

Notice of Intent to Adopt Expedited Rules

Minnesota Environmental Quality Board

Proposed Expedited Permanent Rules Relating to Mandatory Categories for Environmental Review; NOTICE OF INTENT TO ADOPT EXPEDITED RULES WITHOUT A PUBLIC HEARING

Proposed Expedited Amendments to Rules Governing the Environmental Review Program Addressing Gas Resource Development Projects, *Minnesota Rules*, Chapter 4410, Revisor's ID Number R-04945

Introduction. The Minnesota Environmental Quality Board (EQB) intends to adopt rules under the expedited rulemaking process following the rules of the Court of Administrative Hearings, *Minnesota Rules*, part 1400.2410, and the Administrative Procedure Act, *Minnesota Statutes*, section 14.389. You may submit written comments on the proposed expedited rules until 4:30 pm on Thursday, **July 2, 2026**.

Plain English Summary. This notice is the EQB's legal notice of its intent to amend the state's environmental review rules. The EQB is proposing expedited rule amendments to require certain gas resource development projects to have an environmental assessment worksheet or environmental impact statement before they are permitted. This notice provides an opportunity for the public to comment on the proposed rules. Anyone who would like to comment on the proposed rule language must submit written comment on the proposed rules by the deadline identified in this notice. The Subject of the Expedited Rules section provides additional information about the proposed rules. If the proposed rules affect you in any way, the EQB encourages you to participate in the rulemaking process.

Subject of the Expedited Rules. The proposed amendments to Minnesota rules chapter 4410 establish environmental review requirements ("mandatory categories") for gas resource development projects that require permits under Minnesota statute § 93.513 and Minnesota Department of Natural Resources rules adopted under Minnesota statute § 93.514. In 2024, the Legislature required persons who wished to produce gas or oil to first obtain a permit from the Minnesota Department of Natural Resources (DNR). Minn. Stat. § 93.513 (2025). At the same time, the Legislature authorized the EQB to establish new mandatory categories for such projects using the expedited rulemaking process. Minn. Stat. § 93.514(b) (2025).

The proposed rules establish new mandatory categories that require certain gas resource development projects to have an environmental assessment worksheet or environmental impact statement. The proposed rules address projects involving the extraction and production

of hydrocarbon and nonhydrocarbon gases and require environmental review of these projects based on their size, location, or particular techniques proposed to produce gas. The proposed rules do not address proposed oil production projects because oil is not known to be located in the state.

Statutory Authority. The statutory authority authorizing EQB to adopt these rules is Minn. Stat. § 116D.04, subd. 5a and Minn. Stat. § 93.514(a)(3). The statutory authority authorizing EQB to adopt the rules under the expedited rulemaking process is Minn. Stat. § 93.514(b).

Availability of Rules. A copy of the proposed rules is published in the *State Register* after this notice, or they can be viewed on the EQB's rule webpage at <https://www.eqb.state.mn.us/environmental-review/rules-and-regulations>. A free copy of the proposed rules is also available upon request by contacting the EQB contact person. One copy per request will be sent.

EQB Contact Person. The EQB contact person is Jesse Krzenski at Minnesota Environmental Quality Board, 520 Lafayette Road North, St. Paul, MN 55155, 651-757-2223, and jesse.krzenski@state.mn.us. You may contact the EQB contact person with *questions* about the proposed expedited rule amendments. Comments on the proposed rules must be submitted to the Court of Administrative Hearings using the methods described below. Comments must be received by the Court of Administrative Hearings by the due date.

Alternative Format. Upon request, the information in this notice can be made available in an alternative format, such as large print, braille, or audio. To make such a request, please contact the EQB contact person at the address or telephone number identified above.

Public Comment Process. You have until **4:30 p.m. on July 2, 2026** to submit written comment in support of or in opposition to the proposed expedited rule amendments and any part or subpart of the proposed rule amendments.

To be considered by the EQB, your comment must be in writing and received by the **Court of Administrative Hearings** by the due date. Your comment should identify the portion of the proposed expedited rule amendments addressed, the reason for the comment, and any change proposed. You must also make any comments that you have on the legality of the proposed rule amendments during this comment period. The EQB encourages comments.

Submit written comments:

1. via the [Court of Administrative Hearings Rulemaking eComments website \(https://mn.gov/oah/forms-and-filing/ecomments/\)](https://mn.gov/oah/forms-and-filing/ecomments/),
2. U.S. Mail CAH attn: William Moore, CAH, 600 North Robert Street, P.O. Box 64620, St. Paul, Minnesota 55164-0620 or fax 651-539-0310.

You may view frequently asked questions about the CAH Rulemaking eComments website at https://mn.gov/oah/assets/ecomments-faq_tcm19-82012.pdf. Any questions about submitting comments via the Rulemaking eComments website should be directed to William Moore of the CAH at 651-361-7900 or by email at william.t.moore@state.mn.us; please note that you may not submit rulemaking comments by phone or email.

Comments received are public and will be available for review at the CAH Rulemaking eComments website at <https://minnesotaoah.granicusideas.com/discussions> and at the CAH, 600 North Robert Street, P.O. Box 64620, St. Paul, Minnesota 55164-0620.

Modifications. The EQB may modify the proposed expedited rules amendments as a result of public comment. The modifications must be supported by comments and information submitted to the EQB, and the adopted rules may not be substantially different than these proposed rules as defined in *Minnesota Statutes*, section 14.05, subdivision 2, paragraphs (b) and (c).

The EQB may adopt substantially different rules if it follows the procedure under *Minnesota Rules*, part 1400.2110.

If the final rules are identical to the amendments originally published in the *State Register*, the EQB will publish a notice of adoption in the *State Register*. If the final rules are different from the rules originally published in the *State Register*, the EQB will publish a copy of the changes in the *State Register*.

Adoption and Review of Expedited Rules. The EQB may adopt the rules at the end of the comment period. The EQB will then submit rules and supporting documents to the Court of Administrative Hearings for review for legality. You may ask to be notified of the date that the EQB submits the rules. If you want to be so notified or want to receive a copy of the adopted rules or want to register with the EQB to receive notice of future rule proceedings, submit your request to the EQB contact person listed above.

Lobbyist Registration. *Minnesota Statutes*, chapter 10A, requires each lobbyist to register with the State Campaign Finance and Public Disclosure Board. You may direct questions about this requirement to the Campaign Finance and Public Disclosure Board at: Suite #190, Centennial Building, 658 Cedar Street, St. Paul, Minnesota 55155, telephone (651) 539-1180 or 1-800-657-3889.

May 4, 2026

Date



Catherine Neuschler

Executive Director