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St. Paul, MN 55155-4194

MINNESOTA ENVIRONMENTAL QUALITY BOARD

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www.eqb.state.mn.us

June 15, 2016

**Meeting Location: MPCA Board Room
St. Paul, Minnesota
1:00 p.m. – 4:00 p.m.**

AGENDA

General

This month's meeting will take place in the Minnesota Pollution Control Agency board room at 520 Lafayette Road in St. Paul. The Environmental Quality Board ("EQB" or "Board") meeting will be available via live webcast on June 15 from 1:00 p.m. to 4:00 p.m. You will be able to access the webcast on our website: www.eqb.state.mn.us

The Jupiter Parking Lot is for all day visitors and is located across from the Law Enforcement Center on Grove Street. The Blue Parking Lot is also available for all day visitors and is located off of University and Olive Streets.

- I. *Adoption of Consent Agenda**
Proposed Agenda for June 15, 2016 Board Meeting
May Meeting Minutes
- II. Introductions**
- III. Chair's Report**
- IV. Executive Director's Report**
- V. Administrative Law Judge Recommendation on Social Cost of Carbon**
- VI. Environmental Review: Data Collection Update**
- VII. Metrics in the Environment and Energy Report**
- VIII. Public Comment**
- IX. Adjourn**

Note: Items on the agenda are preliminary until the agenda is approved by the board.

This agenda and schedule may be made available in other formats, such as Braille, large type or audiotape, upon request. People with disabilities should contact Elizabeth Tegdesch, Board Administrator, as soon as possible to request an accommodation (e.g., sign language interpreter) to participate in these meetings.

* Items requiring discussion may be removed from the Consent Agenda



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June 15, 2016

**Meeting Location: MPCA Board Room
St. Paul, Minnesota
1:00 p.m. – 4:00 p.m.**

ANNOTATED AGENDA

General

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I. *Adoption of Consent Agenda

Proposed Agenda for June 15, 2016 Board Meeting
May Meeting Minutes

II. Introductions

III. Chair's Report

IV. Executive Director's Report

V. Administrative Law Judge Recommendation on Social Cost of Carbon

Presenter: Leigh Currie, Minnesota Center for Environmental Advocacy
651-287-4873

Materials enclosed: None

Background:

Minnesota law requires the Public Utilities Commission to quantify a range of environmental costs associated with electricity production. The cost attributed to carbon dioxide emissions is currently being updated by the PUC. On April 15, 2016 an Administrative Law Judge issued her recommendation as to whether the value developed by a federal interagency working group (the "Social Cost of Carbon") is the best available measure of the environmental cost of carbon

* Items requiring discussion may be removed from the Consent Agenda

dioxide emissions and whether it is reasonable to use in Minnesota PUC proceedings. MCEA will provide background on the Social Cost of Carbon, the recommendation of the ALJ, and how the value ultimately adopted by the PUC could potentially be used by other state agencies.

VI. Environmental Review: Data Collection Update

Presenters: Courtney Ahlers-Nelson, Environmental Quality Board
651-757-2183

Mark Riegel, Environmental Quality Board
651-757-2364

Materials enclosed:

- Environmental Review Workshop Summary
- Draft EQB Environmental Review Survey – Responsible Governmental Units
- Draft EQB Environmental Review Survey – Citizens (Petition Process)

Background:

At the February 2016 Board Meeting, EQB Environmental Review Program staff provided an overview of the Environmental Review (ER) data collected in the 2015 calendar year. Staff compiled data through improved tracking of ER processes, the online EQB *Monitor* submission form, and a survey of responsible governmental units (RGU). The data provided a baseline of information on the ER processes being completed in Minnesota. The Board provided direction for future data collection efforts, including recommendations for new surveys to gather insights from citizens and project proposers and additional measures of ER outcomes.

Based on the Board's guidance, EQB staff hosted an ER Workshop on March 16 to further refine the opportunities for measuring ER. Workshop participants included EQB Staff, EQB Members, technical representatives from state agencies, and ER practitioners from local units of government. Using Results Based Accountability as a guiding framework, participants helped identify a future vision for ER, and the measures needed to achieve that vision in accordance with Minnesota Statutes 116D.01 and Minnesota Rules 4410.0400, Subpart 1. A summary of the Workshop results is provided in the Board Packet.

EQB staff have started to implement the ideas provided by the Board and the ER Workshop. Staff gained proficiency with new survey software to develop two pilot surveys designed to collect information from both RGUs and citizens involved in the ER process. These two surveys will be linked to an updated online EQB *Monitor* submission form to streamline data collection and reporting. These pilot surveys are scheduled to be distributed on July 1 and will help inform future data collection efforts. EQB staff will give a demonstration of the new survey software during the Board Meeting.

VII. Metrics in the Environment and Energy Report

Presenters: Anna Henderson, Environmental Quality Board
651-757-2456

Erik Dahl, Environmental Quality Board
651-757-2364

Materials enclosed: None

Background:

A 2017 Environment and Energy Report card is being prepared pursuant to executive order 11-32, “The EQB shall prepare an environmental and energy report card that identifies metrics which the State of Minnesota can use to measure its performance and progress protecting Minnesota’s valuable air, water and land resources.” An interagency team has been working to develop metrics and content for the report following the April 1 workshop.

VIII. Public Comment**IX. Adjourn**

**MINNESOTA ENVIRONMENTAL QUALITY BOARD
MEETING MINUTES**

**Wednesday, May 18, 2016
MPCA Room Board Room
520 Lafayette Road North, St. Paul**

EQB Members Present: Brian Napstad, Mike Rothman, John Saxhaug, Charlie Zelle, Tom Landwehr, Julie Goehring, Kate Knuth, John Linc Stine, Erik Tomlinson, Kristin Eide-Tollefson, Shawntera Hardy, Matt Massman, Dave Frederickson, Adam Duininck, Paul Allwood—Assistant Commissioner sitting in for Dr. Ed Ehlinger, Leah Hedman—Attorney General’s Office

EQB Members Absent: Dr. Ed Ehlinger

Staff Present: Will Seuffert, Courtney Ahlers-Nelson, Erik Dahl, Mark Riegel, Anna Henderson

I. Adoption of Consent Agenda and Minutes

II. Introductions

III. Chair’s Report

IV. Executive Director’s Report

Brief updates:

- We started interviewing for the vacant Planner position dedicated to environmental outreach and communication.
- U of M student Samantha Rademacher is our 2016 Environmental Review Program Intern. She is studying Environmental Science, Policy and Management and will be compiling a brief report on incorporating climate change discussion and environmental review documents and will come before the Board to present her findings in a couple of months.
- At the June 15 Board Meeting there will be presentations on the Energy and Environment Report Card preparation, the social cost of carbon, and the environmental review surveys and data collection efforts.
- In place of our July 20th Board Meeting, we are working with Environmental Initiative to host a public meeting on climate planning where we will be presenting the CSEO results. We will plan to have some board commissioners serve as active participants on an agency leadership panel.
- There will be a public meeting on June 28 to discuss proposed changes to the mandatory category rules; this came before the board back in February. Board members are welcome to attend; details will be coming as they are finalized.
- We have started work on planning the 2017 Environmental Congress; please put a hold on your calendar for Friday, February 3, 2017. Stay tuned for additional details.

V. Designation of a Different Responsible Governmental Unit for the Environmental Review of the North Dakota Pipeline Company LLC’s proposed Sandpiper Pipeline and Enbridge Energy, Limited Partnership’s proposed Line 3 Replacement Pipeline

Presenter: Courtney Ahlers-Nelson, EQB Staff

The EQB has been asked to designate a different responsible governmental unit (RGU) for the environmental review of the North Dakota Pipeline Company LLC’s proposed Sandpiper Pipeline

and Enbridge Energy, Limited Partnership's proposed Line 3 Replacement Pipeline. Since March 10, 2016, three requests have been submitted for the EQB to relieve the Minnesota Public Utilities Commission of its current RGU status for the above-entitled projects and replace it with either:

- 1) A joint RGU consisting of the Minnesota Pollution Control Agency and the Minnesota Department of Natural Resources
- 2) The Minnesota Pollution Control Agency or the Minnesota Department of Natural Resources
- 3) The Environmental Quality Board

The following people provided oral testimony:

- Willis Mattison – Citizen Advocate
- Chuck Diessner – Park Rapids
- John Munter – Warba, MN
- Stan Sattinger - Minneapolis
- Thane Maxwell – Honor the Earth
- Korey Northrup – Honor the Earth
- Don Wedll – Honor the Earth
- Winona LaDuke – Honor the Earth/1855 Treaty Authority

Discussion followed.

There were minor changes made to the Resolution and the motion was carried to adopt those changes.

A motion was moved and seconded on the Resolution denying the request to designate a different responsible governmental unit for the environmental review of North Dakota Pipeline Company LLC's proposed Sandpiper Pipeline and Enbridge Energy, Limited Partnership's proposed Line 3 Replacement Pipeline and orders the Minnesota Public Utilities Commission to remain the responsible governmental unit for the proposed projects. Roll call vote: 9 ayes, 4 nays. Motion adopted.

The audio recording of the meeting is the official record and can be found at this link:
ftp://files.pca.state.mn.us/pub/EQB_Board/

Webcast is also available on the EQB website: <https://www.eqb.state.mn.us/>

**RESOLUTION OF THE
MINNESOTA ENVIRONMENTAL QUALITY BOARD**

Designation of a Different Responsible Governmental Unit for Environmental Review of the North Dakota Pipeline Company LLC's proposed Sandpiper Pipeline and Enbridge Energy, Limited Partnership's proposed Line 3 Replacement Pipeline.

BE IT RESOLVED, that the Minnesota Environmental Quality Board approves and adopts the Findings of Fact, Conclusions and Order; and

BE IT FURTHER RESOLVED, that David J. Frederickson, Chair of the Board, is authorized to sign the adopted Findings of Fact, Conclusions and Order.

**STATE OF MINNESOTA
ENVIRONMENTAL QUALITY BOARD**

In the Matter of the Request to Designate a Different Responsible Governmental Unit for the Environmental Review of North Dakota Pipeline Company LLC's proposed Sandpiper Pipeline and Enbridge Energy, Limited Partnership's proposed Line 3 Replacement Pipeline

**FINDINGS OF FACT,
CONCLUSIONS OF LAW,
AND ORDER**

FINDINGS OF FACT

1. On November 8, 2013, the North Dakota Pipeline Company ("NDPC") LLC applied to the Minnesota Public Utilities Commission ("Commission") for a certificate of need ("CN") and pipeline route permit to construct the proposed Sandpiper pipeline.
2. NDPC is proposing to construct and operate a new 616-mile oil pipeline that would extend from Beaver Lodge Station, south of Tioga, North Dakota, through a new terminal at Clearbrook, Minnesota, and then on to a terminal and tank farm in Superior, Wisconsin.
3. The proposed Sandpiper pipeline will traverse 303 miles through Polk, Red Lake, Clearwater, Hubbard, Wadena, Cass, Crow Wing, Aitkin, and Carlton counties in Minnesota.
4. On April 24, 2015, Enbridge Energy, Limited Partnership ("Enbridge") applied to the Commission for a CN and route permit for the proposed Line 3 Replacement pipeline in order to address safety and integrity issues associated with the existing Line 3 Pipeline.
5. The Line 3 Replacement pipeline is proposed to follow existing Line 3 from the Minnesota-North Dakota border to Clearbrook and then follow the same route proposed for the Sandpiper pipeline from Clearbrook to the Minnesota-Wisconsin border.
6. The Line 3 Replacement pipeline route is approximately 337 miles long in Minnesota and would traverse Kittson, Marshall, Pennington, Red Lake, Polk, Clearwater, Hubbard, Wadena, Cass, Crow Wing, Aitkin, and Carlton counties.
7. The Line 3 Replacement pipeline includes upgrades to existing Minnesota pump stations at Clearbrook, Donaldson, Plummer, and Viking, and construction of new pump stations at Backus, Cromwell, Palisade, and Two Inlets.
8. The proposed Sandpiper and Line 3 Replacement pipelines ("proposed projects") each require a CN and a route permit. The Commission has jurisdiction over the CN and route permit to construct the proposed pipelines according to Minnesota Statute §216B.243 and Minnesota Statute §216G.02, respectively.

9. Minnesota Rule 4410.0200, subpart 33 reads:

Governmental action. "Governmental action" means activities including projects wholly or partially conducted, permitted, assisted, financed, regulated, or approved by governmental units, including the federal government.

Minn. R. 4410.0200, subpart 33.

10. Minnesota Rule 4410.0200, subpart 65 reads:

Project. "Project" means a governmental action, the results of which would cause physical manipulation of the environment, directly or indirectly. The determination of whether a project requires environmental documents shall be made by reference to the physical activity to be undertaken and not to the governmental process of approving the project.

Minn. R. 4410.0200, subpart 65.

11. The EQB finds that each proposed pipeline project requires a "governmental action" under Minnesota Rule 4410.0200, subpart 33.
12. Each proposed pipeline is an individual "project" under Minnesota Rule 4410.0200, subpart 65 and the construction of the pipelines will result in the physical manipulation of approximately 303 miles for the Sandpiper pipeline and approximately 337 miles for the Line 3 Replacement pipeline.
13. Minnesota Rule 4410.0300, subpart 4 generally describes the objectives of environmental review procedures established in the Minnesota Environmental Policy Act ("MEPA"). Subpart 4 in relevant part reads:

Objectives. The process created by parts 4410.0200 to 4410.6500 is designed to:

C. delegate authority and responsibility for environmental review to the governmental unit most closely involved in the project;

Minn. R. 4410.0300, subpart 4.

14. Minnesota Rule 4410.4400 establishes mandatory categories for the preparation of an environmental impact statement ("EIS"). Subpart 24 reads:

Pipelines. For routing of a pipeline subject to the full route selection procedures under Minnesota Statutes, section 216G.02, the Public Utilities Commission is the RGU.

Minn. R. 4410.4400, subpart 24.

15. The EQB finds that Minnesota Rules 4410.4400, subpart 24 requires that for the routing of each of the proposed projects, Sandpiper and Line 3 Replacement, an EIS be completed.
16. The EQB finds that Minnesota Rules 4410.4400, subpart 24 also designates the Commission as the responsible governmental unit (“RGU”) for the EISs.
17. On August 3, 2015, the Commission issued its Order to grant a CN for the proposed Sandpiper pipeline.
18. On September 14, 2015, the Minnesota Court of Appeals issued its opinion *In the Matter of the Application of North Dakota Pipeline Company LLC for a Certificate of Need and Route Permit for the Sandpiper Pipeline Project*, Case No. A15-0016.

The opinion’s decision reads:

“When routing permit proceedings follow certificate of need proceedings, MEPA requires that an EIS must be completed before a final decision is made on issuing a certificate of need. Therefore, we reverse the grant of a certificate of need and remand to the MPUC to complete an EIS before conducting certificate of need proceedings consistent with its opinion.”

In the Matter of the Application of North Dakota Pipeline Company LLC for a Certificate of Need and Route Permit for the Sandpiper Pipeline Project, Case No. A15-0016 at pg. 11.

19. On September 30, 2015, the Court clarified its decision stating that when a CN proceeding occurs prior to the routing permit proceedings for a large oil pipeline, MEPA requires that an EIS be completed before a final decision is made on a CN.
20. The Court of Appeals remanded the matter to the Commission and directed them to complete an EIS before a final decision on the CN is made.
21. On October 14, 2015, both the Commission and NDPC petitioned the Minnesota Supreme Court for review of the Court of Appeals’ September 14, 2015 decision.
22. On December 15, 2015, the Minnesota Supreme Court denied the petitions for further review of the Minnesota Court of Appeals’ decision.
23. On January 11, 2016, the Commission rejoined the proposed Sandpiper CN and routing permit proceedings and ordered that an EIS be completed for the proposed Sandpiper pipeline CN and route permit.

25. Minnesota Rule 4410.2200 reads:

EIS Interdisciplinary Preparation.

An EIS shall be prepared using an interdisciplinary approach which will ensure the integrated use of the natural, environmental, and social sciences. The RGU may request that another governmental unit help in the completion of the EIS. Governmental units shall provide any unprivileged data or information, to which it has reasonable access, concerning the subjects to be discussed and shall assist in the preparation of environmental documents on any project for which it has special expertise or access to information.

Minn. R. 4410.2200.

26. Additionally, in the January 11, 2016 Order, the Commission directed the Department of Commerce (“COMM”), to “...enter into an agreement with the Department of Natural Resources and the Pollution Control Agency to ensure that the EIS fulfills the requirements of MEPA.”
27. On February 1, 2016, the Commission Ordered that an EIS be completed for the proposed Line 3 Replacement pipeline CN and route permit.
28. On March 3, 2016, a Memorandum of Understanding (“MOU”) between COMM, the Department of Natural Resources (“DNR”) and the Pollution Control Agency (“PCA”) for the interdisciplinary preparation of an EIS for the proposed project was filed with the Commission.
29. The EQB finds that the MOU between COMM, DNR and PCA meets the intent of the EIS interdisciplinary approach described in Minnesota Rules 4410.2200 for the preparation of the environmental review documents for the proposed projects.
30. On March 10, 2016, the Environmental Quality Board (“EQB”) received a request for the EQB to designate a different RGU for the environmental review of the proposed projects. More specifically, the request is for the EQB to relieve the Commission of its current RGU status for the above-entitled projects and replace it with a joint RGU consisting of the DNR and the PCA.
31. Between March 10, 2016, and March 29, 2016, the requester submitted the following documents:
- a. Cover Letter EQB Change for RGU Final 3-9-16.doc
 - b. ATTACHMENT A Evaluation Criteria for RGU 3-9-16.doc
 - c. Attachment B – Evaluation Findings – PUC-DOC Environmental Review 3-9-16.doc
 - d. CEA vs. EIS – A Comparison 10-07-15.pdf
 - e. MNDNR letter 5-3014 20146-100305-02.pdf
 - f. MDNR Letter 6-10-14 20146-100305-01.pdf
 - g. MDNR Letter 7-2-13 20144-98005-03.pdf

- h. MDNR Letter 8-14-13 Early Coord 201312-94938-02.pdf
- i. mdnr letter 8-21-14 20148-102441-01.pdf
- j. MPCA Enbridge Letter 6-20-14.pdf
- k. MPCA Letter 6-24-14.pdf
- l. Stine MPCA Letter to PUC on Routes 8-6-14.pdf
- m. MPCA Comments Final 1-23-15 20151-106572-01.pdf
- n. MPCA 5-12-15 Letter Application Inadequate for Alternatives.pdf
- o. MPCA 6-4-15 supplemental doc revised w Maps.pdf
- p. DOC Recommendation eliminating Alternative Routes 20147-101573-01.pdf
- q. PUC Staff Email re ER on CON.doc
- r. COE Letter Suspending Review 12-17-2015 application complete.pdf
- s. MDNR 8-21-14 Letter Urging expansion of Scope 8-21-14 CON 20148-102442-01.pdf
- t. Corps of Eng Info Paper on Sandpiper.pdf
- u. FOH Motion for Revised MOU and Expert Panels 20163-119012-01.pdf
- v. USFWS Email Confirming No Contract w Minnesota on Sandpiper.doc
- w. DOC's MOU w MPCA and DNR on Sandpiper EIS0001
- x. Enbridge Letter Rejecting System Alternatives on Project Purpose Basis 20145-99996-01.pdf
- y. Friends of the Headwaters comments PUC w complaint re Public Participation.pdf
- z. FOH Supplemental 5-30-14 w alternative route map overlays.pdf
- aa. White Earth Band of Ojibwe Motion the Change RGU 201512-116694-01 (1).pdf
- bb. White Earth Tribe Requests Consultation 20156-111006-01.pdf
- cc. Excerpt from July 14, 2014 DOC Brief to PUC on Proj Purpose.doc

32. Pursuant to Minnesota Statutes chapter 116D and Minnesota Rules 4410, the EQB has jurisdiction over RGU designation.
33. On March 15, 2016, the EQB sent letters to the current RGU, the Commission, COMM, the proposed new RGUs, the PCA and the DNR, and the project proposers, NDPC and Enbridge, requesting each party submit information regarding the request to designate a different RGU.
34. On March 23, 2016, the Minnesota Center for Environmental Advocacy ("MCEA"), representing Friends of the Headwaters ("FOH"), requested that the EQB provide a 30-day public comment period on the request to designate a different RGU for the environmental review of the proposed projects.
35. On March 24, 2016, the Commission denied a motion by the White Earth Band of Ojibwe requesting that the Commission remove itself from RGU status for the EIS on the proposed Sandpiper and Line 3 Replacement pipelines.
36. On or about March 25, 2016, the EQB received a second request to designate a different RGU for the environmental review of the proposed projects. The request was for the EQB to relieve the Commission of its current RGU status for the proposed projects and replace it with either the DNR or the PCA.

37. The second requestor submitted the following document:

a. Chuck Diessner_Received_3.28.16.pdf

38. In consultation with the EQB Chair, the EQB finds that the proposed projects have statewide implications that deserve an additional public process and public comment period to better understand the concerns of the requestors and the public.
39. On March 31, 2016, in a letter to MCEA, representing FOH, the EQB Executive Director granted the request for the 30-day comment period.
40. On April 1, 2016, the 30-day comment period on the request for the EQB to designate a different RGU for the environmental review for the proposed projects began. The comment period closed at 4:30 pm on May 2, 2016.
41. Commenters were asked to address Minnesota Rules 4410.0500, subpart 5 and 6, which provide for the selection of an RGU.
42. Information regarding the request and how to comment during the 30-day comment period was posted on the EQB website, distributed via the EQB *Monitor* on April 4, 2016, as well as through electronic distribution lists maintained in EQB's Gov.Delivery system.
43. In addition to notifying the general public of a comment period, on April 7, 2016, the EQB Executive Director sent letters to the White Earth Nation, the Fond du Lac Band of Lake Superior Chippewa, the Leech Lake Band of Ojibwe and the Mille Lacs Band of Ojibwe in Minnesota.
44. On April 8, 2016, the EQB received the scoping environmental assessment worksheet ("EAW") and draft scoping decision documents for each proposed pipeline.
45. On April 11, 2016, the scoping EAWs and draft scoping decision documents for each proposed pipeline were noticed in the EQB *Monitor*.
46. On April 20, 2016, at the EQB's regularly scheduled meeting, the EQB provided an additional opportunity for public comment on the request to designate a different RGU for the environmental review of the proposed projects.
47. On April 20, 2016, commenters, including the project proposer and the requestors to designate a different RGU for the proposed projects addressed the EQB.
48. On April 20, 2016, a commenter provided a verbal request that the EQB assume RGU status for the proposed Sandpiper and Line 3 Replacement pipelines.
49. The EQB finds that the requests for the EQB to designate a different RGU for the environmental review of the proposed Sandpiper and Line 3 Replacement pipelines are similar and will be considered together.

50. In total 78 written and verbal comments were received. All of the comments can be broken down into the following predominant themes:
- a. The applicability of Minn. R. 4410.
 - b. Commenters in support of the EQB designating a different RGU for the proposed projects.
 - c. Commenters against EQB designating a different RGU for the proposed projects.
 - d. The concept of regulatory capture amongst state agencies.
 - e. Concerns regarding COMM completing the environmental review.
 - f. Requests that an EIS to be completed for both proposed projects.
 - g. Concerns about the parameters of interagency participation in the EIS.
 - h. Concerns for the proposed locations of the pipelines relative to specific natural resources, such as waterbodies.
 - i. Concerns with environmental impacts of the proposed pipelines.
 - j. Request a federal EIS be completed.
 - k. Tribal involvement in environmental review.
 - l. Public engagement practices.
 - m. Anticipated benefits of the project.

51. On May 2, 2016, two requestors submitted additional documents:

- a. April 22---EQB #2.docx
- b. EQB Signature Pg 1.pdf
- c. Regulatory Capture; Sources and Solutions – Scott Hempling.pdf
- d. SPP_Draft Scoping Decision Document_April_8_v3.pdf

52. The EQB finds that the commenters provided information and had questions on a wide range of topics related to large oil pipelines.

53. The EQB finds that the issue before the EQB is narrower than many of the comments received, and the issue before the EQB is limited to determining whether to designate a different RGU according to criteria contained in Minnesota Rule 4410.0500.

54. Minnesota Rule 4410.0500 provides for selection of the RGU for environmental reviews. Subpart 1 reads:

RGU for mandatory categories. For any project listed in part 4410.4300 or 4410.4400, the governmental unit specified in those rules shall be the RGU unless the project will be carried out by a state agency, in which case that state agency shall be the RGU. For projects listed in both parts 4410.4300 and 4410.4400, the RGU shall be the unit specified in part 4410.4400. For any project listed in two or more subparts of part 4410.4300 or two or more subparts of 4410.4400, the RGU shall be determined as specified in subpart 5.

Minn. R. 4410.0500, subpart 1.

55. Minnesota Rule 4410.4400 establishes mandatory categories for the preparation of an EIS. Subpart 24 reads:

Pipelines. For routing of a pipeline subject to the full route selection procedures under Minnesota Statutes, section 216G.02, the Public Utilities Commission is the RGU.

Minn. R. 4410.4400, subpart 24.

56. The EQB finds Minnesota Rule 4410.4400, subpart 24 applies to the proposed Sandpiper and Line 3 Replacement pipelines.

57. Minnesota Rule 4410.0500, subpart 5 in relevant part reads:

RGU selection generally. For any project where the RGU is not listed in part 4410.4300 or 4410.4400 or which falls into more than one category in part 4410.4300 or 4410.4400, or for which the RGU is in question...

Minn. R. 4410.0500, subpart 5.

58. The EQB finds that Minnesota Rules 4410.0500, subpart 5 does not apply as the proposed projects are listed 4410.4400, subpart 24.
59. The EQB finds that the Minnesota Court of Appeals reversed the Commission's granting of a CN and remanded to the Commission to complete an EIS before conducting CN proceedings.
60. The EQB finds that Minnesota Rules 4410.4400, subpart 24 identifies the RGU as being the Commission for the completion of an EIS for the routing of the proposed projects.
61. Minnesota Rule 4410.0500, subpart 6 reads:

Exception. Notwithstanding subparts 1 to 5, the EQB may designate, within five days of receipt of the completed data portions of the EAW, a different RGU for the project if the EQB determines the designee has greater expertise in analyzing the potential impacts of the project.

Minn. R. 4410.0500, subpart 6.

62. The EQB finds that the requests to designate a different RGU for the environmental review of the proposed projects were received on March 10, 2016 and March 25, 2016 respectively, before the completed data portions of the scoping EAW had been received and published in the EQB *Monitor* on April 11, 2016.
63. The EQB finds that the third request to designate a different RGU was received on April 20, 2016.

64. The EQB finds that in its history of applying Minnesota Rules 4410.0500, subpart 6, the designation of a different RGU has not been completed “within five day of receipt of the completed data portion of the EAW” and that rarely is a data submittal made prior to EQB’s decision.
65. The EQB finds that there are several examples of the EQB processing requests to designate a different RGU without a data submittal nor within five days of the data submittal. For example the following projects did not have data submittals submitted prior to an EQB decision:
 - a. Living Word Bible Camp – proposed recreational development, 2013
 - b. Minnesota Sands, LLC – proposed silica sand projects, 2013
 - c. Lock and Dam Number 1 – proposed courting project, 2015
66. The EQB finds that making a decision within the five days of the EAW data submittal is not practical to facilitate an adequate open and public dialogue.
67. The EQB believes that it was never the intent of the five day limitation to limit public participation or comment.
68. The EQB finds that to designate a different RGU other than the Commission under Minnesota Rules 4410.0500, subpart 6, that the EQB must determine that such a designee has greater expertise in analyzing the potential impacts of the proposed pipeline projects.
69. In previous requests for the designation of a different RGU, the EQB finds it has identified permitting authorities as a source of expertise in analyzing the potential impacts from the projects.
70. The EQB finds that the Commission has been responsible for deciding CN for pipelines since 1983.
71. The EQB finds that the Commission has been implementing all environmental review for both the CN and routing of pipelines since 2005.
72. The EQB finds that the Commission has the most experience in pipeline permitting and the associated environmental review.
73. The Commission has the greater expertise due to its experience applying Minnesota Rules 7853.0130 for CN and Minnesota Rules 7852.1900, subpart 3 for pipeline routing.
74. The EQB finds that the criteria listed in Minnesota Rules 7853 and 7852, includes, but is not limited to, an analysis of alternatives to the proposed projects, the efficiency and reliability of the energy product, effect of the proposed projects upon the natural and socioeconomic environments as well as cumulative effects. Moreover, there is analysis such as the consequences to society of granting the certificate of need are more favorable than the consequences of denying the certificate.

75. The EQB finds that the DNR has expertise in protecting the natural, recreation and cultural resources in Minnesota. The DNR has jurisdiction over wildlife and outdoor recreation systems throughout the state.
76. The EQB finds that the DNR Lands and Minerals Division coordinates review for utilities that cross state or public lands and issues licenses to cross public waters and state lands managed by the DNR.
77. In addition, the EQB finds that the DNR also issues water use (appropriation) permits for when users withdraw more than 10,000 gallons of water per day or one million gallons per year, usually during pipeline construction.
78. The EQB finds that the PCA has expertise in the regulatory oversight for the construction, installation, and operation of pipelines, tank terminals, and refineries which may require MPCA permits for air quality, aboveground storage tanks, wastewater, stormwater and Section 401 Water Quality Certification.
79. The DNR and PCA state in a March 25, 2016 joint letter to the EQB Executive Director that the two agencies have resource-specific permitting authority, but "...neither MPCA nor the DNR has such a singular regulatory role to play that warrants removing the RGU status from the PUC."
80. The EQB has no permitting authority nor oversight authority for large oil pipelines in the state.
81. The EQB finds that COMM, as previously directed by the Commission, is the only state agency that has prepared an environmental review for a pipeline in Minnesota.
82. The EQB finds that the March 3, 2016, MOU filed with the Commission provides that the assisting agencies, DNR and PCA, shall contribute to "...identifying issues, alternatives, routes and alternative route proposals, data, and analysis to address environmental review topics and requirements..."
83. The EQB finds that the MOU provides that the DNR and PCA assist in issues analysis within the environmental review, in addition to "...help Commerce ensure that each EIS fulfills applicable MEPA requirements" for both the proposed Sandpiper and Line 3 Replacement pipelines.
84. The EQB finds that the Commission's experience is augmented through the MOU that enables the Commission to access the technical resources of the DNR and PCA, agencies charged with environmental protection.
85. The EQB finds that no single governmental agency can provide greater expertise in analyzing potential impacts than the combination of these agencies, the Commission, COMM, DNR and PCA, conducting an interdisciplinary approach to the environmental review.

86. The EQB finds that a combination of the DNR and PCA as a joint RGU and without the Commission would not be as capable of analyzing the potential effects of the proposed projects and that the Commission brings with it considerable expertise in the permitting of the projects.

Based on the foregoing Findings of Fact, the Minnesota Environmental Quality Board makes the following:

CONCLUSIONS OF LAW

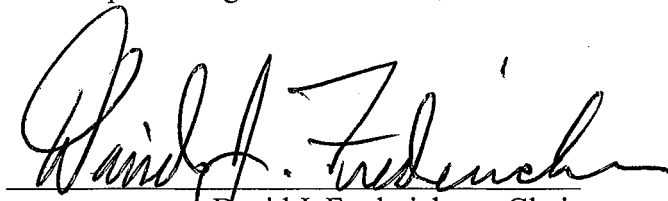
1. Any of the foregoing Findings of Fact more properly designated as Conclusions of Law are hereby adopted as such.
2. The EQB concludes that pursuant to Minnesota Statutes chapter 116D and Minnesota Rules 4410, the EQB has jurisdiction over RGU designation.
3. The EQB concludes that the proposed Sandpiper and Line 3 Replacement pipelines each require environmental review pursuant to Minnesota Rules 4410.4400, subpart 24.
4. The EQB concludes that the proposed Sandpiper pipeline requires a full EIS in light of the September 14, 2015 Minnesota Court of Appeals opinion *In the Matter of the Application of North Dakota Pipeline Company LLC for a Certificate of Need and Route Permit for the Sandpiper Pipeline Project*, Case No. A15-0016.
5. The EQB concludes that the Minnesota Court of Appeals directed the Commission to prepare an EIS for the proposed Sandpiper pipeline prior to the Commission's decision regarding a CN.
6. The EQB concludes the request for EQB to decide the question whether to designate a different RGU for the proposed project was properly brought to the EQB Board.
7. The EQB concludes that under the MOU, the expertise of the Commission, COMM, DNR and PCA provides the greatest expertise in analyzing the potential effects of the proposed projects.

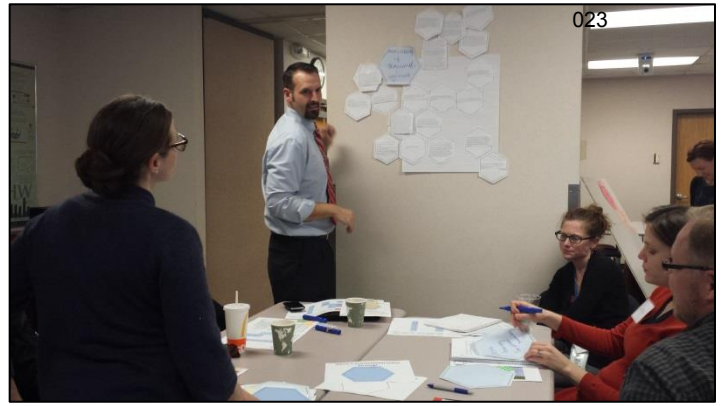
Based on the Findings of Fact, Conclusions and the entire record of this proceeding, the Minnesota Environmental Quality Board hereby makes the following:

ORDER

The EQB hereby denies the request to designate a different responsible governmental unit for the environmental review of North Dakota Pipeline Company LLC's proposed Sandpiper Pipeline and Enbridge Energy, Limited Partnership's proposed Line 3 Replacement Pipeline and orders the Minnesota Public Utilities Commission to remain the responsible governmental unit for the proposed projects.

Approved and adopted this 18th day of May, 2016.


 David J. Frederickson, Chair
 Minnesota Environmental Quality Board



Minnesota Environmental Quality Board

Environmental Review Workshop Summary

Summary





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EQB Environmental Review Workshop – Summary

Introduction

On March 16, 2016, the Environmental Review (ER) Program Staff from the Environmental Quality Board (EQB) hosted an ER Workshop. 25 participants including EQB Staff, EQB Citizen Members, technical representatives from state agencies, and ER practitioners from local units of government, gathered to discuss and identify future program measures for ER. Using Results Based Accountability (RBA) as a guiding framework, Workshop participants helped identify a future vision for ER, as well as future measures to help the ER Program achieve that vision, while fulfilling [Minnesota Statutes 116D.01](#) and [Minnesota Rules 4410.0400, Subpart 1](#).

This summary document provides a high-level overview of the results from the Workshop. If you would like to review the specific results of each exercise, please see the Detailed Summary document that accompanied this document.

The hyperlinks below can be used to move directly to the following Workshop topics:

- I. [Exercise #1 – Visioning](#)
- II. [Exercise #2 – Results Based Accountability Measures of Environmental Review](#)
- III. [Next Steps](#)
- IV. [Workshop Evaluations](#)

I. Exercise #1 – Visioning

Workshop participants were asked to reflect on [Minnesota Statutes 116D.01](#) and [Minnesota Rules 4410.0400, Subpart 1](#), to frame a vision for environmental review over the next ten years. Using their responses to the questions below, participants broke into small groups to identify the “big themes” for the responses to each question.

The visioning questions are below:

In ten years, you will feel great because of the difference you have made and are making while completing environmental review. Why? What has environmental review accomplished? How has environmental review changed? What is the environmental review process like in 2026? What is [environmental review] doing? Where is [environmental review] focusing? What do people say about [environmental review]? How is environmental review making a difference?

After reviewing the groups’ responses, EQB Staff then combined the “big themes” into six visions for the future of environmental review future. The visions are detailed below:

- Improved communication and technology
- Environmental review is valued and trusted by all
- Early stakeholder involvement
- Emerging issues, particularly climate change, are addressed
- Focus on environmental outcomes
- Increased coordination by EQB

II. Exercise #2 – Results Based Accountability Measures of Environmental Review

Using the visioning questions from Exercise #1 as a lens for Exercise #2, Workshop participants were asked to formulate program measures of ER that would answer three RBA questions: 1) How much did we do?, 2) How well did we do it?, and 3) Is anyone better off? Participants were also asked to craft measures that fulfilled [Minnesota Statutes 116D.01](#) and [Minnesota Rules 4410.0400, Subpart 1](#). Participants submitted their measures prior to the Workshop and EQB Staff then compiled a table of both existing program measures and measures from participants. During the Workshop participants were presented with a table of all existing and submitted measures for each RBA question, and participants then used dots to “vote” on the top measures for ER. (Please see the Detailed Summary document for the complete results of the dot voting.)

After reviewing the dot voting results from the Workshop, EQB Staff grouped similar measures together to identify the top five measures for each RBA question. The following three tables show the combined measures created by EQB Staff, and the supporting measures included in the combined measure. Measures that did not fall into the combined categories are noted below each table and will still be considered as EQB Staff formulate future measures for ER.

Please use the hyperlinks below to view the results from Exercise #2.

- [Combined Measures for Question 1](#)
- [Combined Measures for Question 2](#)
- [Combined Measures for Question 3](#)

Combined Measures for Question 1

Question 1: How much did we (RGUs, Citizens, Project Proposers, and EQB) do?		
Combined Measures	New Measure?	Combined votes
1. Statewide environmental review details (number, type, result, petitions) <ul style="list-style-type: none"> • Number/ Type of completed ERs as function of all projects/development/economic activity for each type of project/development/etc. – 27 votes • Reason for ER (mandatory, discretionary, or voluntary) – 18 votes • Result of petitions (granted/ denied) – 17 votes • Number/ Category of mandatory ERs – 14 votes • Number/ Type of RGUs for ER – 5 votes • Number of petitions for EAWs – 15 votes 	Current measure	96
2. Staff time/resources for environmental review <ul style="list-style-type: none"> • Number of RGU staff hours to complete ER/ Number of staff in ER program – 17 votes 	New measure	17
3. EQB Outreach <ul style="list-style-type: none"> • Number of RGUs, Citizens and Project Proposers impacted – 1 vote • Number of ER Training Sessions conducted – 14 votes 	New measure	15
4. Comments received on environmental review documents (number, citizen/agency commenting) <ul style="list-style-type: none"> • Number of comments received per ER (Agencies/ Citizens) – 14 votes 	Updated measure	14
5. How often did environmental review result in changes to the proposed project? <ul style="list-style-type: none"> • Number of proposals that were terminated and/ or reformulated and re-proposed due to ER – 14 votes 	New measure	14
<p>Please note: The following measure did not fall into the combined measures categories identified above. However, EQB Staff will still consider the measures as environmental review measures are formulated.</p> <ul style="list-style-type: none"> • Number of Applicability Determinations for ER – 6 votes 		

Combined Measures for Question 2

Question 2: How well did we (RGUs, Citizens, Project Proposers, and EQB) do it?		
Combined Measures	New Measure?	Combined votes
<p>1. Comments received on environmental review documents (citizen/agency commenting, substantive comments, sections commented on most often, other interactions with public)</p> <ul style="list-style-type: none"> • Number of commenters on ER documents – 15 votes • Type of comments received (substantive or not) – 10 votes • Total Amount of Feedback (interaction) From Public – 8 votes • Number and diversity of Comments (Types of groups/ individuals commenting) – 7 votes • Sections/ topics most often commented on in ER – 20 votes 	Updated measure	60
<p>2. Environmental review satisfaction (usefulness, EQB outreach, controversy)</p> <ul style="list-style-type: none"> • Survey public and project proposers perceptions of ER, usefulness of ER documents, and the role of EQB – 22 votes • Level of controversy for individual ERs – 6 votes • Opportunities for improved EQB assistance in ER process – 10 votes 	New measure	38
<p>3. How did environmental review impact or change a project? (case studies)</p> <ul style="list-style-type: none"> • Number of proposals that were terminated or reformulated due to ER – 11 votes • Impact of ER on Project – 15 votes • Identification of projects as top tier examples (case studies) – 8 votes 	Updated measure	34
<p>4. Number and details of legal appeals of environmental review decisions</p> <ul style="list-style-type: none"> • Number/result of legal challenges – 18 votes • Number of ER decisions that were appealed – 10 votes 	Current measure	28
<p>5. How long did environmental review take?</p> <ul style="list-style-type: none"> • Timeliness of ER – 17 votes 	Current measure	17
<p>Please note: The following measures did not fall into the combined measures categories identified above. However, EQB Staff will still consider the measures as environmental review measures are formulated.</p> <ul style="list-style-type: none"> • Cost of ER – 13 votes • Who completed ER (LGU, LGU consultant, project proposer, proposer’s consultant)? – 7 votes • Post-project monitoring – 4 votes 		

Combined Measures for Question 3

Question 3: Is anyone better off?		
Combined Measures	New Measure?	Combined votes
<p>1. Reduced impacts to environment/community from proposed project</p> <ul style="list-style-type: none"> • Did ER process/comments result in mitigation? Are there fewer negative impacts resulting from completed projects? – 29 votes • Number of sensitive populations/ residents/ land areas/ water bodies w/in ½ mile that are protected (or less impacted) – 12 votes • Types of Environmental Benefits as a result of the EAW – 9 votes • Number ERs that have resulted in a measurable long term improvement to the human community – 3 votes • Are fewer negative impacts resulting from completed projects? – 0 votes • Environmental Justice – 18 votes 	New measure	71
<p>2. How did environmental review impact or change a proposed project? (changes, mitigation measures, impacts)</p> <ul style="list-style-type: none"> • Number of impacts to the project. Number of positive project outcomes. Did final projects improve over the originally proposed project due to environmental review? Number of changes made to a project, as a result of comments/other public input – 39 votes • Number of proposals that were withdrawn or reformulated by the proposer due to ER – 14 votes • Did mitigation measures negatively affect proposal? – 4 votes 	Updated measure	57
<p>3. Environmental review satisfaction (usefulness, EQB outreach, objectivity)</p> <ul style="list-style-type: none"> • Survey public and project proposers perceptions of ER, usefulness of ER documents, and the role of EQB – 22 votes • Did the public accept the ER as fair and unbiased? – 17 votes • Degree to which all parties perceived themselves to be informed about the project and its environmental impacts – 14 votes 	Updated measure	53
<p>4. Diversity of comments received on ER documents</p> <ul style="list-style-type: none"> • Number and diversity of Comments (Types of groups/individuals commenting) – 13 votes 	New measure	13
<p>5. Cost-benefit analysis</p> <ul style="list-style-type: none"> • General cost-benefit analysis – 10 votes 	New measure	10

Please note: The following measures did not fall into the combined measures categories identified above. However, EQB Staff will still consider the measures as environmental review measures are formulated.

- Did ER affect other systems reviews or modifications? – 8 votes
- State of ecosystem or environment of concern – 2 votes

III. Next Steps

The Workshop provided EQB Staff with many great measures for environmental review to consider. Based on staff resources and the timeline of implementation, EQB Staff identified 10 measurement themes to implement in fiscal years 2017 and 2018, including 7 new and updated measurement themes.

The three tables below show the measurement themes that EQB Staff plan to implement along with details on how the data will be collected, the group (RGUs, Citizens, or Project Proposers) that EQB will collect the data from, and when the measure will be implemented.

RBA Question 1: Measurement Themes to be implemented

Measurement Themes	New measure?	Data Collection Format	Target Audience	Implementation Timeline
Statewide ER details	Current measure	EQB collects data via <i>Monitor</i> submission form	RGUs	Currently implemented
Number of commenters on ER documents	Updated measure	EQB collects data via <i>Monitor</i> submission form	RGUs	FY 2017
Number of ER training sessions conducted	New measure	EQB collects data when training sessions held	RGUs	FY 2018
Diversity of comments (gov't unit/citizen)	New measure	EQB collects data via <i>Monitor</i> submission form	RGUs and Citizens	FY 2017

RBA Question 2: Measurement Themes to be implemented

Measurement Themes	New measure?	Data Collection Format	Target Audience	Implementation Timeline
Number and results of legal appeals of ER decisions	Current measure	EQB collects data through survey	RGUs	Currently implemented
ER timeliness	Current Measure	EQB collects data through survey	RGUs	Currently implemented
Number of substantive comments received on ER documents	New measure	EQB collects data via <i>Monitor</i> submission form	RGUs and Citizens	FY 2017
ER satisfaction	New measure	EQB collects data through survey	RGUs, Citizens, and Project Proposers	FY 2018

RBA Question 3: Measurement Themes to be implemented

Measurement Themes	New measure?	Data Collection Format	Target Audience	Implementation Timeline
ER impacts or changes to a proposed project (changes, mitigation measures, impacts)	Updated measure	EQB collects data through survey	RGUs	FY 2017

Please note: For the measure below, EQB Staff will identify case studies of environmental review that could serve as top examples of the environmental review process.

Identification of projects as top tier examples	New measure	EQB highlights a few case studies	RGUs and Project Proposers	FY 2017
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IV. Workshop Evaluations

After the completion of the Workshop, participants were asked to complete an evaluation form identifying what worked well and could be improved for the Workshop. In total, 15 of the 25 participants completed the evaluation form. A summary of the responses are shown below.

Question 1: What worked well about today's workshop?

- Many respondents highlighted the small group discussions as the strongest part of the workshop (Visioning Exercise)
- The “homework” assignments were useful for framing the workshop and helped make the workshop more efficient
- Respondents enjoyed having the opportunity to share their thoughts and connect with other people involved in environmental review

Question 2: What would you change about today's workshop?

- Respondents suggested that when looking to statutes and rules, it is important to utilize the language as written to guide the formulation of measures
- Respondents would have preferred more time for discussion of the measurements for the second exercise before and after voting
- Respondents would have liked more time for the Workshop overall

Question 3: Did you feel you could express your ideas and that you were "heard" in today's workshop?

- Nearly all respondents said yes; respondents noted openness and multiple opportunities to participate in small and large groups



Draft EQB Environmental Review Survey - Responsible Governmental Units

Thank you for taking the time to complete the Environmental Quality Board (EQB) Environmental Review Survey. In an effort to identify opportunities to improve the EQB Environmental Review Program and to assess our customer service, EQB is conducting an online survey of all Responsible Governmental Units (RGU) that have completed the Environmental Review (ER) process under Minnesota Rules 4410. This survey is focused on the ER process recently completed for the **[Project Title]**.

The survey should take no more than 15 minutes to complete. You can save your progress and return to complete the survey at a later time by clicking the save button at the bottom of each page. Please contact EQB Staff at Env.Review@state.mn.us or 651-757-2873 with any questions.

- Q1 Please indicate the type of Environmental Review (ER) completed for the **[Project Title]**.
- Environmental Assessment Worksheet (EAW) Need Decision following a Citizen Petition
 - Environmental Impact Statement (EIS) Need Decision following an EAW
 - EIS Adequacy Decision
 - Alternative Urban Areawide Review (AUAR) Adoption
- Q2 (If Environmental Impact Statement (EIS) Need Decision following an EAW selected for Q1) Please specify the type of EAW completed.
- State EAW
 - Joint State and Federal EA/EAW
- Q3 (If EIS Adequacy Decision selected for Q1) Please specify the type of EIS completed.
- State EIS
 - Joint State and Federal EIS
 - Supplemental EIS
- Q4 (If State EIS or Joint State and Federal EIS selected for Q3) Please specify the reason for preparation of the EIS.
- Positive EIS Declaration following an EAW
 - Mandatory EIS
 - Voluntary EIS
- Q5 (If Alternative Urban Areawide Review (AUAR) Adoption selected for Q1) Please specify the type of AUAR completed.
- AUAR with Additional Scoping Steps for a Large Project
 - AUAR
 - AUAR Update

(Questions in this section only appear if Environmental Assessment Worksheet (EAW) Need Decision following a Citizen Petition selected for Q1)

Petition Review Process

The following questions are focused on the petition review process recently completed by the **[Responsible Governmental Unit]** to determine the need for an EAW for the **[Project Title]**.

- Q6 Please indicate how much you agree with the following statements regarding the petition review process for the **[Project Title]**:

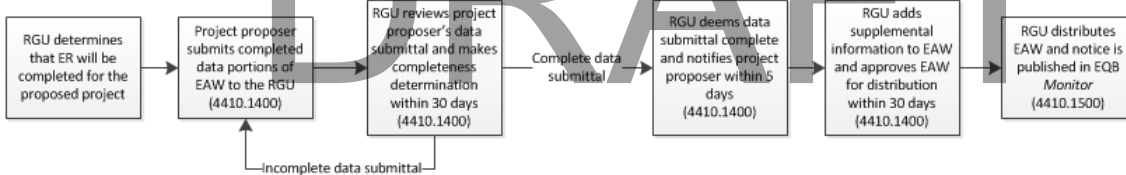
	Strongly Agree	Somewhat Agree	Neutral	Somewhat Disagree	Strongly Disagree
EQB Staff adequately informed the [Responsible Governmental Unit] of its responsibilities as RGU for reviewing the petition and making a decision on the need for an EAW.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

The [Responsible Governmental Unit] had adequate time to review the petition and make a decision on the need for an EAW.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
The petition identified potential environmental effects that would not have otherwise been identified by required permits or governmental approvals.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
The petition process alerted the [Responsible Governmental Unit] to citizens' concerns regarding the proposed project's potential environmental effects.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
The petition process was a valuable tool that informed the [Responsible Governmental Unit] of the proposed project's potential environmental effects. Please provide additional information regarding your answers above.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

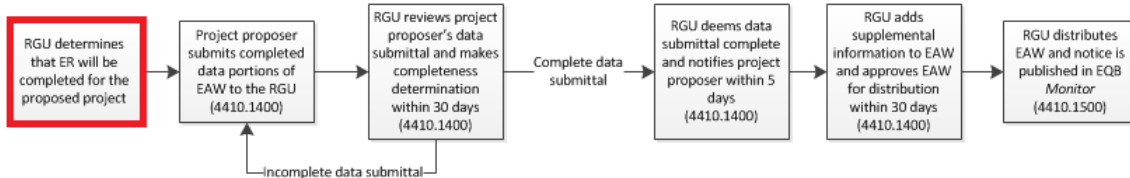
(Questions in this section only appear if Environmental Impact Statement (EIS) Need Decision following an EAW selected for Q1)

Environmental Assessment Worksheet (EAW) Timeliness

The following questions are focused on the timeliness of the Environmental Review (ER) process for the [Project Title] prior to submitting the EAW document to EQB Staff. The questions follow the time requirements as identified in Minnesota Rules 4410.1400-1500. Please refer to the diagram provided for each question to guide your answers.



Q7

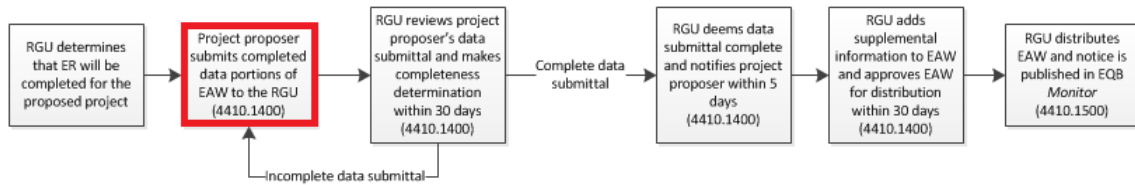


Referring to the red highlighted box above, please indicate the date the [Responsible Governmental Unit] first determined that ER would be completed for the proposed project.

If the RGU and the project proposer are the same entity, please indicate when the RGU determined that an EAW would be required for the proposed project. If the project proposer volunteered to complete an EAW, please indicate the date that the project proposed volunteered to complete an EAW.

If needed, please provide additional information.

Q8

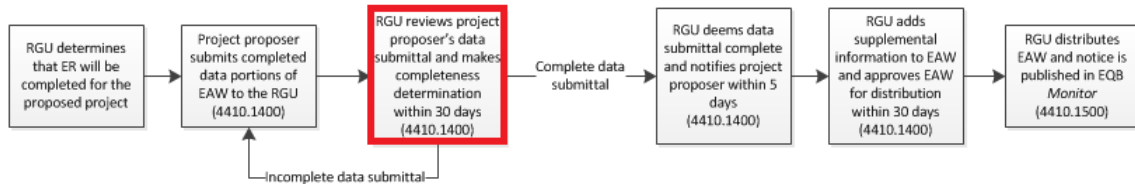


Referring to the red highlighted box above, please indicate the date that the [Responsible Governmental Unit] received the project proposer's first data submittal.

If the project proposer submitted multiple data submittals, please indicate the date the first submittal was received.

If needed, please provide additional information.

Q9



Referring to the red highlighted box above, please indicate the date that the [Responsible Governmental Unit] determined that the project proposer's data submittal was complete.

If multiple data submittals were submitted, please indicate the date the most recent data submittal was determined complete by the [Responsible Governmental Unit].

If needed, please provide additional information.

Q10



Referring to the red highlighted box above, please indicate the date that the [Responsible Governmental Unit] notified the project proposer that the data submittal was complete.

If the project proposer submitted multiple data submittals, please indicate the date that you notified the project proposer of the complete data submittal determination corresponding to the most recent data submittal.

If needed, please provide additional information.

(Questions in this section only appear if Mandatory EIS or Voluntary EIS is selected for Q4)
Environmental Impact Statement (EIS) Timeliness

The following questions are focused on the timeliness of the Environmental Review (ER) process for the [Project Title] in accordance with Minnesota Rules 4410.2100.

Q11 Please indicate the date the [Responsible Governmental Unit] first determined that ER would be required for the proposed project.

If the RGU and the project proposer are the same entity, please indicate when the RGU determined that an EIS would be required for the proposed project. If the project proposer volunteered to complete an EIS, please indicate the date that the project proposer volunteered to complete an EIS.

If needed, please provide additional information.

- Q12 Please indicate the date that the **[Responsible Governmental Unit]** issued the Final Scoping Decision in accordance with Minnesota Rules 4410.2100, Subpart 3 C.

If needed, please provide additional information.

- Q13 Please indicate the date that you received the project proposer's payment in accordance with Minnesota Rules 4410.2100, Subpart 9.

- Not applicable - RGU and Project Proposer are the same entity
 Insert date here

If needed, please provide additional information.

 (Questions in this section only appear if Positive EIS Declaration following EAW is selected for Q4)

Environmental Impact Statement (EIS) Timeliness

The following questions are focused on the timeliness of the Environmental Review (ER) process for the **[Project Title]** in accordance with Minnesota Rules 4410.2100.

- Q14 Please indicate the date that the **[Responsible Governmental Unit]** issued the Final Scoping Decision in accordance with Minnesota Rules 4410.2100, Subpart 4 B.

If needed, please provide additional information.

- Q15 Please indicate the date that you received the project proposer's payment in accordance with Minnesota Rules 4410.2100, Subpart 9.

- Not applicable - RGU and project proposer are the same entity
 Insert date here

If needed, please provide additional information.

 (Questions in this section only appear if Supplemental EIS is selected for Q3)

Supplemental Environmental Impact Statement (EIS) Timeliness

The following questions are focused on the timeliness of the Environmental Review (ER) process for the **[Project Title]** in accordance with Minnesota Rules 4410.3000.

- Q16 Please indicate the reason for the preparation of the supplemental EIS.
- Substantial changes were made to the project - 4410.3000, Subpart 3 A (1)
 - Substantial new information was obtained or circumstances changed - 4410.3000, Subpart 3 A (2)
 - An ongoing governmental action triggered one of the two conditions above - 4410.3000, Subpart 3 B
 - A phased or connection action not evaluated in the initial EIS was proposed - 4410.3000, Subpart 3 C
 - The RGU received a request to prepare a supplemental EIS

- Q17 Please indicate the date that the **[Responsible Governmental Unit]** formally decided to prepare a supplemental EIS in accordance with Minnesota Rules 4410.3000, Subpart 3.

If needed, please provide additional information.

- Q18 Please indicate the date that the **[Responsible Governmental Unit]** received a written request to prepare a supplemental EIS in accordance with Minnesota Rules 4410.3000, Subpart 4.

If needed, please provide additional information.

- Q19 Please indicate the date that the **[Responsible Governmental Unit]** made a decision on the need for a supplemental EIS in accordance with Minnesota Rules 4410.3000, Subpart 4.

If needed, please provide additional information.

- Q20 Please indicate the date that the **[Responsible Governmental Unit]** distributed the notice of the preparation of a supplemental EIS, including the adoption of a scope for the supplemental EIS document in accordance with Minnesota Rules 4410.3000, Subpart 5.

If needed, please provide additional information.

DRAFT

(Questions in this section only appear if AUAR with Additional Scoping Steps is selected for Q5)

Alternative Urban Areawide Review (AUAR) Timeliness

The following questions are focused on the timeliness of the Environmental Review (ER) process for the **[Project Title]** in accordance with Minnesota Rules 4410.3610.

- Q21 Please indicate the date that the **[Responsible Governmental Unit]** started preparation of the draft order for the **[Project Title]** in accordance with Minnesota Rules 4410.3610, Subpart 5a B.

If needed, please provide additional information.

(Questions in this section only appear if AUAR is selected for Q5)

Alternative Urban Areawide Review (AUAR) Timeliness

The following questions are focused on the timeliness of the Environmental Review (ER) process for the **[Project Title]** in accordance with Minnesota Rules 4410.3610.

- Q22 Please indicate the date that the **[Responsible Governmental Unit]** started preparation of the order for review for the **[Project Title]** in accordance with Minnesota Rules 4410.3610, Subpart 3.

If needed, please provide additional information.

(Questions in this section only appear if AUAR Update is selected for Q5)

Alternative Urban Areawide Review (AUAR) Timeliness

The following questions are focused on the timeliness of the Environmental Review (ER) process for the [Project Title] in accordance with Minnesota Rules 4410.3610.

- Q23 Please indicate the date that the [Responsible Governmental Unit] started preparation of the AUAR Update [Project Title] in accordance with Minnesota Rules 4410.3610, Subpart 7.

If needed, please provide additional information.

(Questions in this section only appear for completed EAW, EIS, and AUAR processes)

Environmental Review Process

The questions below are focused on the ER process and preparation of ER documents for the [Project Title]. For your reference, the following definitions are provided:

ER process: Includes the preparation and review of ER documents, the public comment period, public meetings, response to comments, and any other components required to complete the ER process for the project identified above.

ER document: Refers to the specific ER document(s) prepared for the project identified above.

- Q24 Did the [Responsible Governmental Unit] hire a consultant to assist with the ER process and preparation of ER documents?
- Yes
 No
- Q25 Does the [Responsible Governmental Unit] track the amount of staff time required to complete the ER process? This includes staff hours required to prepare and review ER documents, attend public meetings, and respond to comments and questions regarding ER for the project.
- Yes
 No
- Q26 (If Yes selected for Q25) Please indicate how many staff hours were required to complete the ER process. This includes staff hours required to prepare and review ER documents, attend public meetings, and respond to comments and questions regarding ER for the project. (Please provide your answer as a total number of hours for all staff)
-
- Q27 Does the [Responsible Governmental Unit] track the cost to complete the ER process? This includes staff time required to prepare and review ER documents, attend public meetings, and respond to comments and questions regarding ER for the project, as well as any fees paid to consultants to assist in the ER process.
- Yes
 No
- Q28 (If Yes selected for Q27) Please indicate how much the ER process cost the [Responsible Governmental Unit]. This includes staff time required to prepare and review ER documents, attend public meetings, and respond to comments and questions regarding ER for the project, as well as any fees paid to consultants to assist in the ER process. **Please do not include costs billed back to the project proposer.** (Please provide your answer as a total number of dollars)
-

(Questions in this section only appear for completed EAW, EIS, and AUAR processes)

The questions below are focused on the ER process and preparation of ER documents for the [Project Title]. For your reference, the following definitions are provided:

ER process: Includes the preparation and review of ER documents, the public comment period, public meetings, response to comments, and any other components required to complete the ER process for the project identified above.

ER document: Refers to the specific ER document(s) prepared for the project identified above.

Q29 Please indicate how much you agree with the following statements regarding the **[Project Title]**:

	Strongly Agree	Somewhat Agree	Neutral	Somewhat Disagree	Strongly Disagree
The ER process as a whole was useful in identifying the proposed project's potential environmental effects to inform permits and governmental approvals.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
The ER process as a whole gathered fair and unbiased information regarding the proposed project's potential environmental effects.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
The ER process allowed for citizen participation that would not have otherwise occurred for the proposed project.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
The ER document(s) provided useful information that identified the proposed project's potential environmental effects to inform permits and governmental approvals.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
The ER document(s) provided fair and unbiased information regarding the proposed project's potential environmental effects.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Please provide additional information regarding your answers above.

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(Questions in this section only appear for completed EAW, EIS, and AUAR processes)

Environmental Review Outcomes

The following questions are focused on the environmental outcomes that resulted from the ER process and preparation of ER document(s) for the **[Project Title]**. For your reference, the following definitions are provided:

ER process: Includes the preparation and review of ER documents, the public comment period, public meetings, response to comments, and any other components required to complete the ER process for the project identified above.

ER document: Refers to the specific ER document prepared for the project identified above.

Q30 (This question will be sent in a follow-up survey sent 30 days later) Was the **[Environmental Review Decision]** appealed in the Court of Appeals?

Yes
 No

Please provide additional information.

Q31 (This question will be sent in a follow-up survey sent 30 days later) Have any, or will any, permits or governmental approvals for the proposed project include conditions or requirements to mitigate or abate the potential significant environmental effects identified in the ER document?

Yes
 No

Q32 (If Yes is selected for Q31) Please indicate the type(s) of environmental effects that have been or will be mitigated or abated by permit or governmental approval conditions or requirements.

- Land use - existing land use, compatibility with nearby land uses and zoning
- Geology, soils and topography/landforms
- Water Resources - surface water, groundwater, wastewater, stormwater, and water appropriation
- Contamination/Hazardous Materials/Wastes - generation, use, and storage of solid wastes/hazardous materials/hazardous wastes
- Fish, wildlife, plant communities, and sensitive ecological resources (rare features)
- Historic properties - historic structures, archaeological sites, and/or cultural properties
- Visual - visual impacts to scenic views or vistas, or visual effects
- Air - stationary source emissions, vehicle emissions, and dust/odors
- Noise - noise generation and impacts
- Transportation - traffic-related impacts
- Cumulative Potential Effects - cumulative potential effects resulting from existing or future projects
- Other potential environmental effects

(If **Other potential environmental effects** is selected for Q32) Please describe the **Other potential environmental effects**.

Please provide additional information regarding the mitigation or abatement measures to be included in permit or governmental approvals.

Q33 Did the ER process change the design of the project to mitigate potential environmental effects?

- Yes, the project proposal's design changed as a result of the ER process
- No, the project proposal's design did not change as a result of the ER process

Q34 (If Yes is selected for Q33) What were the most significant changes to the proposed project with regards to its potential environmental effects as a result of the ER process?

For example, the project footprint was decreased to reduce impacts to nearby sensitive features such as wetlands.

Q35 Please indicate how much you agree with the following statements regarding the **[Project Title]**:

	Strongly Agree	Somewhat Agree	Neutral	Somewhat Disagree	Strongly Disagree
The ER process reduced the potential environmental effects resulting from the proposed project.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
The ER process as a whole improved the proposed project with regards to its potential environmental effects.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
The ER process as whole provided useful information to governmental units, the project proposer, and citizens regarding the proposed project's potential environmental effects.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Please provide additional information regarding your answers above.

The following questions are focused on the EQB Environmental Review Program. Please provide honest feedback so that EQB Staff can identify opportunities to improve customer service and provide more effective technical assistance in the future.

Q36 What form of EQB environmental review assistance do you find most helpful **currently**? (Please select all that apply)

- Environmental Review guidance documents
- Website content
- Phone conversations with EQB Staff
- Email conversations with EQB Staff
- Other:

Please provide additional information regarding your answers above.

Q37 What **future** opportunities for environmental review assistance would you find most helpful? (Please select all that apply)

- Webinar/Video conference training
- In-person training
- Video guidance
- Environmental review certification program
- Presentations by EQB Staff at conferences
- Updated environmental review guidance documents
- Other:

Q38 Do you have any additional thoughts that you would like to share with EQB Staff?

Thank you for taking the time to complete the EQB Environmental Review Survey. Please contact EQB Staff at Env.Review@state.mn.us or 651-757-2873 with any questions.

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Draft EQB Environmental Review Survey - Citizens (Petition Process)

Thank you for taking the time to complete the Environmental Quality Board (EQB) Environmental Review Survey. This survey is focused on the petition you submitted for the **[Project Title]**. According to our records, the **[Responsible Governmental Unit]** recently made a decision on whether to prepare an Environmental Assessment Worksheet (EAW) for the proposed project that you petitioned. The EQB would like to collect information on your experience with the petition process, as well as opportunities for the EQB to provide better assistance to citizens in the future.

The survey should take no more than 10 minutes to complete. Please contact EQB Staff at Env.Review@state.mn.us or 651-757-2873 with any questions.

Preparing the Petition for an EAW

The questions in this section are focused on your experience preparing a petition for an EAW to submit to the EQB.

- Q1 Please indicate the type(s) of potential environmental effects you were concerned might result from the proposed project. (Please select all that apply)
- Land use - existing land use, compatibility with nearby land uses and zoning
 - Geology, soils and topography/landforms
 - Water Resources - surface water, groundwater, wastewater, stormwater, and water appropriation
 - Contamination/Hazardous Materials/Wastes - generation, use, and storage of solid wastes/hazardous materials/hazardous wastes
 - Fish, wildlife, plant communities, and sensitive ecological resources (rare features)
 - Historic properties - historic structures, archaeological sites, and/or cultural properties
 - Visual - visual impacts to scenic views or vistas, or visual effects
 - Air - stationary source emissions, vehicle emissions, and dust/odors
 - Noise - noise generation and impacts
 - Transportation - traffic-related impacts
 -

Cumulative Potential Effects - cumulative potential effects resulting from existing or future projects

Other potential environmental effects:

(If **Other potential environmental effects** is selected above) Please describe the **Other potential environmental effects**.

Please provide more specific information regarding the potential environmental effects.

Q2 What EQB resources were most helpful to you when you were preparing your petition? (Please select all that apply)

- Guidance documents on EQB Website
 Contacting EQB Staff by phone
 Contacting EQB Staff by email
 Other
 I did not use any of the resources identified above

Q2 Please provide additional information regarding your answers above.

Q3 How can EQB better assist citizens in the future with the petition process?

Q4 **Prior to the complete petition submittal**, did EQB Staff return a petition submission to you as incomplete?

- Yes
 No

Q5 (If Yes is selected to Q4) EQB Staff returned at least one petition submission to you as incomplete. **Based on this information, please indicate how much you agree with the following statement:**

	Strongly Agree	Somewhat Agree	Neutral	Somewhat Disagree	Strongly Disagree
I felt that EQB Staff adequately explained the incomplete portions of my	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

petition when it was returned to me.

Q5 Please provide additional information regarding your answer above.

The Petition Review Process

The following questions are focused on your experience after the EQB deemed your petition complete and forwarded the petition to the **[Responsible Governmental Unit]** to decide whether to prepare an EAW.

Q6 Please indicate how much you agree with the following statements:

Strongly Agree Somewhat Agree Neutral Somewhat Disagree Strongly Disagree

During the petition review process, the **[Responsible Governmental Unit]** adequately addressed my concerns about the potential environmental effects of the proposed project.

In the formal EAW decision documents, the **[Responsible Governmental Unit]** adequately addressed my concerns about the potential environmental effects of the proposed project.

I found the petition process to be a valuable tool for informing the **[Responsible Governmental Unit]** of the potential environmental effects of the proposed project.

Q6 Please provide additional information regarding your answers above.

Q7 Please use the box below to share any additional thoughts with EQB Staff.

Please hit the submit button below to complete the survey. We appreciate your input!

Please contact EQB Staff at Env.Review@state.mn.us or 651-757-2873 with any questions regarding this survey.

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