

RESOLUTION OF THE MINNESOTA ENVIRONMENTAL QUALITY BOARD

Amendment to Rules Governing the Environmental Review Program, Minnesota Rules Chapter 4410

Background

The Minnesota Environmental Policy Act, Minnesota Statutes §§ 116D.04 and 116D.045, authorize the Environmental Quality Board (“EQB” or “board”) to adopt rules governing the environmental review program.

In 2024, the Legislature enacted the Minnesota Energy Infrastructure Permitting Act (“Act”). See Minn. Laws 2024, Chapter 126, Art. 7. The Act adopted alternative environmental review and permitting requirements for certain large energy infrastructure projects, placed those requirements into a new statutory chapter (Chapter 216I) and repealed superseded statutes and rules.

In the same legislative enactment, the Legislature created environmental review requirements for carbon dioxide pipelines (Minn. Laws 2024, Ch. 126, Art. 9, Sec. 17) and changed the responsible governmental unit for spent-fuel storage to the Public Utilities Commission (Minn. Laws 2024, Ch. 126, Art. 9, Sec. 2).

The Legislature directed the EQB to conform its rules to the Act using the expedited process described in Minn. Stat. § 14.389. See Minn. Laws 2024, Chapter 126, Art. 9, Sec. 19. Under the expedited rule process, the EQB must (1) publish notice of the proposed rule amendments (2) notify persons who have requested notice of rules and (3) provide an “easily readable and understandable summary of the overall nature and effect of the proposed rule,” including the statutory authority supporting the rule and the authority to use the expedited process.

Having met with staff from affected state agencies and other interested parties, and having taken comment from EQB members at meetings held February 19, 2025; June 18, 2025 (Environmental Review Implementation Subcommittee); and August 20, 2025, the EQB staff has proposed that the board approve the following amendments to Minnesota Rules Chapter 4410:

- to create a new provision in the section of Chapter 4410 addressing “substitute forms of environmental review” that would direct projects covered under the new Chapter 216I review and permitting process to complete environmental review using the processes under that Chapter.
- to create definitions (such as “large energy infrastructure facility”) that are consistent with Chapter 216I and repeal inconsistent definitions.
- to repeal mandatory Environmental Assessment Worksheet (“EAW”) and Environmental Impact Statement (“EIS”) categories for projects addressed under Chapter 216I.
- to create a definition and mandatory EIS category addressing carbon dioxide pipelines.
- to change the responsible governmental unit for spent-fuel storage project EISs from the Department of Commerce to the Public Utilities Commission.

The EQB staff developed draft rule amendments and a rule summary and justification memo summarizing the overall nature and effect of the proposed amendments and the supporting statutory authorities (“Summary”) and the EQB board has reviewed the Summary.

The board resolves to initiate expedited rulemaking to adopt amendments to the environmental review rules in order to conform with changes made in Minn. Laws 2024, Chapter 126 as described in the attached documents.

The board resolves that Catherine Neuschler, the Executive Director of the EQB, is hereby granted the authority and directed to proceed with all steps necessary to complete the expedited rulemaking under Minn. Stat. §14.389.

The EQB board approved and adopted this resolution on September 17, 2025.

Nancy Daubenberger, Chair
Minnesota Environmental Quality Board

Date: _____

Attachments:

Draft notice of intent to adopt expedited rules

Draft proposed amendments (RD4944)

Rule summary and justification memo (Environmental Review: Conformance with Energy Infrastructure Permitting Act and related changes)