open seats – The posting for a Board member from Congressional District 7 should be on the open appointments page shortly. No updates on the appointment for Congressional District 5.
- Legislative items – three bills that would require the Board to make revisions to the environmental review rules in Minn. R. 4410.
  - A bill that would require EQB to add a mandatory category for animal feedlots with a threshold of 10,000 animal units.
  - The Minnesota Energy Infrastructure Permitting Act which clarifies and changes Minnesota Public Utilities Commission processes, including environmental review, and would require (and direct) us to make some conforming changes.
  - A bill that looks to remove the requirement for scoping when there is a mandatory EIS. That bill would also change the residency requirements for petitions.

#### 4. Election of Chair

**Type of item:** Decision

**Summary:** Under the Committee’s operating procedures, the subcommittee elects a chairperson at their first meeting each year. The chair presides at ERIS meetings.

**Outcome:** ERIS elected a chair to serve until their first meeting in 2025.

The acting chair announced that Member Strommen was interested in continuing as ERIS chair. Member Kessler nominated Member Strommen for the position of Chair of ERIS.

**Motion:** Member Kessler moved to re-elect Member Strommen as Chair of ERIS; Member Arnold seconded. Motion carries with a unanimous vote.

#### 5. MPCA Feedlots EAW form

**Presenters:** Kayla Walsh – Environmental Review Program Administrator, EQB; Megen Kabele, Environmental Review Project Manager, Minnesota Pollution Control Agency

**Type of item:** Informational

**Summary:** Review of the intent and process for alternative EAW forms and proposed updates to the draft alternative form for feedlots.

**Public questions and comment:**

Renee Keezer: Question and concern about which form counties designated as RGU might have to use.

- Kayla Walsh response: the alternative form is an option that can be used for the county, but the standard form is also an option.

Renee Keezer: Will there be updates made to the standard EAW form, including tribal comments and input included in the alternative form?

- Catherine Neuschler response: the role or the goal of the new alternative form is to align it with the current version of the standard EAW form, and EQB doesn't have any major plans at this point to update that standard form. If there are things that are coming up in the process, EQB could consider and discuss options for updating the standard form.

Renee Keezer: Are there set guidelines in place for when counties decide which form they should use?

- Kayla Walsh response: The county, as the responsible governmental unit, has discretion in choosing which form to use.

**Outcome:** MPCA will continue incorporating feedback, making any necessary adjustments, and will aim to present to the full board later summer, or early fall, 2024.

## 6. ER Program Performance Report for 2022 and 2023

**Presenter:** Jesse Krzenski – Environmental Review Program Administrator, EQB

**Type of item:** Informational

**Summary:** Jesse provided an overview of ER program measures from 2022 and 2023, and how those measures (such as frequency of ER processes used, which RGUs are doing review, project types, etc.) compare to past trends. Preliminary ideas to revise the EQB's Data Management Plan to continue to improve the ability to answer key questions about environmental review, including how much ER is done, how long it takes, and how well it is done.

**Outcome:** EQB staff will present again at the next ERIS meeting regarding potential improvements that EQB hopes to enact.

## 7. GHG Emission Calculator update

**Presenters:** Kayla Walsh – Environmental Review Program Administrator and Stephanie Aho – Greenhouse Gas Data Analyst, EQB

**Type of item:** Informational

**Summary:** EQB staff are preparing to work with a technical advisory team and a contractor to produce a new climate calculator. This calculator will specifically combine existing data resources into one easy to use tool for use in answering the EAW questions relating to climate.

**Outcome:** Next step is to convene the Technical Advisory Committee in April 2024 which will assist with scope and methodology.

## 8. Mandatory Category Report process

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

**Type of item:** Informational

**Summary:** EQB staff provided an overview and update on the writing process for the Mandatory Category Report, due to the legislature every three years. The upcoming report is due December 1, 2024.

## 9. Public comment

There were no comments.

## 10. Closing and adjournment

Member Holman motioned to adjourn. Member Nelson seconded. All in favor; meeting adjourned.

DRAFT



## Memo

**Date:** May 31, 2024

**To:** Environmental Review Implementation Subcommittee Members

**From:** Catherine Neuschler, EQB Executive Director

### RE: Environmental review work planning

I have been working with the staff to draft a workplan for the environmental review program for FY25. The draft proposed environmental review program workplan focuses on projects and initiatives that need to get done, while recognizing the daily work the staff do to administer the environmental review program.

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

### EQB staff recommended FY25 ER program workplan

Discussion of the draft workplan is grouped into two major categories: a brief review of day-to-day work and a more in-depth discussion of projects. Within the projects section, work is further divided into completed projects, ongoing projects (continuing items from the current FY24 workplan), and new projects.

#### Day-to-Day Work

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

- ER Program Administration – EQB staff process environmental review petitions and public notices, including providing assistance to RGUs with the EQB Monitor online submittal service, which was launched at the end of FY23.
- Technical assistance – The staff provide technical assistance to members of the public, project proposers, responsible government unit (RGU) representatives, and others through phone calls, emails, etc. In FY25, we will add staff capacity to provide dedicated technical assistance to Minnesota's energy transition communities and collaborate with DEED's energy transition advisory committee.
- Outreach, engagement, and collaboration – The staff spend time maintaining connections with environmental review partners (state/local/tribal governments) and stakeholders, as well as collaborating with other state agency programs, such as Minnesota Business First Stop. If a partner program has a specific need, EQB staff may contribute to more defined projects.

#### Specific Projects and Initiatives

Specific projects and initiatives are more discrete, with defined deliverables and likely end dates. Most of the projects are designed to make specific programmatic changes or improvements; the driver of these changes may be legislative requirements or program needs identified by staff or coming from the continuous improvement process. For ongoing projects that were included in the FY24 workplan, a report on the current status is provided along with plans for FY25. For new projects, a basic description of the need or driver is provided.

## Completed Projects

- Revised Data Management Plan – The FY24 workplan identified the need to revise the environmental review program data management plan (DMP). This item is complete, and at this ERIS meeting, the staff are presenting a revised DMP designed to clearly lay out our data collection and management goals, the sources of the data and information, and the program’s metrics and measures. The revised data management plan also differentiates between the program’s operational measures (such as how many reviews are done annually, on what types of projects, by which RGUs) and effectiveness measures that will help understand the program’s impact. The revised plan includes some projects for FY25, described below.

## Ongoing Projects from FY24

- 2024 Mandatory Categories Report – The program is required to conduct an evaluation of the environmental review mandatory categories and complete a report every three years. For FY24, our goals were to develop a project and engagement plan and begin drafting the report. Those two milestones were met; staff also conducted public engagement and have reviewed the categories with partner agencies. Staff are now drafting the report in collaboration with the co-authoring agencies, in order to complete a final report by December 1, 2024.
- ER guidance and training – The FY24 workplan identified the need to update EQB’s ER program guidance narratives, format, and webpages to make the information clearer and more accessible. Because a key goal was to make the guidance more web-based, this project timeline was impacted by our website upgrade. However, staff have been reviewing the existing guidance materials; identifying and correcting outdated information; identifying better ways to organize and present the information in a web-based format; and identifying additional guidance needs. By August 1, EQB expects to launch the guidance materials in a more accessible web-based (not PDF) format. Our FY24 workplan also included identifying priority needs for new guidance documents. Those have been identified and specifics included for FY25.
- Evaluate decision criteria – Based on comments provided during the continuous improvement process, the program’s FY24 workplan included a project to evaluate whether additional guidance, support, or changes are needed to the environmental review decision criteria. EQB staff held some preliminary conversations with state agency RGUs around the decision criteria, and some additional input was provided during the mandatory category public engagement. In FY25, EQB needs to continue to engage with local government RGUs to better identify any needs they have related to implementing the decision criteria. In addition, there is a lot of interest and ongoing work on cumulative impacts; work described in the draft new strategic plan on cumulative impacts and considering how cumulative impacts or cumulative potential effects should be considered also supports this item.
- Greenhouse gas emission calculator and guidance – In 2023 the EQB received funding to construct a Minnesota-specific greenhouse emission calendar to standardize the inclusion of climate pollution data in environmental review. In FY24, EQB brought on additional staff to oversee the process, hired a contractor, developed the workplan, and kicked off a technical advisory team to provide input. The work to develop the calculator and guidance will continue through FY25.
- Tribal coordination – In FY24, the staff drafted an EQB-specific tribal coordination and consultation policy and discussed it with the Board and MIAC. For FY25, we hope the Board will officially adopt a Tribal policy. We have also had conversations with Tribal environmental staff (through MNTEC) about those environmental review improvements that are important to tribal nations. The FY25 workplan proposes working with Tribes to develop recommended best practices that support RGUs in effectively considering tribal resources.

- Environmental Review master contract – EQB supports the Department of Administration in the development and management of the Environmental Review and Technical Services Master Contract. The current contract expires in September 2024; EQB staff have been working with Admin during FY24 to update and revise the contract for the next five years. This work will be complete in early FY25.

### New FY25 Projects

This section includes several additional projects. Some of these projects follow closely from FY24 completed work, while others derive from new legislative mandates.

- ER Data Collection and Management – In FY25, we will continue work to improve our data management, data gathering, and data sharing. This summer we plan to launch two internal projects to (with the help of a student worker) develop better long-term tracking of technical assistance resources and some historical data consolidation to help support long-term program measures. We are also working to develop a data website that will regularly update and share key program metrics. Finally, EQB staff plan to develop and implement two additional data gathering projects. These include:
  - ER Process and Engagement Survey – We plan to launch a survey for RGUs actively working on environmental review projects, in order to better understand the length of time it takes to complete environmental review, whether there are multiple environmental review submittals, and the impact of public engagement. This would be a short, targeted survey sent to RGUs immediately after they submit notices to the EQB Monitor.
  - ER Technical Assistance Survey – The program staff also plan to implement a quarterly survey of RGUs that have recently completed an environmental review process, in order to evaluate the effectiveness of our guidance documents and technical assistance.
- ER guidance and training – A focus on improving guidance and training was a key outcome of EQB's FY23 continuous improvement process. Once the new framework for guidance materials is launched, EQB staff will begin to work on areas of new guidance. Planned for FY25 is to provide guidance for members of the public on submitting petitions and guidance for RGUs on responding to petitions for EAWs; reviewing and likely updating and expanding guidance on alternative urban areawide reviews, with a focus on supporting energy transition communities in using this tool; and developing guidance for consideration of tribal resources in environmental review. ER program staff also want to develop better methods of sharing information with RGUs, particularly local government RGUs, such as EQB-hosted webinars or training days and participation in events or conferences that may bring together local government RGUs. This is likely to begin with a focus on explaining changes or new guidance, and then include identification of additional training needs.
- Regulatory development and rulemaking – The mandatory categories report is likely to result in some recommendations for programmatic changes or rulemaking that will need to be considered for additions to our workplan. In addition, the 2024 legislative session resulted in two important areas of work for EQB.
  - Gas and Oil Production – DNR is directed to include EQB in a Minnesota Gas and Oil Resources Technical Advisory Committee to make recommendations to the Commissioner about a regulatory framework for the production of gas and oil in Minnesota. A report from the Committee is due in January 2025. EQB was also directed to, as needed, adopt or amend rules to establish mandatory categories for the environmental review of gas and oil production. EQB is directed to use an expedited rulemaking process and the rules must be proposed by May 2026.

- Energy Infrastructure Permitting – Laws of Minnesota 2024, Chapter 126 (SF4942) made multiple changes to the state’s process for permitting of large energy projects such as power generating facilities, battery storage facilities, and transmission lines. EQB was directed to make conforming changes to the environmental review rules using the expedited rulemaking process. These rule changes will need to be proposed by December 2025.
- Continuous Improvement – In order to continue to improve the environmental review program’s effectiveness, the Board has asked staff to biannually implement the process of collecting ideas for programmatic improvements, scoring those ideas using the matrix developed in FY23, and identifying key improvement projects. EQB staff will go through this process in FY25 to develop additional projects for our FY26 workplan.

## Capacity and resources

At the beginning of FY25, the EQB environmental review program will have four total staff members – the program director, two program administrators, and a new position focused on technical assistance and energy transition communities support.

With the addition of new projects, we do have to consider our capacity and how that impacts our ability to take on all the projects we would like to; in many cases some projects may start as research, planning, and scoping to develop requests for the appropriate resources to support implementation.

EQB staff are also mindful that many of the projects we take on need collaboration with and input from other agencies (in the case of environmental review, particularly from state agencies and local governments that act as RGUs). State agency staff have asked that we try to identify which projects on our workplan might rely on interagency workgroups, as the capacity and resources of our collaborators will impact our workplan. We are continuing to work on developing this information. Projects that are likely to need the highest level of engagement from others include the GHG emissions calculator project and the mandatory categories report (and developing projects to implement recommendations).

## Attachment 1: Draft FY25 environmental review program workplan

Project	Details	Timelines
Revised ER Data Management Plan	Revise ER data management plan and implement in FY25.	July 1
ER Process and Engagement Survey	Implement survey of RGUs actively working in ER to identify length of ER process from initiation to complete submittal and impacts of public engagement.	Implementation start July 1
ER Data website	Establish EQB data sharing website to promote transparency and sharing of data on ER processes. (Data collected as directed by DMP).	October 1
ER "Customer Service" Survey	Implement quarterly survey of RGUs that have completed ER recently to identify usefulness of EQB's guidance and technical assistance	Implementation start October 1 (for projects July 1 - Sept 30)
ER Technical Assistance Resource Library	Develop resource library for ER staff providing technical assistance to promote consistency in interpretation and tracking of areas of assistance needed.	Begin June 3, 2024
ER Historical Data Consolidation	Review past ER project data and consolidate most recent project data to support long-term ER measures tracking	Begin June 3, 2024
2024 Mandatory Categories Report	Complete mandatory categories report	Draft report to ERIS in September 2024 Final report approved by Board November 2024 Report submitted December 1, 2024
GHG Emission Calculator	Develop Minnesota-specific GHG Calculator Tool	Final calculator due June 30, 2025
GHG Emission Calculator Guidance	The GHG Emission Calculator tool user manual will provide direction for the overall calculation of GHG pollution and source-specific instructions as needed. Once the user manual is complete, EQB staff will update the overall environmental review guidance on how to answer the climate pollution question in the EAW form.	Final calculator with user manual due June 30, 2025. Revise guidance by December 31, 2025.
GHG Emission Calculator	Roll out and train users on Minnesota-specific GHG calculator tool	July 1, 2025 - December 31, 2025
Climate Resiliency Guidance	Development of the Minnesota-specific GHG calculator tool will include some information on resiliency, and the ability to add more quantitative resiliency information in the future. EQB staff are considering our ability to improve the existing guidance related to answering the EAW question on resiliency (Q7) outside of the calculator tool.	TBD
Updates to Existing ER Guidance	Updated ER guidance format and webpages and removal of outdated information.	August 1, 2024
AUAR Guidance	Review existing AUAR guidance, identify needed updates and expansion and develop those updates.	March 1, 2025 - Complete evaluation and define needs
Petition Guidance	Develop best practices and steps for both submitting and reviewing petitions	January 1, 2025

EAW Updates - Tribal Resources Consideration	Update EAW guidance to provide best practices that support RGUs in effectively considering tribal resources. Consider EAW form updates about these resources.	TBD in coordination with Tribes
ER Guidance Training	Inform and train RGUs on new ER guidance, to support them in finding and using the information, via webinars, conference presentations, etc. Identify additional needs to provide this kind of broad training and technical assistance.	Start in Fall 2024
Placeholder - Mandatory Category Recommendations	Review mandatory category recommendations and consider which to start based on likely efforts and results.	Start January 2025.
Minnesota Gas and Oil Resources Technical Advisory Committee	Participate in TAC to develop regulatory framework.	Report due to legislature by January 15, 2025
Gas and Oil Production Rulemaking	Update mandatory categories to include any needed review for oil and gas production.	Notice of intent to adopt must be published by May 2026
Energy Infrastructure Permitting Rulemaking	Expedited rulemaking to conform to the changes made in the 2024 omnibus bill (including RGU for ISFSI, CO2 pipelines, and conforming changes for energy projects)	Notice of intent to adopt must be published by December 2025 (18 months per 14.125)
Master Contract	Updated Environmental Review master contract, including information sharing.	Fall 2024
Technical assistance	Provide regular, ongoing technical assistance to RGUs, the public, project proposers, etc. that meets statutory timelines.	Ongoing
Biannual ER Improvement Process Implementation	Regular engagement with partners, stakeholders and the public to solicit, evaluate, and report back on ideas for program improvement	Early 2025 - Gather additional improvements from external parties Mid 2025 - Score new improvement and update prioritized list of improvements Mid 2025 - Add any identified improvement projects to EQB workplan



# **Minnesota Environmental Review Program**

## **Data Management Plan**

June 2024

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## Executive Summary

The Environmental Quality Board (EQB or Board) regularly reports key data about Minnesota’s environmental review program, providing insights into the program’s effectiveness and efficiency. Because implementation of environmental review is carried out by multiple Responsible Governmental Units (RGUs) across the state, EQB’s ability to collect and maintain data from all environmental review projects is necessary to understand and evaluate how environmental review is being implemented.

This Data Management Plan (DMP) documents the data that is regularly collected and evaluated, in order to ensure consistency in programmatic review and assessment over time. The DMP also identifies areas where additional data collection is needed or would improve our ability to evaluate program effectiveness.

## Background

The EQB oversees the state’s Environmental Review (ER) Program, as authorized in [Minn. Stat. 116D](#), and outlined in [Minn. R., ch. 4410](#). Under these laws, the Board has responsibility for monitoring environmental review program effectiveness and the authority to make program improvements. Improvements may include modifying ER requirements and procedures, adjusting the Environmental Assessment Worksheet (EAW) form, developing alternative forms of review, and providing updates to ER guidance. EQB also assists governmental units and members of the public with understanding environmental review rules and fulfills administrative functions for the ER program.

State statutes and rules delegate the authority to other state and local governments (RGUs) to apply the rules of ER to individual projects.

## Outcomes of ER Data Management Plan

1. **Identify key data and information** – Describes the information collected to understand and summarize program implementation metrics and evaluate program effectiveness.
2. **Provide a data and information collection standard** – Establishes procedures for the collection of reliable data and information for the assessment of the ER Program.
3. **Establish data reporting processes** – Provides a framework for annual program implementation performance reports as well as periodic assessment of program effectiveness.
4. **Describe data sharing** – Allows for accessibility to information and transparency within the ER program.
5. **Provide consistency** – Supports maintaining consistency in understanding and evaluating the program over time.



## Information sources

EQB staff collect data and information regarding the ER Program from the following sources.

### Actively collecting

- *EQB Monitor* submittal service: The *EQB Monitor* is a weekly publication of notices required by Minn. R., ch. 4410. An online submission service is used by RGUs (and consultants to RGUs) to provide content for the *Monitor*.<sup>1</sup> These submissions account for most project specific data and generates the most data to understand what is happening in ER.
- Continuous improvement process: EQB staff receive improvement ideas via engagement with the public.
- Minnesota Department of Administration master contract: EQB staff track and report data from the environmental review and technical services master contract.

### Intend to collect with the implementation of this DMP

- Surveys: To gather additional data, beyond that accessible from the online submittal service, EQB staff will develop and maintain a survey program focused on gaining data to measure certain aspects of ER program performance (such as timeliness). Ideally, this survey program will eventually be integrated into the *EQB Monitor* submittal service. This will be new data collected by the EQB and will build baseline data; initially the survey will apply only for the EAW process.
- Technical assistance library: EQB provides information on Minnesota's Environmental Review Program to RGUs, project proposers, consultants, and members of the public via a telephone help line and email inbox. Staff track data related to the phone calls and emails received in an effort to maintain consistency in EQB's responses and identify areas where improvements to guidance may be beneficial.
- Historical ER Program data: From 2015-2023, the EQB has collected data through *Monitor* submission forms and surveys. This data will be consolidated for better record keeping and provide for better analysis of past trends. This could potentially expand beyond 2015 as well from past monitor submittals, the information available would be limited to only a portion of the descriptive data category.

### Future Sources

- EIS process: Minn. R. [4410.2900](#) defines a requirement to maintain a public record detailing how each permit identified during the scoping process considered information within the EIS as a part of its decision. These records are then meant to be supplied to the EQB. The EQB has no records of these ever being submitted in the past and will need to begin to contact RGUs at the completion of an EIS in order to collect this information.
- *EQB Monitor* submittal service: The online service as noted in the sources above will need to be updated in order to ask new required questions.

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<sup>1</sup> The submittal service was updated in 2023 to run through MPCA's online services portal and is available on EQB's website.

## Environmental Review Program metrics

From the sources above, EQB staff can extract data and information about multiple metrics relevant to the program’s implementation and effectiveness.

Table 1 lays out the metrics and data collected or needed within different data categorizations to be informed on the implementation of the program and then utilized to understand the effectiveness of the program.

**Table 1: Data tracked by data source**

Type of data	Metric	Source
Descriptive	Frequency of ER Program process types (EAW, AUAR, EIS, alternative forms) Frequency of mandatory categories and RGUs by geographic location Frequency and completeness of petitions Frequency of comment letters submitted on ER projects Number of unique comments received per project Cost of environmental review	EQB Monitor Surveys Master contract
Performance-based; results-based	Percent of projects incorporating some type of early engagement Average time of project, for each process type (from time document is deemed complete to final ER decision) Average time of project review, for each process type (focus on time spent preparing ER documents) Percent of projects identifying usable Information in ER documents Average number of mitigation measures by project type Frequency of unique public participation opportunities provided by ER Program Percent of projects indicating the usable information was utilized in a permit decision Time spent in tech assistance per categorization Percent of final decisions being challenged	EQB Monitor Surveys Technical assistance library

## Performance measures

To properly understand and evaluate the functioning and effectiveness of the Environmental Review Program, EQB is interested in measuring and tracking two major groupings of performance measures.

### Program Operation

Program operation measures draw primarily on the descriptive data that describes how much environmental review is done and of what project types. While this data does not necessarily describe the effectiveness of the program, it does inform the basics of what is being implemented in the program.

### Program Effectiveness

EQB also must analyze how environmental review is meeting the goals and objectives laid out in the rules and statute, in order to understand program effectiveness.

In June 2023, the Board adopted a program effectiveness matrix (Figure 1), which set forth multiple criteria that define program effectiveness based on the objectives of environmental review laid out in Minn. R., ch. 4410. These criteria therefore lend themselves to be excellent performance measures to determine if environmental review is completing what it is meant to do and in turn evaluate the effectiveness of the program.

**Figure 1. ER program effectiveness matrix**

Criteria for information (objective A)			Criteria for engagement (objective B)			Criteria for process (objectives D and E)		
Scientific integrity	Environmental protection	Measurability	Inclusivity	User-friendliness	Accessibility	Consistency	Quality assurance	Accountability
means considering, encouraging, or making available the most up-to-date, reputable, and complete science-based information for analysis of environmental and human health impacts or mitigation	means using information in government decisions to safeguard the environment and people in Minnesota	means identifying quantifiable data for understanding project and/or environmental review impacts to human health and the environment	means inclusion of voices that have historically been marginalized, excluded, or disproportionately impacted by pollution and the ability for those voices to influence the conversation, etc.	means clear communication and procedures or understandable information to interact with environmental review; ease or efficiency to thoroughly and accurately complete environmental reviews	means access to decision-makers and processes so that the public can provide meaningful input into decision making and receive explanations and updates for why certain decisions are made	means uniformity of environmental review processes thereby promoting dependability and reliability in environmental reviews; eliminates ambiguities; promotes comparability	means EQB's ability to verify accuracy and completeness of information used in the environmental review program	means the project proposer's, RGU's and Board's ability to better demonstrate meeting the program's obligation to the public and to the environment through reporting, data sharing, transparently explaining decisions, taking responsibility for actions, and being able to explain, justify, and take consequences for them

The utilization of the criteria from the program effectiveness matrix (as based on the objectives of environmental review) as performance measures requires defining indicators and data that can be collected in order to measure and evaluate how well the implementation of the program is at achieving these measures. The performance measures and indicators will then give EQB the opportunity to better understand the impact of ER, how effective the program is at meeting its goals, diagnose potential issues with the program, and identify or support improvement ideas to the program.

**Table 2: Performance measures and indicator data**

Objective/performance measure	Indicators
<p><a href="#">Objective A</a> (criteria for information)– In order to meet this objective within the rules, ER projects should be required to provide information that is science-based, measurable, and used in government decision making.</p>	<p>Percent of projects identifying usable Information in ER documents</p> <p>Average number of mitigation measures by project type</p> <p>Percent of projects indicating the usable information was utilized in a permit decision</p>
<p><a href="#">Objective B</a> (criteria for engagement)– Meeting objective B would require the program to ensure the ER process is creating inclusive and accessible access for the public to decision makers and provide proper opportunities to easily understand a project and its potential environmental impact.</p>	<p>Percent of projects incorporating early engagement</p> <p>Frequency of unique public participation opportunities provided by ER Program</p> <p>Percent of projects indicating a change in the project due to a comment received before or during the public comment period</p>
<p><a href="#">Objective C</a> (criteria for implementation authority)– The rules designate the RGU for each project type. Meeting this objective means the proper RGUs are performing the environmental review.</p>	<p>Comments received from the public or RGUs during the CI process or mandatory categories report indicating potential RGU changes</p>
<p><a href="#">Objective D</a> and <a href="#">objective E</a> (Criteria for process)– Measuring the programs’ abilities to meet objectives D and E would require the program to ensure ER is not creating an undue burden on project proposers, RGUs, or the public by creating duplication with permits or unnecessary time delays. This objective also requires the program to reduce uncertainty in ER, this needs to incorporate all participants (RGUs, project proposers, public) points of view and is therefore incorporated into the measures within objective A and B as well.</p>	<p>Average time of project, for each process type (from time document is deemed complete to final ER decision)</p> <p>Average time of project review, for each process type (focus on time spent preparing ER documents)</p> <p>Percent of projects requiring multiple draft submittals to the RGU</p> <p>Percent of projects indicating the usable information was utilized in a permit decision</p> <p>How RGUs utilize an EIS to inform permit decisions</p>

There are additional indicators that should be evaluated for the specific performance of ER but do not fit in one objective and typically have do not have a common standard of practice amongst projects going through ER. For instance, the rules do not mandate that a public meeting be held for an EAW process, however RGUs may choose to always hold them for certain projects. The EQB should begin to assess the effectiveness of these practices. These would include:

- Impact of engagement on public participation and time spent in ER
- Impact of numerous submittals on time spent in ER
- Impact of public participation on time spent in ER
- Impact of time spent in ER on final cost of project

## Data and Evaluation Sharing

The EQB provides multiple deliverables over time that present and share the data and evaluation of the data against the program's performance measures.

### Performance report

EQB staff prepare an annual performance report, which provides a summary of what has happened within the past year regarding environmental review. To date, it has focused primarily on operational measures. This report serves as a useful tool in summarizing the data collected by EQB and identified in this DMP. By committing to annual summarization of the data the EQB will be able to assess trends within the program that may require additional attention. The report will also serve as a way to assess effectiveness within the program. The focus of the report however should be to determine trends over time which will then lead to better understanding of the effectiveness of the program overall and not just at a snapshot in time. By evaluating the effectiveness the program based solely on information within one annual report the EQB could be reacting too quickly to anomalies rather than addressing the actual trends within the program.

### Mandatory category report

Legislatively the EQB is tasked with assessing the mandatory categories every three years. Data collected as called out within this plan should be used to support that report's analysis and recommendations for change. Some of the future data needs, as noted in the [Future needs](#) section, regarding information about proposed projects potential environmental impacts could also be utilized within this report.

### Environment and Energy report card (E&E report)

The E&E report could potentially benefit from the information presented within environmental review documents and present a better understanding of how ER impacted those projects in regard to the potential impact to the environment.

### Data website including public dashboard

The EQB will begin to provide a more transparent approach to the data maintained within ER. A data specific website will be developed and include a public facing dashboard developed through Tableau. This dashboard will supplement the information found in the Environmental Review Database to greater inform the public about projects going through environmental review. The website will also make data from past performance reports available and potentially incorporate data from other historical ER records.

### Continuous improvement process

As improvement ideas are filtered through the matrix and staff is prioritizing potential program improvement ideas, the data collected regarding ER will be utilized to support these improvements ideas.

## Technical assistance library

EQB staff will alter the way it tracks and records data related to the phone calls and emails received in an effort to maintain consistency in EQB's responses and identify areas where improvements to guidance may be beneficial.

## Future needs

- An additional area of need is for the EQB to collect data from completed ER projects to better understand how projects have the potential to impact the environment. This information could be used to better inform reports from EQB, such as the mandatory categories report as a way to evaluate the effectiveness of the categories and their thresholds.
- By collecting project specific data, the EQB could begin to incorporate data from environmental review into the Environment and Energy Report Card. For example, the EAW form asks each project to calculate expected greenhouse gas emissions, this information regarding the amount of greenhouse gas emissions expected or potentially reduced from project types or sectors could be tracked.
- The data management plan has identified the need to better understand how environmental review is interacting with projects through the decision/permitting phases. EQB will begin to assess this information via surveys, however this will still be asked before a project reaches the permitting phase for a project requiring an EAW. There will still be a need to collect this information later in a proposed projects process. A potential route for gaining this information could be achieved by mimicking other programs annual reporting requirements for program users.
- The rules of ER indicate the requirement of RGUs to document how permit decisions are informed by the EIS process and report that information to the EQB. The EQB has no record of this being completed by RGUs and will need to educate and provide guidance on how this should be accomplished in order to receive this information from the program moving forward.
- For the data that is indicated by the DMP as being collected via surveys, the EQB intends for these questions to eventually be integrated into the EQB Monitor online submittal service. This will require an enhancement to the existing service via MNIT.