

**MINNESOTA ENVIRONMENTAL QUALITY BOARD  
MEETING MINUTES**

**Wednesday, June 19, 2013  
MPCA Room Board Room, 520 Lafayette Road, St. Paul**

**EQB Members Present:** Dave Frederickson, Brian Napstad, John Saxhaug, Erik Tomlinson, John Linc Stine, Aggie Leitheiser, Kate Knuth, Barb Naramore, Julie Goehring, Spencer Cronk, Mike Rothman

**EQB Members Absent:** Kristin Duncanson, Charlie Zelle, Ed Ehlinger, Katie Clark Sieben

**Staff Present:** Bob Patton, Jeff Smyser (EQB), Beth Tegdesch MPCA for EQB

Chair Dave Frederickson called the meeting to order at 1:00 p.m.

**I. Adoption of Consent Agenda and Minutes**

A motion to adopt the Consent Agenda and approve the May 15, 2013, meeting minutes was made, seconded, and carried unanimously.

**II. Introductions**

**III. Chair's Report**

No report

**IV. Executive Director's Report**

Bob Patton brought to attention a handout of an editorial that was in the Star Tribune regarding the Environmental Quality Board.

Bob shared that the EQB received a legislative appropriation for board operations of \$500,000, which increases the funding for EQB by about \$350,000 a year. It is very welcome and will increase the staff capacity to get things done; also received an additional \$500,000 a year appropriations for silica sand; in both cases budgeting is going on right now and there are no more details at this time.

**V. EQB Requirements in Legislation: HF976, Article 4 (Laws 2013, Ch. 114)**

Presenter: Jeff Smyser

Summarized the legislation (pertinent to the EQB). Started out with something that came up that morning that was not part of the packet. Part of the legislation, Section 105 of the new legislation, talks about new rulemaking. It says the EQB shall amend its rules regarding silica sand mining, which is Environmental Review rules. Chapter 14 of Minnesota Statutes, the Administrative Policy Act, says that the agency has to solicit comments from the public on any rulemaking by causing notice to be published in the *State Register* and this notice must be published within 60 days of the effective date of any new legislation requiring rule amendment. This went into effect the day after signing,

which was May 23rd or 24<sup>th</sup>, so that means we have to publish the notice inviting comments within 60 days of that date. It has to go to the *State Register* for inclusion in the July 22nd publication. Will bring the notice to the July 17<sup>th</sup> meeting for approval.

Jeff went over other legislation and summarized elements of House File 976 (Omnibus Environment, Natural Resources, and Agriculture Finance and Policy Bill) that include mandates for the EQB's current and future activities.

Much discussion followed.

Johanna Rupprecht representing the Land Stewardship Project gave testimony on the frac sand industry (provision on HF976), and Kristen Eide-Tollefson from Florence Township gave testimony on silica sand legislation implementation.

## **VI. Environmental Assessment Worksheet (EAW) Form Revision**

Presenter: Jeff Smyser

EQB staff worked on revising the EAW form in 2010-2011. The project involved a workgroup of professionals with experience preparing and reviewing environmental review documents. The workgroup included staff from state agencies, local governments, and consulting firms. After over a year of work, the new form was nearing completion but EQB staff attrition caused the project to be shelved. Following Executive Order 11-32, the Environmental Review improvement team's 2012 report included in its recommendations that the EAW form revision should be completed. The recent adoption of HF 976 by the Minnesota Legislature catalyzed action to complete the revision of the EAW form. The legislation includes several requirements that take effect within weeks, and revising the EAW form is the most effective means of addressing the new mandates.

Jeff went over the existing form and the new revised form. Discussion followed. A new form is proposed for adoption at the next meeting on July 17<sup>th</sup>.

## **VII. Fillmore-Houston-Winona County Environmental Impact Statement (EIS) Update**

Presenter: Jeff Smyser

The Board will recall that a number of silica sand mines have been proposed in three counties: Fillmore, Houston, and Winona. EAWs have been completed for several of the mines. The proposed mines are phased actions that must be considered in total under the rules of the environmental review program and therefore crossed the threshold for a mandatory Environmental Impact Statement (EIS). At the request of the three counties, on March 20<sup>th</sup> the Environmental Quality Board re-assigned the responsibility for the EIS from the counties to itself, the EQB.

Staff met with project proposer, Minnesota Sands and his consultant. Their "corporate structure" is evolving, and along with that evolution is their consideration of what they are going to be doing; what is the scope of what they are going to be doing, how big is the potential reach? What are we going to analyze? What is the scoping process? There are a lot of unanswered questions and staff is working on determining the best way to proceed.

# **VIII. Governors' Institute on Community Design Workshop Update**

Presenter: Ellen Anderson

Workshops with the Governors' Institute on Community Design Workshop were arranged as a follow-up to the Minnesota Environmental Congress. The first workshop occurred May 2. The follow-up half day workshop will occur June 20. The intent is to help the EQB shape a vision for the future that addresses Minnesota's environment and energy challenges and opportunities.

All of the information leading up to the Minnesota Environmental Congress has been made available on the Environmental Congress website, located at:

[www.mn.gov/environmentalcongress](http://www.mn.gov/environmentalcongress).

Ellen shared the agenda for the meeting. The report with GICD recommendations will be available at the workshop tomorrow.