

RESOLUTION OF THE MINNESOTA ENVIRONMENTAL QUALITY BOARD

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

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 Laws of Minnesota 2024, Chapter 126, Art. 7, which included Chapter 216I as a new statute governing environmental review and permitting requirements for certain large energy infrastructure projects. The Legislature also 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 projects to the Public Utilities Commission (Minn. Laws 2024, Ch. 126, Art. 9, Sec. 2). The Legislature directed the EQB to conform its rules to Chapter 216I using an expedited rulemaking process.

In September 2025 the Board resolved to initiate this rulemaking and granted the Executive Director the authority to proceed. EQB staff developed draft rule amendments and a document summarizing the overall nature and effect of the proposed draft rule amendments.

On October 6, 2025, the EQB published a Notice of Intent to Adopt Expedited Rules in the State Register (50 SR 354) with a comment period closing November 14, 2025. EQB received two comments on the draft rule language. In January 2026, staff shared a memo to the Board with their response to comments and recommended no changes to the draft rule language.

The board resolves to approve and adopt the Expedited Permanent Rules Relating to Energy Infrastructure in the Revisor of Statutes draft, file number AR4944, dated October 6, 2025, under the Board’s authority as described above.

The board resolves that Catherine Neuschler, the Executive Director of the EQB, is hereby authorized to sign the Order Adopting Rules, to modify the rules as needed to obtain the Revisor of Statutes or the Administrative Law Judge’s approval of the rules, and to perform other necessary acts to give the rules the force and effect of law.

The Board approved and adopted this resolution on January 21, 2026.

Nancy Daubenberger
Nancy Daubenberger, Chair
Minnesota Environmental Quality Board

Date: 1/21/2026

Attached:

- Proposed Order Adopting Rules (unsigned)
- Expedited Permanent Rules Relating to Energy Infrastructure, AR4944, October 6, 2025
- Rule summary and justification memo (including an addendum with EQB staff’s response to comments)