Minnesota Environmental Quality Board

Quick Reference: Environmental Assessment Worksheet (EAW)

Updated July 2017

Environmental Assessment Worksheet Overview

The EAW is a brief document designed to lay out the basic facts of a project necessary to determine if an Environmental Impact Statement (EIS) is required for the proposed project. The EAW form consists of 20 questions that provide the information needed to determine if the project will have significant environmental impacts. In addition to the legal purpose of the EAW in determining the need for an EIS, the EAW also provides permit information, informs the public about the project, and helps identify ways to protect the environment. The EAW is not meant to approve or deny a project, but instead act as a source of information to guide other approvals and permitting decisions. The EAW is completed by the Responsible Governmental Unit (RGU) designated according to Minnesota Rules 4410.

Please note that this quick reference guide is not intended to substitute for Minnesota Rules 4410. It is designed to help RGUs and others implement the environmental review process more effectively and efficiently. The guide does not alter the rules or change their meaning; if any inconsistencies arise between this guide and the rules, the rules take precedent. Please contact EQB Staff with any questions at Env.Review@state.mn.us or 651-757-2873.

Environmental Review Exemptions

Some projects of a specific size and nature are exempted from the environmental review process as indicated in Minnesota Rules 4410.4600. If a project is identified as exempt, then it is not required to go through environmental review in order to move forward.

Mandatory Environmental Review

Projects that meet or exceed the thresholds described in Minnesota Rules 4410.4300 are required to complete an EAW. If a project meets or exceeds the thresholds described in Minnesota Rules 4410.4400, then an EIS is required. When determining if a project meets a mandatory environmental review category threshold, it is important to keep in mind any connected actions, phased actions, or project expansions within the last three years that cumulatively may trigger mandatory environmental review. These provisions are described in Minnesota Rules 4410.1000, Subpart 4, and Minnesota Rules 4410.4300, Subpart 1 respectively.

Discretionary Environmental Review

Projects that are not exempt nor require a mandatory environmental review can still go through the EAW process according to Minnesota Rules 4410.1000, Subpart 3. A government unit with approval authority over a project can order a discretionary EAW if it determines that the project may have the potential for significant environmental effects. A discretionary EAW can be particularly appropriate for projects with some possibility of significant adverse environmental impacts or the perception of such. A discretionary EAW can help the RGU identify the adverse environmental impacts of a project and their severity. Additionally, discretionary environmental review may be ordered by a RGU in response to a citizen petition or if the project proposer

wishes to initiate environmental review to determine if the project has the potential for significant environmental impacts.

Steps in the EAW Process

(Minnesota Rules 4410.1000 – 1700)

The EAW should be prepared as early as practicable in the project development process. The RGU as designated in Minnesota Rules 4410 is responsible for preparing the EAW based on data submitted by the project proposer. The EAW process includes a comment period and the option for an RGU to host a public meeting to gather additional comments. Once the EAW process is completed, the RGU must make a decision on the need for an EIS. Minnesota Rules 4410.1700, Subpart 1 specifies that a positive EIS decision shall be made for projects that "have the potential for significant environmental effects". If a project does not have the potential for significant environmental effects, then the RGU shall issue a negative EIS decision, and the project can move forward

RGU orders a discretionary EAW or a mandatory EAW is required

(4410.1000)

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Project proposer submits completed data portions of EAW to the RGU

(4410.1400)

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RGU reviews project proposer's data submittal and makes determination of completeness within 30 days

(4410.1400)

Incomplete Submittal/Resubmittal

Complete Submittal

RGU deems data submittal incomplete and returns submittal to project proposer for completion of missing data

(4410.1400)

RGU adds supplemental information to EAW, if necessary, and approves EAW for distribution within 30 days

(4410.1400)

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RGU deems data submittal complete and notifies project proposer within 5 days

(4410.1400)

RGU distributes the draft EAW for comments and publishes notice in the EQB Monitor. RGU publishes notice in local newspaper within 5 days of distribution

(4410.1500)

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Reviewers have 30 days to submit written comments to the RGU. The RGU may host a public meeting to gather comments

(4410.1600)

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RGU must make EIS need decision within 15 days of end of comment period, or up to 30 days if decision is to be made by a board or council

(4410.1700 Subp. 2)

Sufficient Information

Insufficient Information

RGU makes EIS need decision and prepares record of decision, including findings of fact and responses to all substantive comments

(4410.1700 Subp. 3 & 4)

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RGU makes positive EIS declaration and includes studies to gather missing info in scope of EIS

(4410.1700 Subp. 2a A)

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RGU distributes notice of decision within 5 days of decision. Notice is published in EQB Monitor

(4410.1700 Subp. 5)

RGU postpones EIS need decision for up to 30 days to obtain missing information. RGU provides written notice to affected parties
(4410.1700 Subp. 2a B)

Obtain Missing Information