

MANDATORY CATEGORIES RULEMAKING

**ENVIRONMENTAL REVIEW
ENVIRONMENTAL QUALITY BOARD
(BEGINS AT 9AM)**



PRESENTATIONS AT 9AM, 10:30AM (AS TIME ALLOWS)

- Background
- Rulemaking Project Charter
- Communication
- Proposed Rule Changes
 - Discussion of EAW and EIS categories identified by LGUs in the 2013 Mandatory Categories Report:
 - 4410.4300, subp. 14 and 4410.4400, subp. 11 – EAW and EIS Industrial, commercial, and institutional facilities.
 - 4410.4300, subp. 19 and 4410.4400, subp. 14 – Residential development.
 - 4410.4300, subp. 32 and 4410.4400, subp. 21 – Mixed residential and commercial-industrial projects.
 - 4410.4300, subp. 36 – Land use conversion, including golf course.
 - 4410.4300, subp. 36a – Land conversion in shoreland
- Timelines



MANDATORY CATEGORIES - BACKGROUND

■ History

- Minnesota Environmental Policy Act of 1973
- Rule amendments to categories in 1982, 1986, 1988, 1997, 2003, 2004, 2005, 2007 and 2010.

■ Mandatory categories for review

- 39 mandatory EAW categories
- 28 mandatory EIS categories
- RGU distribution amongst categories



RULEMAKING CHARTER

■ Scope

- Increase efficiencies in mandatory categories through updates including policy and technical/“clean-up” changes

■ Contributors and Roles

- EQB Members
- Project Sponsor
 - Commissioner of the MPCA, John Linc Stine
- EQB Staff
 - Courtney Ahlers-Nelson and Erik Dahl
- Agency Staff and Technical Representatives
- Local Units of Government
- Public



COMMUNICATION WITH AFFECTED PARTIES

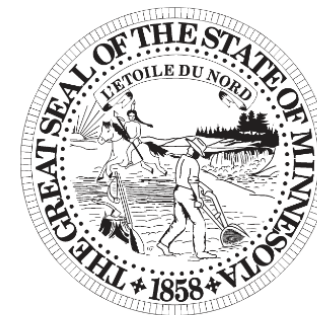
- 2013 *Mandatory Categories Report (Report)*
- 2013 and 2015 Request for Comments in MN *State Register*
- 2015 meetings with agencies to review the *Report*
- MN EQB *Monitor*
- EQB rulemaking distribution lists



Environmental Quality Board
in Cooperation With
Department of Transportation
Department of Natural Resources
Pollution Control Agency
and With the Assistance of
Agriculture and Forestry
Department of Commerce and
Economic Development

Minnesota State Register

(Published every Monday (Tuesday when Monday is a holiday).)



Proposed, Adopted, Emergency, Expedited, Withdrawn, Vetoed Rules;
Executive Orders; Appointments; Commissioners' Orders; Revenue Notices;
Official Notices; State Grants & Loans; State Contracts;
Non-State Public Bids, Contracts & Grants

Monday 9 November 2015
Volume 40, Number 19
Pages 523 - 558

Review Categories

Prepared In Response to
Minnesota Laws 2012
Chapter 150—S.F. No. 1567
Article 2, Section 3



COMMUNICATION WITH AFFECTED PARTIES AND COMMENTS

- Webpage for rulemaking
- Survey of LGUs in 2015

The screenshot displays a web browser window with the URL <https://www.eqb.state.mn.us/content/eqb-mandatory-categories-rulemaking>. The page features the EQB logo and the text "Minnesota Environmental Quality Board". A navigation menu includes links for Home, Climate Change, Environmental Review, Silica Sand, Water, Rulemaking, About EQB, and Contact Us. The main heading is "EQB Mandatory Categories Rulemaking" followed by "Mandatory Categories Rulemaking". The text explains that the Environmental Review Program was established in the early 1970s and that the latest major revisions occurred in 2009. In 2013, the EQB, along with other state agencies, completed the "Mandatory Environmental Review Categories Report" (Report), directed by the 2012 Minnesota legislature (Laws of Minnesota for 2012, Chapter 150, Article 2, Section 3). The report provided an analysis of whether the mandatory categories should be modified, eliminated, or unchanged based on their relationship to existing permits or other federal, state, or local laws or ordinances. Pursuant to a legislative charge to support environmental review efficiency (2015 Special Session Law, Chapter 4, Article 3, Section 2), the EQB will pursue policy and technical updates to MN Rules Ch. 4410. Specifically, this rulemaking will focus on select mandatory EAW and EIS categories that were identified in the 2013 report to the legislature and categories identified by the public during rulemaking comment periods. For more information on the Environmental Review Program visit <https://www.eqb.state.mn.us/EnvironmentalReview>. The page also includes a "Sign up for email notices" form, a "Quick Links" sidebar with links to Calendar, EQB Monitor, Ordinance Library, and Webcasts, and a "Rule-related documents" section stating that documents will be posted as they become available. At the bottom, there is a "Notices" section with a link to "MN State Register – Request for Comment".

REQUEST FOR COMMENTS

■ 2013 and 2015

- Citizens
- MN Solid Waste Administrators
- Counties
- MN Landfill Operators
- Builders Association
- MN Four Wheel Drive Association
- MN Association of County Planning and Zoning Administrators
- Consultants
- Cities
- Industry Associations
- Chamber of Commerce
- State Agencies
- MN Trout Unlimited
- Center for Earth, Energy and Democracy



POTENTIAL CATEGORIES FOR REVIEW – STATE AGENCIES

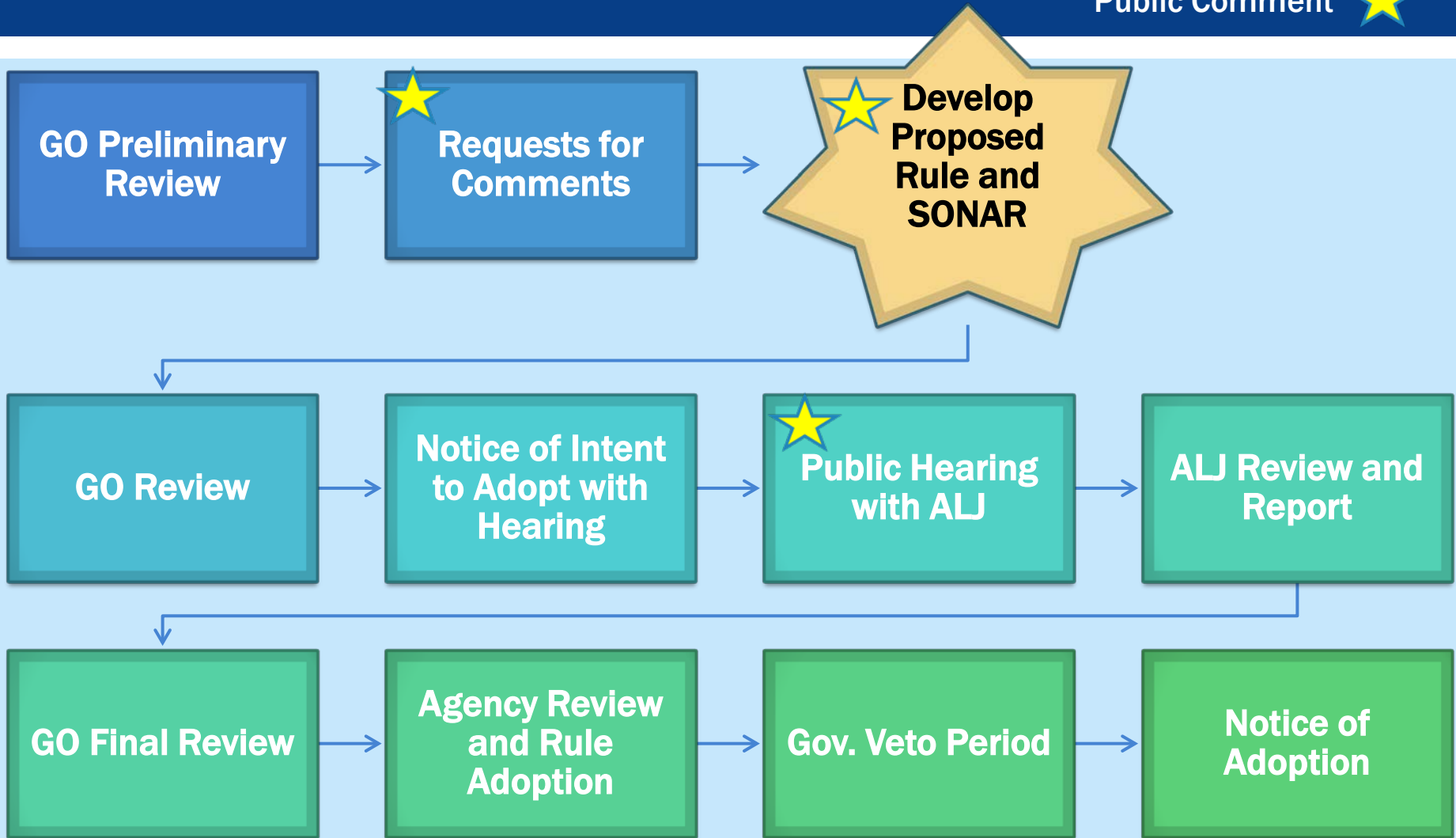
Mandatory Category	RGU	Proposed Change
Forestry - EAW	DNR	Remove redundancy/ unnecessary
Natural areas – EAW	DNR	Add definition/ greater clarity
Metallic mineral mining – EIS	DNR	Remove redundancy
Highway projects – EAW	DOT	Add definition and change threshold
Electric generating facilities – EAW	EQB	Aligning with permitting authority
Nuclear fuels – EAW and EIS	EQB	Aligning with statutes/ moratorium
Transmission lines – EAW	EQB	Clean up
Air pollution – EAW	MPCA	Align with federal permitting
Solid waste – EAW and EIS	MPCA	Remove EIS threshold, update EAW
Wastewater systems – EAW	MPCA	Add definition/ greater clarity
Storage facilities – EAW	MPCA	Add definition/ greater clarity

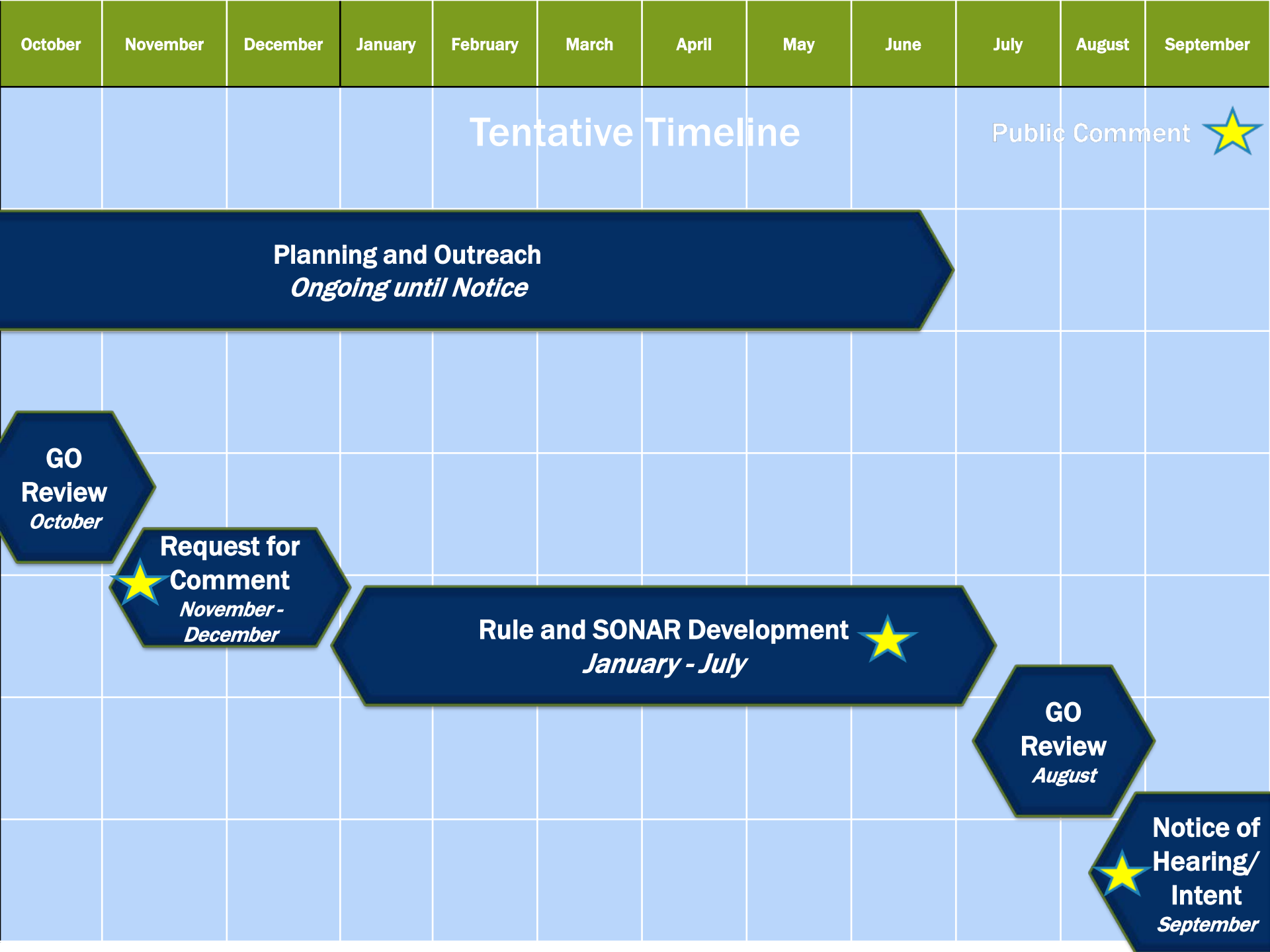
POTENTIAL CATEGORIES FOR REVIEW – LOCAL UNITS OF GOVERNMENT

Mandatory Category	RGU	Proposed Change
Stream diversion – EAW	LGU	Add RGU/ greater clarity
Wetland and public waters – EAW and EIS	LGU	Add RGU/ align with statute/ clean-up
Historic places – EAW	LGU/State	Remove redundancy/ greater clarity
Land use conversion – EAW	LGU	Suggestions in 2013 Report
Land conversion in shoreland – EAW	LGU	Suggestions in 2013 Report
Industrial, commercial and institutional facilities – EAW and EIS	LGU	Suggestions in 2013 Report
Residential development – EAW and EIS	LGU	Suggestions in 2013 Report
Mixed residential and industrial-commercial projects – EAW and EIS	LGU	Suggestions in 2013 Report
Recreational trails – EAW	LGU/DNR	Align with 2015 legislation

RULE PROCESS OVERVIEW

Public Comment 





October

November

December

January

February

March

April

May

June

July

August

September

Tentative Timeline

Public Comment



Planning and Outreach
Ongoing until Notice

GO Review
October

Request for Comment
November - December

Rule and SONAR Development
January - July

GO Review
August

Notice of Hearing/Intent
September

QUESTIONS