

March 2026 Environmental Review Implementation Subcommittee meeting

Wednesday, March 18 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](#)
-

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)

Nancy Daubenberger – Chair, EQB and Acting Chair, ERIS; Commissioner, Department of Transportation

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

- Meeting minutes from the December 17, 2025, Environmental Review Implementation Subcommittee meeting on packet page 5
- Preliminary agenda for the March 18, 2026, Environmental Review Implementation Subcommittee meeting

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

Catherine Neuschler – Executive Director, EQB

4. Election of ERIS Chair and Vice Chair (1:25 pm)

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 will also elect a vice chairperson to preside in the absence of the chair.

Outcome: ERIS elects a chair and vice chair to serve until their first meeting in 2027.

5. 2025 Performance Report (1:35 pm)

Type of item: Informational

Summary: Environmental review program staff will provide an overview of ER program measures from 2025, and how those measures compare to past trends and help inform the effectiveness of the program. Staff will also provide updates regarding data improvements that have taken place in 2025. The Performance Report memo can be found on packet page 9.

Outcome: The Board will be informed regarding the data representing the year of environmental review and may ask questions on how the data informs the effectiveness of the program.

Presenter: Sarah Lerohl – Environmental Review Program Administrator, EQB

Break (2:20 pm / 5 minutes)

6. Final Minnesota ER Climate Calculator update (2:25 pm)

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 will provide 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.

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

Presenter: Stephanie Aho – Greenhouse Gas Data Analyst, EQB

7. **Gas production rules update (2:55 pm)**

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 will provide an additional update on rule development and ask for any additional input from ERIS members.

Outcome: ERIS is informed about the progress of rule development. ERIS members provide any necessary input to staff for drafting the rules and identify any 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.)

Presenter: Jesse Krzenski – Environmental Review Program Director, EQB

8. **Public comment (3:35 pm)**

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

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

December 2025 Environmental Review Implementation Subcommittee meeting

Wednesday, December 17, 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

Sarah Strommen, Commissioner of the Department of Natural Resources, called to order the Environmental Review Implementation Subcommittee meeting.

Members present: Joseph Bauerkemper, Nancy Daubenberger, Rylee Hince, Katrina Kessler, Paul Nelson Sarah Strommen

Members excused: Grace Arnold, Todd Holman

Proxies present: Lissa Pawlisch (for Arnold)

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 March 19, 2025, Environmental Review Implementation Subcommittee meeting
- Minutes from the June 18, 2025, Environmental Review Implementation Subcommittee meeting
- Preliminary agenda for the December 17, 2025, Environmental Review Implementation Subcommittee meeting

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

3. Executive Director's report

Catherine Neuschler – Executive Director, EQB

- Staffing updates –Jesse Krzenski is the new Environmental Review Program Director, effective earlier this month. Will be hiring an additional position in the ER program.

- Speaking engagements – The ongoing interest in data centers is spurring interest and opportunities to provide information about how environmental review works in Minnesota. Staff will be speaking at a Data Center Basics 101 event in Spring Grove on December 18 and in Austin on January 14, hosted by the Southern Minnesota Initiative Foundation and SE MN Together.

4. ER program workplan status

Presenter: Catherine Neuschler – Executive Director, EQB

Type of item: Informational

Summary: ERIS heard a high-level update on the status of the items on the environmental review program workplan for FY26.

Outcome: ERIS was informed about the progress of important environmental review work.

5. Climate calculator update

Presenter: Stephanie Aho – Greenhouse Gas Data Analyst, EQB

Type of item: Informational

Summary: The staff and contractor have been working to make additions to the climate calculator, particularly to support quantitative analysis of mitigation actions. ERIS heard an update on the progress of the work to make these updates, which is expected to be complete by the end of March 2026.

Discussion:

- In February ICF will present a training on the Climate Calculator and then EQB staff will present the same training at a different time. There will be multiple training opportunities.

Outcome: ERIS was informed about the progress of important environmental review work.

6. ER rulemaking updates

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

Type of item: Informational

Summary: In 2024 and 2025, the EQB was directed to undertake multiple environmental review rulemakings by the legislature. These rulemakings are in process, and staff provided an update on the progress and plans for energy, EIS scoping, and gas production rulemaking.

Discussion:

EIS scoping

- Will the elements that do not have the potential for significant environmental impact be in the scoping document?
 - **Response:** Trying to keep the definition straightforward and not get into those details. Might consider guidance in the future.

Gas production

- While utilizing production numbers (or yields) does serve as a useful way in determining the potential for significant environmental effects, the reality of the variabilities of those production numbers are too extreme and also is a value that would be understood too late in the project development stage to allow for environmental review to be its most effective. Because of these reasons staff have not pursued production values as an appropriate threshold to further evaluate.
- Encourage staff to continue on toward meaningful implementation when figuring out how to craft rules that facilitate environmental review in treaty shared territories.
- Staff should be mindful that environmental justice included in rule language can be complicated.
- The DNR rules are being developed and one of the items being addressed is siting and location, so determining where these facilities can and cannot be sited should definitely be in coordination with EQB.

Public comment:

- Renee Keezer – Water Resources Manager for the White Earth Band of the Minnesota Chippewa Tribe: Staff said that the gas exploration would not need an EAW or an EIS. Concerned about that and wondering why not. There's potential for environmental effects on the surface impacts, the subsurface impacts, as well as air impacts.

Response: One of the key things for environmental reviews is there must be a governmental action. If there isn't a governmental action you can't have environmental review. Most exploration in the current framework in Minnesota does not require any kind of governmental action or approval. There would need to be a change in the regulatory framework for exploration in general and that is not anticipated to happen. Staff will keep this concern under consideration.

Outcome: ERIS was informed about the individual rulemakings progress thus far, the next steps, and when Board approvals will be needed.

7. AUAR use and guidance update

Presenter: Sarah Lerohl – Technical Assistance & Energy Transition Communities Support, EQB

Type of item: Informational

Summary: EQB staff provided a basic summary of the intent and purpose of the Alternative Urban Areawide Review (AUAR) process and discuss key concepts that frame when and how the AUAR is an appropriate alternative form of environmental review (applicability and validity). Staff discussed the goals of the ongoing process to update the AUAR guidance, and provide a high-level overview of planned changes.

Discussion:

- This AUAR guidance is incredibly important and much needed. Hopefully AUAR rule updates can stay on our radar and, in the future, ERIS and the EQB can discuss informed public participation in environmental review.

Outcome: The Board better understands the AUAR process and can provide direction on additional needs for the guidance.

8. Public comment

There were no comments.

9. Closing and adjournment

With no further business, the Chair adjourned the meeting.

DRAFT

Memo

Date: March 6, 2026

To: Environmental Review Implementation Subcommittee

From: Jesse Krzenski and Sarah Lerohl, EQB Environmental Review Program staff

RE: Minnesota Environmental Review Performance Report 2025

The Environmental Quality Board (EQB) oversees the state's environmental review program, as authorized in Minnesota Statutes, chapter 116D, and implemented by Minnesota Rules, chapter 4410. Under these laws, the EQB has responsibility for monitoring environmental review (ER) program effectiveness and the authority to make program improvements.

As part of that responsibility, EQB staff regularly collect and analyze data to provide information about the program's implementation and annually give an account of the information through this performance report. The data presented in this report includes projects that followed the procedures of Minnesota Rules, chapter 4410; it does not include energy projects completed using procedures laid out in other statutes or rules.

Because state statutes and rules delegate the authority to apply the rules and complete review of individual projects to other state agencies and local governments (acting as Responsible Governmental Units or RGUs), there are challenges to collecting data and information. EQB staff are continuing to work improve data collection to support our collective ability to evaluate the effectiveness of the ER program and our provision of technical assistance.

Environmental Review Program data and information

The ER program has been collecting data about environmental review projects in Minnesota for many years. In 2020, EQB staff developed the first Data Management Plan (DMP), which established a standardized methodology for collecting and assessing data and information. The goal of data collection under the plan is to understand the program's effectiveness and identify areas for improvement.

Annually, EQB staff compile and assess the data and information identified in the DMP and present the results to members of the Environmental Review Implementation Subcommittee (ERIS). In addition to the presentation to ERIS, EQB staff now maintain a data website, launched in 2024.

The data website has many functions including:

- Housing the data management plan
- Serving as a library for easy access to past performance reports
- Providing links to Environmental Review Project Database and ER Interactive Map
- Providing a performance report public dashboard, which is an interactive summarization of pieces of information presented in annual performance reports

Minnesota Environmental Review Program Overview

Table 1: 2025 Minnesota Environmental Review Program Overview

Metric	2025 Summary	Yearly comparisons/trends
Frequency of ER Program process types	<ul style="list-style-type: none"> EAW – 53 EIS – 3 AUAR – 8 	EAW totals rebounded slightly from last year’s lowest number completed in 10 years, but are still below the 10-year average of 65 EAWs/yr.
Frequency of mandatory categories by RGU and by location	<ul style="list-style-type: none"> See Appendix A and Appendix B 	Sixteen different mandatory categories, 7 discretionary EAWs, trending the same as previous years. The variety of project types is consistent with years past.
Frequency of comment letters submitted on ER projects	<ul style="list-style-type: none"> EAW average – 6 EIS totals (each) – 15; 24; 156 AUAR average – 9 	Average number of comment letters within normal range compared to previous years.
Frequency of unique public participation opportunities	<ul style="list-style-type: none"> 23% of RGUs held a public meeting for an EAW 	New metric in 2024, down slightly in 2025.
Time for completing review by ER process type (in days)	<ul style="list-style-type: none"> EAW average – 89 EIS average – 1012 AUAR average – 169 	Time to complete EAW data trending in line with previous years; AUARs were completed on average slightly faster.
Perceptions of whether the ER process provided usable information (EAW’s)	<ul style="list-style-type: none"> 92% of RGUs indicated that the environmental review process was useful in identifying potential env. effects 77% of the time RGUs indicated that the environmental review process identified mitigation measures. 	<p>2023 – 89% useful in identifying potential env. effects; 83% identified mitigation measures.</p> <p>2024- 94% useful in identifying potential env. effects; 89% identified mitigation measures.</p> <p>2025 average for usefulness in identifying potential env effects is down slightly from last year, while identification of mitigation measures is down 12% from 2024.</p>
Frequency and type of technical assistance provided by EQB staff	<ul style="list-style-type: none"> 279 inquiries recorded General ER process questions are most frequent, followed by questions about the petition process and mandatory category interpretation. 	2025 is first year of data collection, so lacking comparison data

2025 ER Data

Frequency of ER Program process types

This assessment provides information about the following ER Program process types:

- Environmental Assessment Worksheet (EAW)

- Environmental Impact Statement (EIS)
- Alternative Urban Areawide Review (AUAR)
- Petitions for environmental review (which may or may not result in a project undergoing review)

In 2025, RGUs completed a total of 77 processes related to proposed projects: either completing environmental review (EAW, EIS, or AUAR) or determining the need for environmental review in response to a petition (**Figure 1**).

Table 2: ER process comparison last three years

2023	2024	2025
53 EAWs	47 EAWs	53 EAWs
2 EISs	1 EIS	3 EISs
6 AUARs	9 AUARs	8 AUARs
14 Petitions	15 Petitions	13 Petitions

In the last 10 years (2016 through 2025), as shown in **Figure 1**, RGUs averaged 65 completed EAWs annually, with a high of 87 in 2018 and a low of 47 in 2024. The 53 EAWs completed in 2025 represent a slight rebound from the 10-year low recorded in 2024, but continue the trend of decreasing EAWs that began in 2023. Various factors are likely contributing to the lower number of EAWs, including the high number of AUARs being completed (eight) and especially the number of large AUARs (seven). This is the second year in a row with increased AUAR completion rates; it is likely that certain residential, commercial, or light industrial projects included in AUARs would have required their own EAW in the absence of an AUAR.

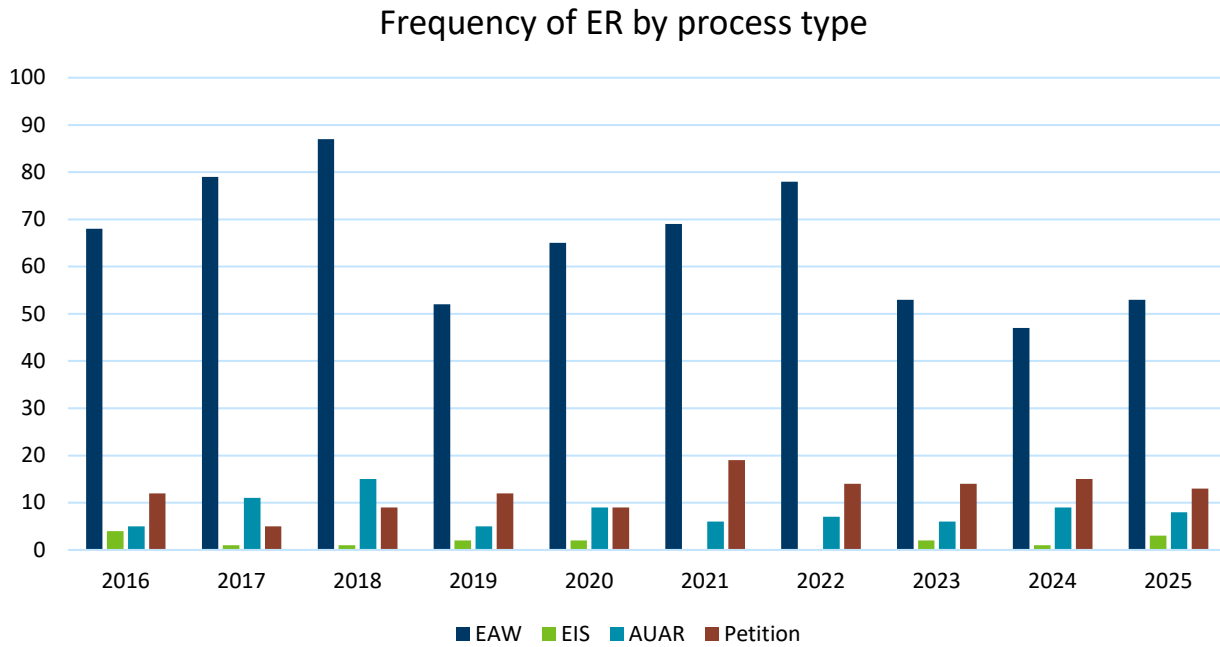
Projects are likely impacted by many factors unrelated to the ER program - such as funding and general market and economic development conditions. These outside forces are likely to contribute to the decrease in EAWs, but those factors have not been studied.

In 2025, the most frequent project types that required review included: residential development (11 projects); mixed residential and industrial-commercial (six projects); industrial, commercial, and institutional facilities (five projects); stream diversions (five projects); and wetlands and public waters (five projects). Together, these accounted for 60% of completed EAW projects. Discretionary EAWs completed in 2025 accounted for 13% of completed EAWs.

Projects outside the seven-county Twin Cities metropolitan area made up 64% of EAWs completed in 2025. Projects in the seven-county Twin Cities metropolitan area (Anoka, Carver, Dakota, Hennepin, Ramsey, Scott, and Washington counties) made up 36% of the EAWs completed. See **Appendix A** for a further breakdown of EAWs completed by mandatory category, RGU types, and location.

Three mandatory EISs were completed in 2025 (**Appendix B**). One Supplemental EIS was completed in 2025 (**Appendix C**) for a light rail transit project conducted by the Metropolitan Council.

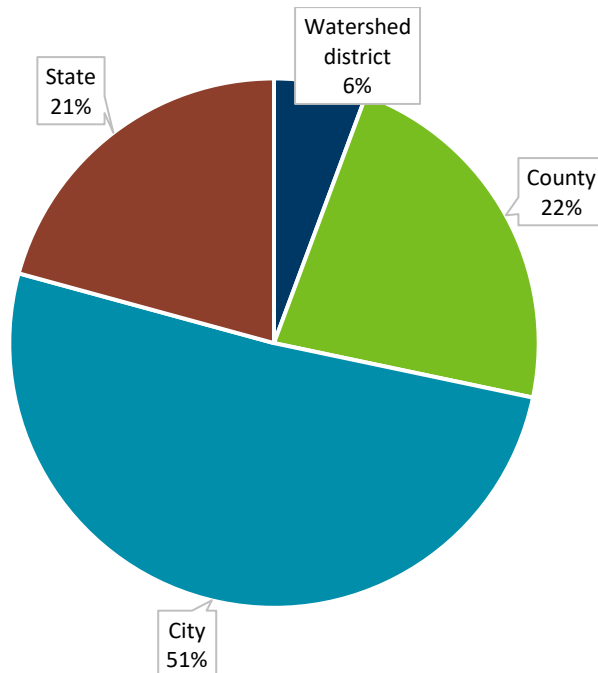
Figure 1: Environmental review trends over years by environmental review process type



Frequency of mandatory categories by RGUs and geographic location

In 2025, 43 unique RGUs completed mandatory and discretionary EAWs for 53 proposed projects. Local units of government completed 79% of EAWs, while state agencies completed 21% (Figure 2). Local RGUs completing reviews in 2025 included counties (23%), cities (51%), and watershed districts (6%). Nineteen EAWs (36%) were conducted on projects in the 7-county Twin Cities metropolitan area and 34 (64%) in greater Minnesota.

Figure 2: RGUs conducting EAWs



Frequency of petitions

In 2025, 13 complete petitions were submitted – they included the required components laid out in Minn. R. [4410.1100, subp. 1 and 2](#) – and EQB staff assigned them to an RGU (**Figure 3**).

Only one of the 13 complete petitions had to be submitted more than once due to missing the required components of a petition, a notable decline from 2024 when 60% of completed petitions required multiple submittals. Staff attribute this shift to three guidance changes effected in 2025:

- Petition guidance was shifted to a web-based format, making the information easier to access; all information is available in a scrollable format as opposed to the previous method of opening individual documents.
- Guidance content was updated with a particular emphasis on frequently omitted items.
- An (optional) fillable template is now provided; even when not directly utilized, the template offers a “best practice” example for comparison.

A legislative update to petition requirements took effect July 1, 2025. This update requires that a petition must be accompanied by signatures from “not less than 100 individuals who reside or own property in a Minnesota county where the proposed action will be undertaken or in one or more adjoining counties”. To be an adjoining county, the counties must be considered as connecting or sharing a border. Four petitions (31% of the annual total) were received after this change went into effect, and all were compliant with the change.

Figure 3: Number of projects petitioned for by year vs the percent proceeding to an EAW

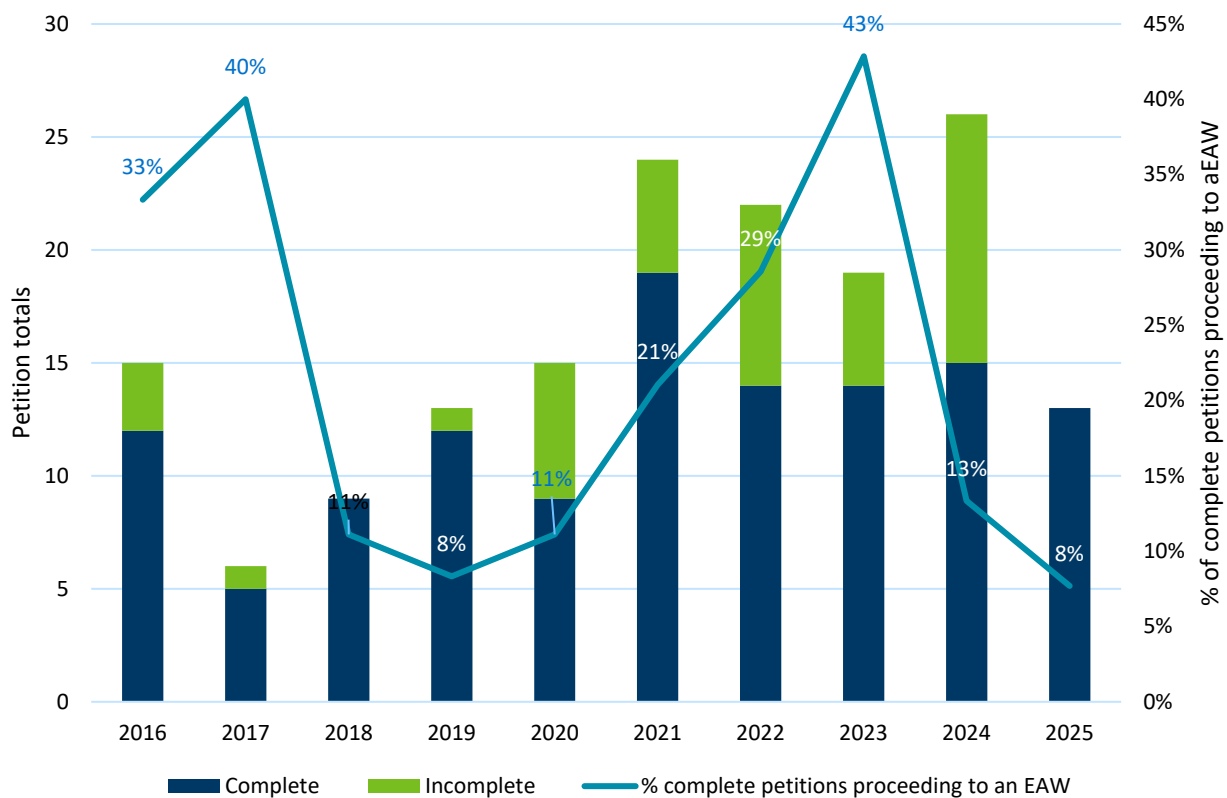


Table 3 depicts the project type of each complete petition as it would best align with a mandatory category, as well as the number of projects that proceeded through the petition process and resulted in an EAW being ordered.

A petition may conclude with approval (positive declaration on the need for an EAW), denial (negative declaration on the need for an EAW), be placed on hold (no pending government approval for the project); the project may also be deemed to be exempt from review under Minn R. 4410.4600.

In 2025, one complete petition resulted in an EAW being ordered for a project and is tied with 2019 for the lowest number of approved petitions in the previous 10 years. (See **Figure 3** for representation of percent of complete petitions resulting in an EAW being required by year.) EQB staff cannot meaningfully discern trends in decision making because of the number of variables involved; individual RGUs across the state make determinations on a case-by-case basis for each petition based on the characteristics of the project and its potential for significant environmental effects.

In 2025, 38% of complete petitions (five) were determined by the RGU to be on projects that were exempt from environmental review requirements. EQB has historically tracked petitions that were denied, approved, or placed on hold pending the project submitting permit applications. Petitions for projects that were determined to be exempt under the standard exemptions in Minn. R. 4410.4600 were not specifically identified, but that data will be collected going forward. Notably, two petitions were filed in 2025 for projects that were included in AUARs; in both cases RGUs determined them exempt under Minn R. 4410.4600, Subp. 2, item E, “projects for which environmental review has already been completed or for which environmental review is being conducted pursuant to part 4410.3600 or 4410.3700.”

Table 3: Petitions by project type and outcomes

Project type petitioned based on mandatory category reference	Number of complete petitions	Number of complete petitions resulting in an order for an EAW	Number of complete petitions exempt but on hold	Number of complete petitions RGU determined exempt
Subp. 11. Metallic mineral mining and processing.	1	0	0	1
Subp. 12. Nonmetallic mineral mining	4	0	1	1
Subp. 14. Industrial, commercial, and institutional facilities	3	0	0	2
Subp. 17. Solid Waste	1	0	0	0
Subp. 18. Wastewater systems	1	0	0	0
Subp. 19. Residential development	1	0	0	0
Subp. 20a. Resorts, campgrounds, and RV parks in shorelands	1	1	0	0
None - Soil Repatriation	1	0	0	0
TOTAL	13	1	1	4

Opportunities for public participation in the ER process

RGUs submitted 53 notices of final decisions on environmental assessment worksheets in 2025 and reported the number of comment letters received for each project. RGUs reported receiving a minimum of zero and a maximum of 37 comment letters on EAWs, with an average of six comments per project. The median number of comments received was three, with two comments being the most common number received (mode). RGUs also held a public meeting for 23% of EAWs that were completed in 2025. Public meetings are not a requirement for an EAW process.

RGUs submitted three adequacy decisions on EISs and received 15 comments, 24 comments, and 156 comment letters, respectively (see **Appendix B** for mandatory category of each project); public meetings are a required element of the EIS process and were held for each of the three projects. One SEIS was completed in 2025, receiving 27 public comments and holding a public meeting.

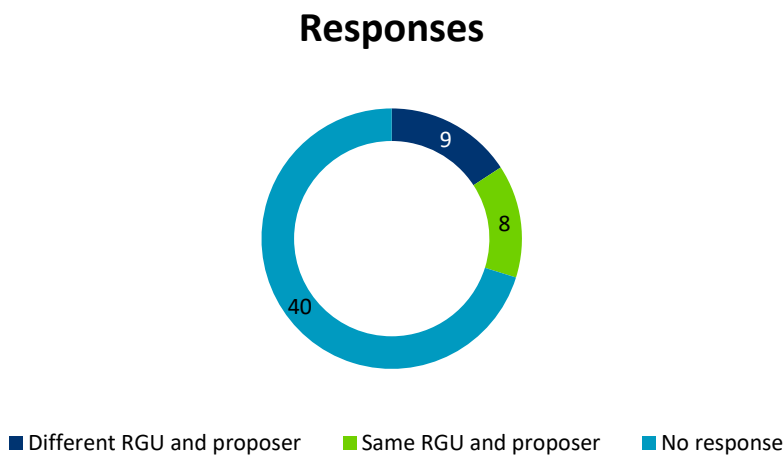
EQB Actions

EAW survey

The 2024 DMP identified new metrics to contribute to program effectiveness indicators and help EQB better understand program implementation. Staff began implementing an RGU survey in 2024 to collect additional information from RGUs as they published EAW availability notices, and 2025 represented its first full year of data collection. The survey asked RGUs questions to gain more information about the time it takes to draft an EAW as well as any engagement efforts that may take place prior to publication of an EAW.

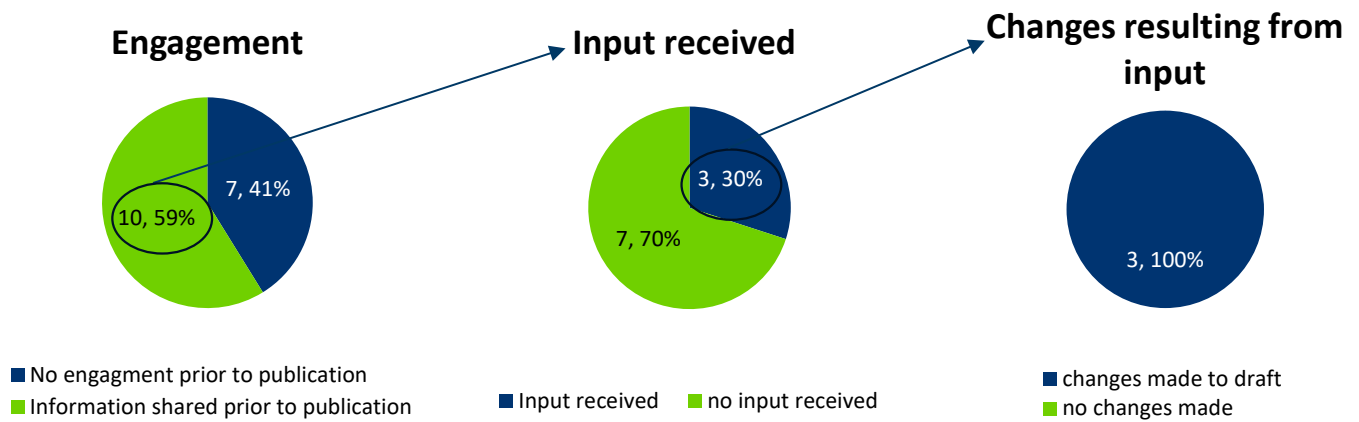
In 2025 a total of 57 RGUs were contacted to complete the survey following the publication of an EAW availability (**Figure 4**). Seventeen total responses were received resulting in a nearly 30% response rate. Of those responses, nine were from projects where the RGU and project proposer were different entities and either were responses with projects where the RGU and project proposer were the same.

Figure 4: EAW survey responses



Of the 17 total responses, 10 RGUs indicated that information regarding the draft EAW was shared with the public or other units of government prior to publication of the EAW. Three of the 10 did receive input from the sharing process and in all three cases this led to changes within the draft EAW. **Figure 5** below depicts the engagement results prior to publishing an EAW notice of availability in the EQB Monitor.

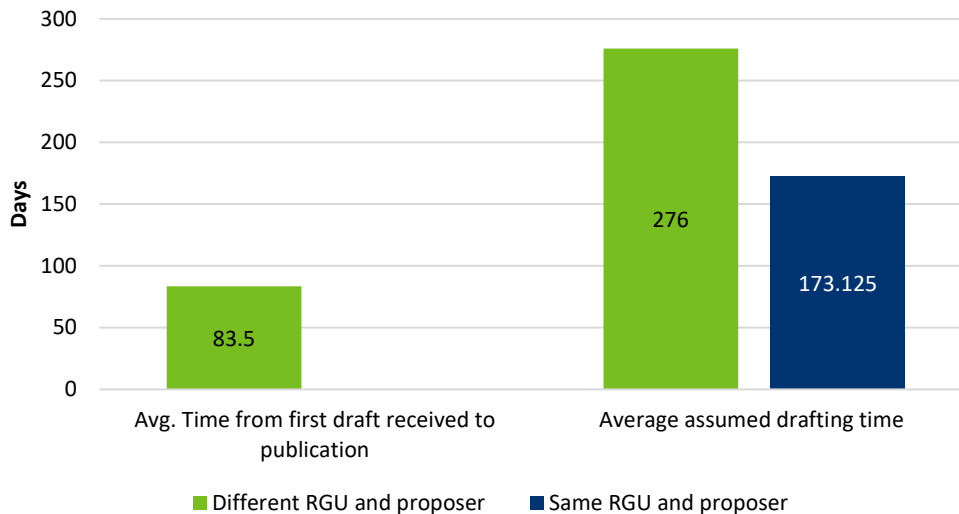
Figure 5: EAW survey - engagement results



Of the eight projects where the RGU and project proposer were the same entity, the average time noted from the beginning of drafting the EAW to the publication of the EAW availability in the EQB monitor was 173 days.

Of the nine projects for which the RGU and project proposer were not the same, two RGUs were informed of the need for an EAW by the project proposer submitting a draft EAW and seven RGUs informed the project proposer of the need for an EAW. For the seven projects where a project proposer was informed of the need for an EAW by an RGU, the average time from that notification until the EAW notice of availability was published was 276 days. Of those seven projects, two RGUs noted there were two or more incomplete submittals, two RGUs noted one incomplete submittal, and five RGUs noted zero incomplete submittals. For these nine projects, the average time it took to publish the EAW after receiving the first draft was 83.5 days. **Figure 6** below depicts this data. The figure displays the time data as “assumed drafting time,” this is due to the uncertainty of when a project proposer may or may not have begun the process of drafting an EAW after being informed by an RGU of the need.

Figure 6: EAW survey time data



While this data is informative and is useful in adding to the data EQB staff already collect on the time spent completing environmental review, this current data set is too small to support meaningful conclusions. EQB staff will work to continue to increase the response rate via direct contact with RGUs and using EQB outreach methods (EQB Monitor, newsletter) to increase awareness of the survey for future RGU submitters.

Technical assistance tracking

EQB staff implemented revised technical assistance tracking system and library of responses in fall of 2024, and 2025 represents the first full year of data collection. Staff apply a basic taxonomy to calls to understand the general nature of calls/callers and help identify trends and gaps in understanding among practitioners and the public. EQB staff logged 279 calls in 2025; this total does not include most questions about the mechanics of the online submittal service (though some unique or interesting questions are logged to assist staff training and writing standard operating procedures).

Members of the public (30%), local RGUs (27%), and consultants (27%) make up the bulk of technical assistance inquiries. **Figure 7** provides a breakdown of calls by the type of caller.

Figure 8 provides an overview of calls by topic area and **Figure 9** further explores the most common topic – ER process – with applicable subtopics. The most common questions deal with process/procedural steps (i.e. troubleshooting RGU interpretation or issues with specific rule items like timelines) and completing and submitting materials to the *EQB Monitor*.

Figure 7: Total technical assistance calls by caller type

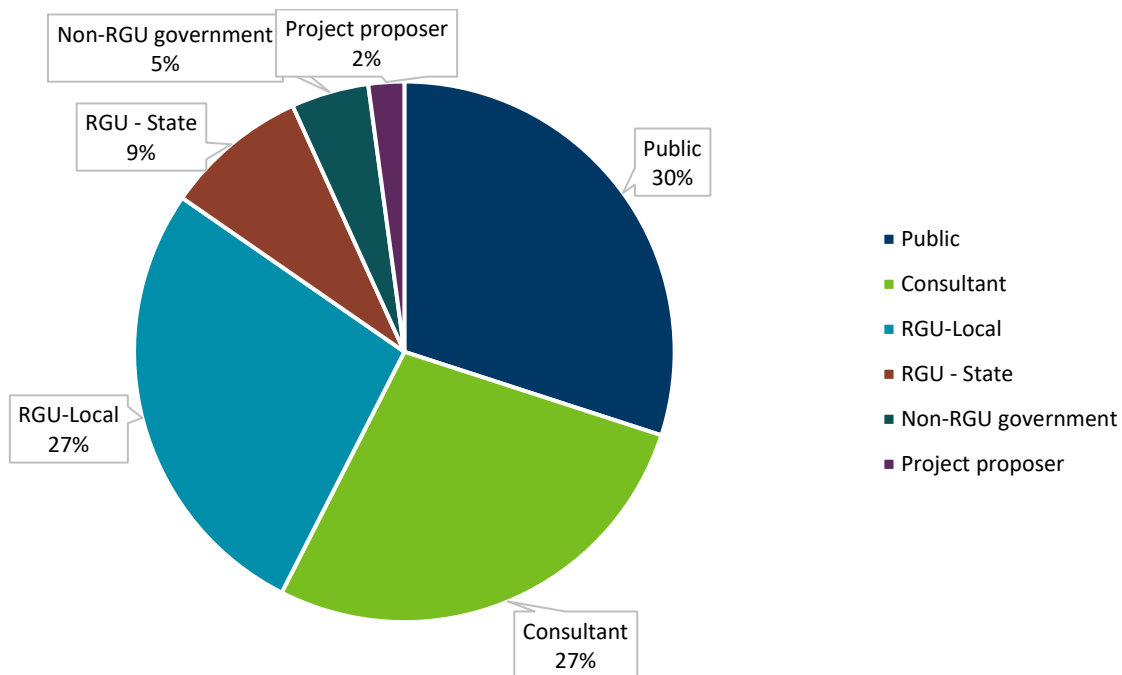


Figure 8: Total technical assistance calls by topic area

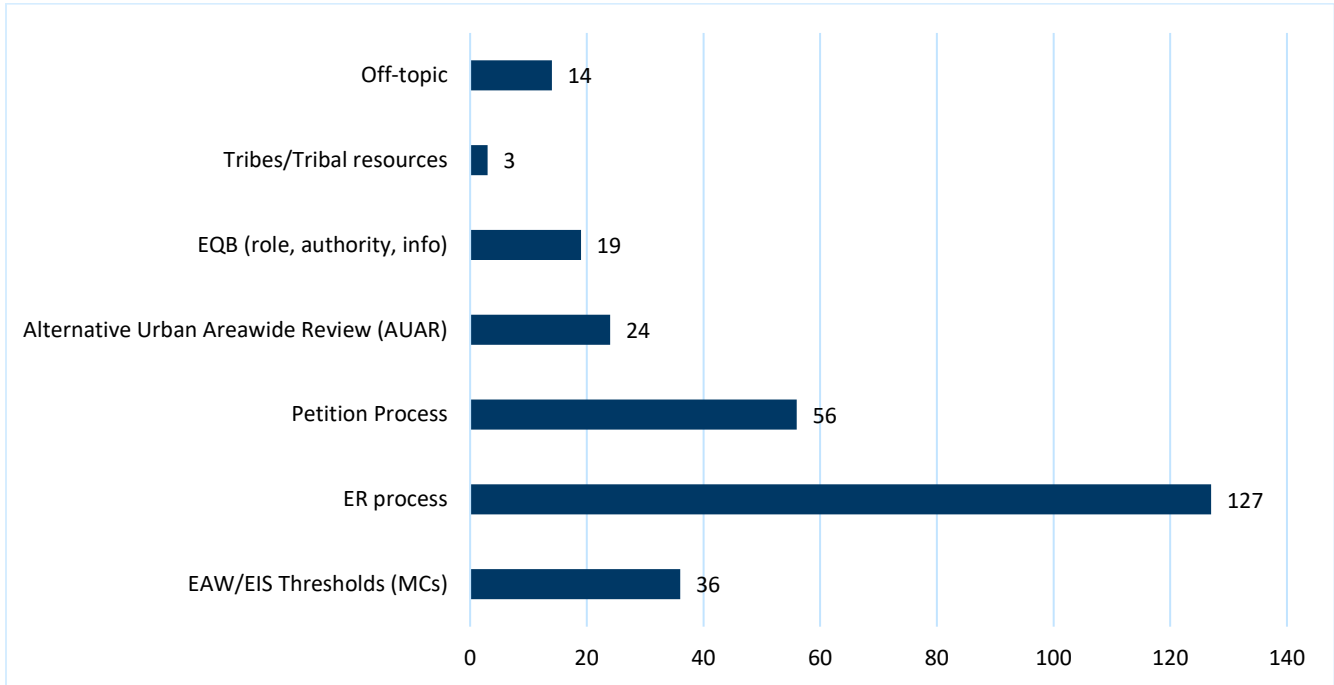
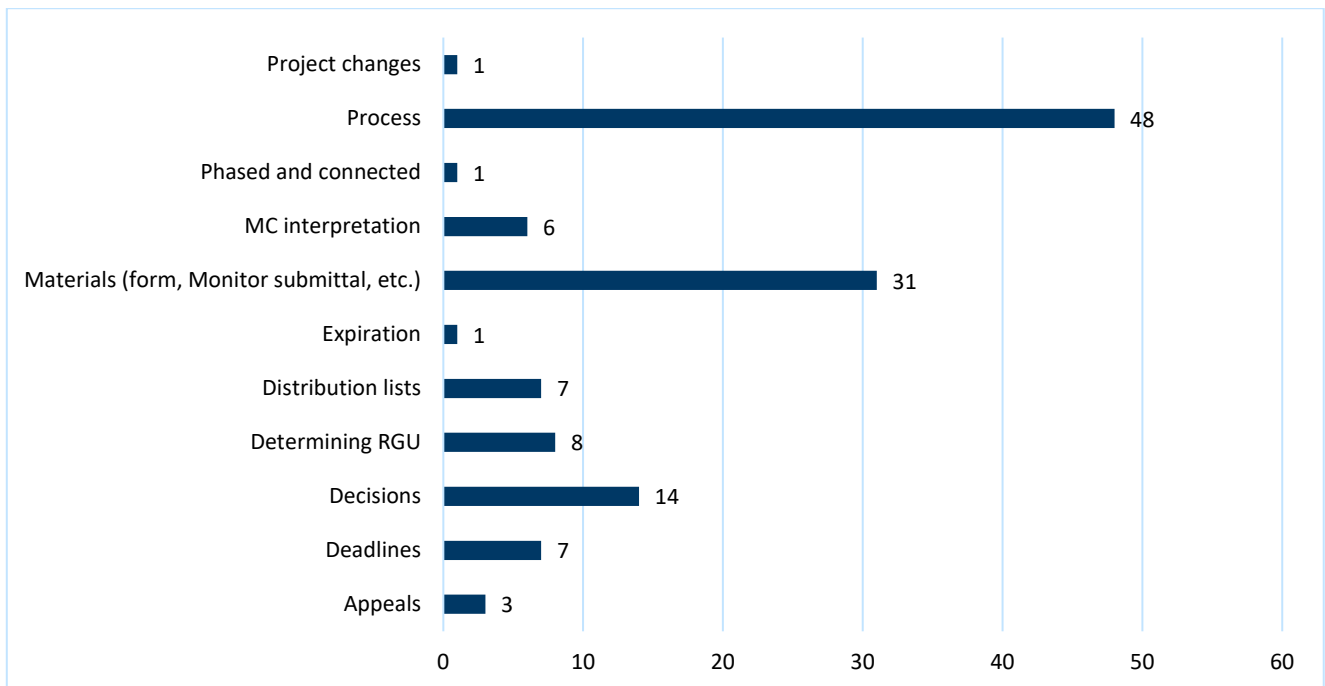


Figure 9: “ER process” questions by subtopic



Technical assistance survey

EQB staff launched a technical assistance customer service survey to gauge the use of the technical assistance program and customer satisfaction. A link to the survey was sent quarterly to RGU submitters submitting in that period, and the link was published twice/quarter in the *EQB Monitor*. Eighteen responses were received. Fourteen respondents reported that they reached out to EQB for assistance and received helpful information, two did not reach out, and two reached out but found responses were not helpful. Comments in both instances where respondents indicated EQB responses were not helpful cited frustration with ambiguity of the rules themselves; their additional comments requested training and networking opportunities to explore historic legal precedent, other RGU approaches to specific project types and/or regionally relevant environmental review challenges.

Four survey respondents requested updates to EQB guidance documents (general environmental review (1), AUAR item-by-item interpretation of EAW form (2), and climate (1)). These items are currently in process and included in the present work plan. EQB staff will work to continue to increase the response rate via direct contact with RGUs and using EQB outreach methods (EQB Monitor, newsletter) to increase awareness of the survey for future RGUs submitters.

Appendix A: 2025 Environmental Assessment Worksheet Mandatory Categories

EAW Mandatory Category reference (MR 4410.4300)	Number of Projects	State RGU # of Projects	Local RGU # of Projects	Located in Greater MN	Located in Twin Cities Metro
Subp. 5. Fuel conversion facilities Subp. 3. Electric-generating facilities	1	1	0	1	0
Subp. 12. Nonmetallic mineral mining	4	0	4	3	1
Subp. 14. Industrial, commercial, and institutional facilities	5	0	5	2	3
Subp. 17. Solid waste	1	0	1	1	0
Subp. 18. Wastewater systems	1	1	0	1	0
Subp. 19. Residential development	11	0	11	3	8
Subp. 19a. Residential development in shoreland outside of the seven-county Twin Cities metropolitan area	1	0	1	1	0
Subp. 20a. Resorts, campgrounds, and RV parks in shorelands.	1	0	1	1	0
Subp. 22. Highway projects	1	0	1	0	1
Subp. 26. Stream diversion	5	1	4	4	1
Subp. 27. Wetlands and public waters	5	3	2	4	1
Subp. 29. Animal feedlots	1	1	0	1	0
Subp. 31. Historical places	1	0	1	1	0
Subp. 32. Mixed residential and industrial-commercial projects	6	0	6	4	2
Subp. 36. Land use conversion, including golf courses	1	0	1	1	0
Subp. 37. Recreational trails	1	1	0	1	0
Mandatory EAW Sub-Total	46	8	38	29	17
4410.1000 Subp. 3. Discretionary	7	3	4	5	2
Total	53	11	42	34	19

Appendix B: 2025 Environmental Impact Statement Mandatory Categories

EIS Mandatory Category reference (MR 4410.4400)	Number of Projects	State RGU # of Projects	Local RGU # of Projects	Located in Greater MN	Located in Twin Cities Metro
EIS Subp. 9. Item A. Nonmetallic mineral mining.	1	0	1	0	1
EIS Subp. 24. Pipelines.	1	1	0	1	0
EIS Subp. 2 Item C. Nuclear fuels and nuclear waste.	1	1	0	1	0
Total	3	2	1	2	1

Appendix C: 2025 Supplemental Environmental Impact Statement Project Type

SEIS (MR 4410.3000) Project Type	Number of Projects	State RGU # of Projects	Local RGU # of Projects	Located in Greater MN	Located in Twin Cities Metro
Light rail transit extension.	1	1*	0	0	1
Total	1	1*	0	0	1

*= Metropolitan Council



To: Minnesota Environmental Quality Board (EQB)
Attn: Ms. Catherine Neuschler - Executive Director, EQB
From: Pulsar Helium Inc.

February 17, 2026

After reviewing the memo dated February 6, 2026 for the upcoming EQB meeting on February 18, 2026, Pulsar was grateful to read that it appears the EQB had taken our comments into consideration regarding the environmental requirements for gas production projects in the state of Minnesota.

Pulsar would like to reiterate its comments originally made in the attached letter dated November 19, 2025. Most notably the following.

- **Three-Tier Gas Categories:** *Clearly distinguish gas projects by type.* Create separate categories for (A) Hydrocarbon gas, (B) Hydrogen (with/without inert gases), and (C) Helium (with/without inert gases). This ensures hydrogen is not lumped with helium, and neither is treated the same as methane. Each category can have its own size or production triggers for an Environmental Assessment Worksheet (EAW) or Environmental Impact Statement (EIS).
- **No Automatic EIS for Inert Gas Projects:** *Ensure inert, non-emitting gas projects do not automatically trigger an EIS based on thresholds designed for hydrocarbons.* A standard helium well should not be treated as if it were a high-impact natural gas well. Such projects might warrant at most an EAW, or no mandatory review at all, at certain scales if their impacts are clearly below significance levels. (All normal permits and any site-specific reviews would still apply, but the blanket EIS trigger should be reserved for projects with higher risk profiles.)
- **Explicit Low-Impact Exemptions:** *Codify exemptions or adjusted thresholds for low-impact operations.* For example, exploratory or appraisal helium wells (small number of wells, no stimulation, no flaring) should be categorically excluded from mandatory EAW/EIS requirements. Similarly, as noted above, projects with no subsurface injections should be explicitly excluded from the EIS threshold. Only projects utilizing high-impact techniques like hydraulic fracturing, chemical injections, or artificial gas generation would trigger an EIS, consistent with the EQB's draft concept memo. We suggest incorporating conditional rule language to this effect, e.g., "*Projects meeting [X] wells or [Y] MMcf production require an EAW if the gas contains significant hydrocarbons or combustible content; however, purely inert gas (helium) projects meeting this threshold shall submit project information to the RGU, and a mandatory EAW is not automatically required unless other site-specific sensitive factors are present.*" This kind of provision allows regulators to exercise case-by-case discretion for inert gas projects in special situations, without defaulting to burdensome reviews in all cases.
- **Leverage Federal Bureau of Land Management (BLM) and Bureau of Indian Affairs (BIA) Standards:** *Adopt proven Federal environmental standards rather than reinventing rules for helium.* Minnesota should draw on established Bureau of Land



Management (BLM) regulations and guidance for gas drilling, particularly for any well stimulation practices, to define its own requirements. The goal should be that compliance with BLM-level safeguards is deemed sufficient for state approval, and no state-specific process more onerous than the Federal process is imposed on inherently low-risk helium operations. This will provide consistency and clarity, and avoid unnecessary regulatory duplication. We also encourage ongoing dialogue with technical experts (state and Federal) to ensure Minnesota's rules stay aligned with best practices.

In addition to discussions and coordination with Tribal entities, Minnesota should examine practices already established by the BIA in relation to production activities near Tribal reservations and communities.

- **Precedents from Other States:** *Incorporate lessons from states like New Mexico.* As noted, other jurisdictions have adjusted their regulatory scope to exclude or relax requirements for gas developments with minimal hydrocarbon content. Minnesota can lead with a modern, nuanced regulatory model that protects the environment while enabling responsible development of strategic non-hydrocarbon resources. We recommend examining definitions (e.g. of "natural gas") and emission rules in states with helium production, to craft Minnesota's rules in a similarly differentiated manner.

We continue to express our gratitude to the EQB staff for their hard work on this issue. We share the common goal of safeguarding Minnesota's environment while encouraging smart innovation. With thoughtful rules that differentiate based on actual risk, Minnesota can both protect environmental quality and welcome the state's first-ever helium production. Pulsar Helium is committed to best practices and would be happy to provide further technical information or clarification to assist in this rulemaking process.

Thank you for considering our comments. We look forward to the continued development of a fair, effective, and nuanced environmental review program for gas projects.

Sincerely,

A handwritten signature in blue ink that reads "Brad W. Cage". The signature is written in a cursive, flowing style.

Brad W Cage, P.E.
VP Engineering
Pulsar Helium Inc.



To: Minnesota Environmental Quality Board (EQB)
Attn: Mr. Jesse Krzenski, Environmental Review Program Administrator
From: Pulsar Helium Inc.

November 19, 2025

Dear Mr. Krzenski and Members of the Environmental Quality Board,

Re: Feedback on “Concepts for mandatory category development for gas resource development projects” (EQB Memo, October 24, 2025)

Thank you for the opportunity to submit formal comments on the EQB’s October 24, 2025 concept memo regarding development of mandatory environmental review categories for gas resource development projects.

As the operator of Minnesota’s first dedicated helium exploration and appraisal wells, Pulsar supports the development of a clear regulatory structure grounded in Minnesota Statute 116D.04, which directs that environmental review categories must be tied to “*potential for significant environmental effects*”. Accordingly, we respectfully submit that:

- 1) Helium development requires a distinct regulatory category separate from hydrocarbon gas and separate from hydrogen.
- 2) Helium exploratory and appraisal wells should not require mandatory EAW or EIS review when no stimulation or enhanced recovery techniques are used.
- 3) Minnesota should adopt or reference proven, risk-based Federal regulatory standards (e.g., BLM Onshore Orders 1, 2, 3; NEPA thresholds) rather than attempt to independently draft new frameworks for an inert, low-impact gas sector.

Legal Framework Under Minnesota Statute 116D.04

Minn. Statute 116D.04, subd. 2a(b) authorizes the EQB to establish categories requiring or exempting environmental review. The statute requires that such determinations be tied to:

- Potential for significant environmental effects
- Type, size, and location of the project
- Reasonable foreseeability of environmental impact

Helium operations, particularly those employing no well stimulation, and no flaring, do not reasonably present “*significant*” environmental effects at the exploratory or appraisal stage. Therefore, under statutory criteria, helium wells should fall into the category of “*actions for which no environmental review is required.*”



Helium vs. Hydrocarbon vs. Hydrogen – The need for separate distinct Environmental Categories

Helium is a noble gas with fundamentally different characteristics and risks than hydrocarbon natural gas or even hydrogen. Chemically inert and non-combustible, helium does not burn, react, or explode. It contains no carbon and is not fuel, meaning it produces no volatile organic compounds (VOCs) or greenhouse emissions in the way methane or other hydrocarbons do. In fact, helium cannot trap heat in the atmosphere, it is not a greenhouse gas at all. By contrast, traditional natural gas development involves methane and other hydrocarbons that are flammable, potent greenhouse gases, and often accompanied by hazardous byproducts. Even hydrogen, while carbon-free, is reactive and indirectly contributes to greenhouse effects (i.e. it can extend the atmospheric lifetime of other greenhouse gases like methane). Hydrogen is also explosive and can cause materials issues (such as embrittling steel pipelines), whereas helium is completely inert.

Our recommendation is for separate gas categories. We urge the EQB to establish three distinct sub-categories of gas resource development in its rules, reflecting these differing risk profiles:

- Class A – Hydrocarbon Gas Development,
- Class B – Hydrogen (with or without inert co-gases), and
- Class C – Helium (with or without inert co-gases).

Lumping helium together with hydrogen or hydrocarbons would ignore critical differences in chemistry and hazard. Instead, each class should have its own threshold criteria for environmental review triggers. This approach aligns with the directive in Minnesota Statute 116D.04, subd. 2a(b), which authorizes the EQB to “*establish categories of actions for which [EISs and EAWs] must be prepared as well as categories of actions for which no environmental review is required*”. We believe helium projects belong in a category where review requirements are scaled back due to their inherently low impacts.

Minimal Emissions – No Flaring, Venting, or Pollution from Helium Operations

The EQB’s concept memo correctly observes that gas extraction often entails “*components that are not desirable...which could include processes such as venting and flaring*”. We emphasize that such scenarios do not apply to our helium operations. Helium production at our project would not involve any routine venting or flaring of gas, all produced gas is intended to be captured and processed in a closed system with no direct emissions. Unlike a typical natural gas well, a helium well has no stream of combustible hydrocarbons that would need disposal via flaring, helium itself is the target product, and any minor co-occurring gases (e.g. trace hydrocarbons) are either captured for sale/use or safely managed without atmospheric release. In short, a helium well produces *no* flared methane, no VOCs, no sulfurous odors, and no toxic air pollutants. This eliminates the major source of air pollution risk present in most gas projects.

It is illustrative to consider the composition of the gas at our Topaz project in Lake County, Minnesota. The helium-bearing formation contains exceptionally high helium concentration



averaging 8%, with the bulk of the remaining gas being the inert gases carbon dioxide and nitrogen. No oil or condensate is present, and hydrocarbons (primarily methane) constitute <3% of the gas. Our development plan calls for capturing all helium, carbon dioxide, and any trace hydrocarbons for beneficial use, rather than flaring them. Only inert nitrogen and argon, which have no greenhouse or combustible properties, would be vented to the atmosphere. This operational design aligns with the recommendations of Minnesota's Gas Technical Advisory Committee, which emphatically stated that direct venting or flaring of methane/carbon dioxide from gas projects is "*unacceptable*" and that any co-produced greenhouse gases should be captured and put to beneficial use. In summary, a helium project offers an environmentally benign profile: an inert, non-polluting product and no routine emissions. It stands in stark contrast to conventional natural gas extraction in terms of air quality and climate impact.

Given this profile, we strongly recommend that the EQB's rules explicitly recognize the absence of flaring, venting, and emissions in Class-C (helium) projects. Metrics and thresholds based on air emissions (e.g. tons of carbon dioxide or VOCs, or flared gas volume) should either exclude inert gas developments or be set so high that typical helium operations fall below any mandatory review trigger. This risk-based calibration would ensure that a project which by design has virtually zero greenhouse emissions is not penalized with unwarranted review hurdles, consistent with Minnesota's climate and innovation objectives.

No Current Well Stimulation – Reduced Groundwater and Geology Risks

Another critical distinction is that Pulsar's helium exploration does not currently employ any stimulation techniques or any enhanced recovery injections. Helium is liberated from geological traps where it has accumulated naturally. We rely on conventional drilling and the natural pressure of the gas reservoir, rather than stimulating the formation with fluids. For now, this means our operations avoid the subsurface risks highlighted in the EQB concept memo such as potential geological disturbances or groundwater contamination. We construct our wells with industry-standard steel casing and cement bonds through any potential aquifers to ensure groundwater protection and well integrity. We have seen the potential need to utilize smaller volumes of chemicals and fluids to remediate wellbore damage (caused by tiny rock fragments in the wells) and would expect full access and allowed usage of substances used worldwide that pose low environmental risk. We also expect no additional agency approval or permission to employ standard intervention methods to repair a wellbore and restore productivity.

Should circumstances change in the future, we would expect that the process to utilize any well stimulation technique would be no more onerous in terms of permissions than that found with the Bureau of Land Management when working on Federal lands. Pulsar strongly recommends these are used as a basis and guide by the EQB.

We note that the EQB's concept memo under consideration would impose a mandatory EIS for projects that "*include injection of substances in the subsurface in order to create a gas to eventually extract*". We fully support this project-specific EIS trigger for high-risk practices, it rightly targets artificial gas generation techniques used in some unconventional hydrocarbon plays. By definition, a straightforward helium project without stimulation would not trigger



this threshold. We urge the EQB to codify this distinction clearly. In rule language, for example: *“Gas extraction projects that do not involve hydraulic fracturing or other subsurface injections to create or release gas shall not be subject to the mandatory EIS requirement of this category (though they may still require an EAW if exceeding other thresholds).”* This kind of clause would reassure innovative gas developers that conventional, low-impact drilling will not be arbitrarily escalated to the most rigorous review level absent some other extraordinary factor. It aligns with Minnesota Statute 116D.04, subd. 2a(a), which limits mandatory EISs to projects with potential for significant environmental effects. Put simply, if a helium well project demonstrably lacks the risky elements that drive significant impacts, it should not automatically face an EIS process intended for much more intensive operations.

Limited Surface Footprint and Land Disturbance

The surface footprint and infrastructure required for helium drilling are also markedly smaller and simpler than those of a comparable hydrocarbon gas field. In our recent exploration program, we have limited land disturbance to roughly one acre per well pad for the first two wells, and less than a quarter of an acre for subsequent wells. We prioritized using existing access roads and tracks, minimizing the need for new road construction (and in many cases have maintained existing tracks and roads). Helium operations do not require extensive gathering pipelines or large on-site processing plants, the processing equipment for helium (e.g. membrane skids or pressure swing adsorption units) is relatively compact and modular. Because there is no flaring, there will be no flare stacks or pits, thus visual, noise and odor impacts are greatly reduced compared to a hydrocarbon site. We also do not produce liquid hydrocarbons or large volumes of brine, so there are no tank batteries or permanent fluid pits on our pads. In short, the land and water impact of helium drilling are minimal, generally confined to the active drilling period. After drilling, a helium well site typically consists of just a quiet wellhead and a small processing unit, analogous to a groundwater well and pump house in scale. Temporary construction-related disturbances (noise, light, localized truck traffic) do occur during drilling, but these are short-term and comparable to any water well or mineral exploration drilling project, with standard mitigation best practices employed.

Given this lighter footprint, we recommend that the EQB’s size or scale thresholds (e.g. number of wells, production volume, or acreage disturbed) for mandatory review be set more leniently for Class-C helium projects than for Class-A hydrocarbon projects. In practical terms, a larger number of helium wells could be developed without reaching a *“significant environmental effect”* threshold, whereas a far smaller number of methane wells might pose such a risk. For example, a dozen helium production wells might have an impact equivalent to only a few typical natural gas wells, due to the absence of flaring, spills, and heavy infrastructure. We ask that the EQB account for type of gas in any numeric thresholds. If no hydrocarbons are produced and no flaring is needed, the trigger for an EAW or EIS should be proportionally higher, or an EAW should suffice in cases where a hydrocarbon project of the same scale would require an EIS.

Likewise, location-based thresholds (e.g. extra scrutiny in sensitive environmental areas) should be risk-informed. We agree that projects in sensitive locations (e.g. near vulnerable aquifers, ecological preserves, culturally sensitive sites, etc.) deserve careful review. However, even in such areas, an inert helium project’s risk profile (no chance of oil spills, no



hazardous emissions) remains much lower than that of a natural gas project. We suggest the rules allow some case-by-case discretion or a tiered approach in these situations. For instance, in a highly sensitive location a helium project might warrant a focused EAW to evaluate site-specific issues, whereas a hydrocarbon project in the same location might automatically warrant a full EIS due to its broader pollution potential. We do not object to performing appropriate environmental studies wherever needed, our point is that the level of review should match the level of risk, not simply the location. A one-size-fits-all mandate could unfairly equate a small helium well with a large hydrocarbon gas operation in a sensitive area, which is not justified by the actual environmental hazard.

Leveraging Federal Standards and Precedents (BLM & New Mexico)

In crafting new rules, we encourage the EQB to leverage existing Federal standards, particularly the Bureau of Land Management (BLM) regulations, rather than inventing Minnesota-specific criteria from scratch for low-impact helium projects. The BLM has a long-established framework for regulating gas drilling on Federal lands, which includes robust environmental protections (well construction standards, aquifer isolation requirements, venting/flaring limits, etc.) and a tiered NEPA review process. Notably, BLM typically evaluates individual oil and gas wells via an Environmental Assessment (EA) and only requires an EIS for truly significant or novel projects. We recommend Minnesota adopt a similar approach. For example, if in the future Pulsar or another operator sought to employ a stimulation technique on a helium well, the permitting and review process should be no more onerous than what the BLM would require on Federal lands. BLM's rules (e.g. Onshore Order No.2 regarding well control and 43 C.F.R. 3162.5-2 on protecting usable water) ensure that any well treatments are conducted safely and with appropriate approvals. Minnesota can use these Federal guidelines as a baseline. In fact, we specifically recommend that EQB use BLM's guidelines and regulations as a model for defining acceptable practices and review thresholds for gas projects. A straightforward helium well that is essentially a vertical bore tapping an inert gas reservoir should not be regulated more stringently at the state level than it would be on Federal land. Aligning with Federal standards will prevent duplication, provide regulatory certainty, and acknowledge that techniques and safeguards proven elsewhere are sufficient here too.

We also draw the EQB's attention to regulatory precedents in other states. For example, New Mexico, a state with active helium production, has begun to treat helium and other inert gases differently from conventional natural gas in its regulations. New Mexico's oil and gas rules narrowly define "*natural gas*" in a way that excludes gas streams with very low hydrocarbon content, with the result that certain venting and flaring rules do not apply to predominantly inert gas like helium. This sensible carve-out acknowledges that a gas stream which is 97% non-combustible (helium, nitrogen, carbon dioxide) poses different environmental concerns than a stream that is mostly methane. Minnesota can follow this lead by tailoring its rules to the gas composition and hazard, ensuring that an emerging helium industry is regulated under standards commensurate with its actual impacts, rather than automatically under rules designed for fossil fuels. Such differentiation would not weaken environmental protection; on the contrary, it allows regulators to focus on truly significant impacts while promoting responsible development of a strategic resource. Helium is critical for MRI machines,



semiconductor manufacturing, aerospace and other high-tech industries, and establishing a right-sized regulatory regime can enable Minnesota to sustainably supply this vital gas.

Conclusion and Recommendations

In summary, Pulsar Helium Inc. respectfully urges the EQB to adopt a nuanced, risk-based approach in its forthcoming environmental review rules for gas resource projects. Minnesota Statute 116D.04 is aimed at ensuring rigorous review for projects with potentially significant environmental effects, not at over-burdening projects that demonstrably lack such potential. Helium extraction projects like ours present a unique case of gas development with minimal environmental risk: no flammable or greenhouse gases, no routine emissions or flaring, no current requirement for hydraulic stimulation, and a small physical footprint. The mandatory EAW/EIS thresholds should be calibrated so that truly high-impact activities are reviewed, while low-impact projects are not unduly subjected to lengthy review processes beyond what is necessary for environmental protection.

To cement our feedback, we propose the following key outcomes and rule structure for the EQB's consideration:

- **Three-Tier Gas Categories:** *Clearly distinguish gas projects by type.* Create separate categories for (A) Hydrocarbon gas, (B) Hydrogen (with/without inert gases), and (C) Helium (with/without inert gases). This ensures hydrogen is not lumped with helium, and neither is treated the same as methane. Each category can have its own size or production triggers for EAW/EIS.
- **No Automatic EIS for Inert Gas Projects:** *Ensure inert, non-emitting gas projects do not automatically trigger an EIS based on thresholds designed for hydrocarbons.* A standard helium well should not be treated as if it were a high-impact natural gas well. Such projects might warrant at most an EAW, or no mandatory review at all, at certain scales if their impacts are clearly below significance levels. (All normal permits and any site-specific reviews would still apply, but the blanket EIS trigger should be reserved for projects with higher risk profiles.)
- **Explicit Low-Impact Exemptions:** *Codify exemptions or adjusted thresholds for low-impact operations.* For example, exploratory or appraisal helium wells (small number of wells, no stimulation, no flaring) should be categorically excluded from mandatory EAW/EIS requirements. Similarly, as noted above, projects with no subsurface injections should be explicitly excluded from the EIS threshold. Only projects utilizing high-impact techniques like hydraulic fracturing, chemical injections, or artificial gas generation would trigger an EIS, consistent with the EQB's draft concept memo. We suggest incorporating conditional rule language to this effect, e.g., "*Projects meeting [X] wells or [Y] MMcf production require an EAW if the gas contains significant hydrocarbons or combustible content; however, purely inert gas (helium) projects meeting this threshold shall submit project information to the RGU, and a mandatory EAW is not automatically required unless other site-specific sensitive factors are present.*" This kind of provision allows regulators to exercise case-by-case discretion for inert gas projects in special situations, without defaulting to burdensome reviews in all cases.



- **Leverage Federal (BLM) Standards:** *Adopt proven Federal environmental standards rather than reinventing rules for helium.* Minnesota should draw on established BLM regulations and guidance for gas drilling, particularly for any well stimulation practices, to define its own requirements. The goal should be that compliance with BLM-level safeguards is deemed sufficient for state approval, and no state-specific process more onerous than the Federal process is imposed on inherently low-risk helium operations. This will provide consistency and clarity, and avoid unnecessary regulatory duplication. We also encourage ongoing dialogue with technical experts (state and Federal) to ensure Minnesota's rules stay aligned with best practices.
- **Precedents from Other States:** *Incorporate lessons from states like New Mexico.* As noted, other jurisdictions have adjusted their regulatory scope to exclude or relax requirements for gas developments with minimal hydrocarbon content. Minnesota can lead with a modern, nuanced regulatory model that protects the environment while enabling responsible development of strategic non-hydrocarbon resources. We recommend examining definitions (e.g. of "natural gas") and emission rules in states with helium production, to craft Minnesota's rules in a similarly differentiated manner.

We believe these measures will ensure that regulations are rigorous where needed but not overreaching. They will allow Minnesota to safeguard environmental quality and foster an environmentally responsible helium industry that supplies critical materials for society. This industry can create local jobs and revenue with negligible carbon footprint and no air pollution, aligning with clean tech and climate goals. Over-regulation, on the other hand, could ironically stifle this non-fossil fuel resource development, potentially pushing investment to other states or countries with no net benefit to the environment. It would be ironic, and counterproductive, if a helium project with near-zero emissions were hampered by rules designed for fossil fuel projects.

Once again, we express our gratitude to the EQB staff for their hard work on this issue. We share the common goal of safeguarding Minnesota's environment while encouraging smart innovation. With thoughtful rules that differentiate based on actual risk, Minnesota can both protect environmental quality and welcome the state's first-ever primary helium production. Pulsar Helium is committed to best practices and would be happy to provide further technical information or clarification to assist in this rulemaking process.



Thank you for considering our comments. We look forward to the continued development of a fair, effective, and nuanced environmental review program for gas projects. We stand ready to collaborate as needed to achieve these aims.

Sincerely,

Stephen Campbell
Operations Manager
Pulsar Helium Inc.

Brad Cage
VP Engineering
Pulsar Helium Inc.