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April 13, 2006

TO: EQB Members

FROM: Michael Sullivan
Telephone: 651-201-2462

RE: **ANNOTATED AGENDA FOR
April 20, 2006 Board Meeting**

General

This month's meeting will take place at the Minnesota Pollution Control Agency – Board Room, 520 Lafayette Road, St. Paul, MN 55155. The meeting will begin at 9:00 a.m. Staff will be available for briefing and questions at 8:00 a.m.

Attention: *Denotes an agenda item that may require Board action.

I. *Adoption of Consent Agenda

- Adoption of the Proposed Agenda for April 20, 2006 meeting
- Adoption of the Proposed Minutes for March 16, 2006 meeting

II. Executive Director's Report

III. Legal Counsel Report

IV. Briefing on Status of "Phase 1" Amendments to Environmental Review Program Rules

Presenter: Gregg Downing, EQB staff
(651-201-2476)

Materials enclosed:

1. Written comments received through March 15, 2006

Materials to be handed out at Board meeting:

1. Written comments received during post-hearing comment period
2. EQB staff response letter filed April 19, 2006

Issue before the Board

The EQB staff will update the Board about developments in the Phase 1 rule amendment process. The staff will describe the issues that have arisen and its responses.

Background

The pre-hearing written comment period ended March 15, with five comment letters (enclosed) being submitted. In addition, there were about 60 requests that the hearing be held and the hearing was held on March 30 before Administrative Law Judge Steve Mihalchick. Only one additional party commented at the hearing, the Minnesota Center for Environmental Advocacy, although there was follow-up testimony from the Builders' Association of the Twin Cities. The transcript of the hearing has been posted at the EQB website.

The post-hearing comment period will end on April 19 and a rebuttal period will end on April 26. The staff will give the Board members copies of the response letter it intends to file by April 19 and copies of any outside comments it has received by that time.

Judge Mihalchick's report will be due in late May and the staff hopes to bring proposed final amendments to the Board for adoption at the June meeting.

V. Presentation of the DNR's Recommendations for New Mandatory Categories for Projects in Shorelands

Presentors: Russ Schulz and Peder Otterson, DNR Division of Waters staff
Jon Larsen, EQB staff

Materials enclosed:

1. DNR shoreland category proposal materials
2. List of members of advisory committee
3. Letter from Minnesota Association of County Planning & Zoning Administrators commenting on DNR proposal

Issue before the Board

The DNR staff will give a presentation to the Board about its proposals for new mandatory EAW & EIS categories for various types of projects occurring in shorelands of lakes and rivers.

Background

As the Board will recall, one important element of the "Phase 2" Environmental Review rule amendment process is consideration of new mandatory categories for projects in shoreland areas. (Shoreland extends back 1,000 feet from a lakeshore or 300 feet from the bank of a river.) After the Request for Comments in February 2005, the EQB asked the DNR to take the lead in developing a proposal for such categories. The DNR established a stakeholder advisory committee from persons who expressed interest in serving on such a committee. Based on input

from the advisory group, the DNR has developed a proposal for mandatory EAW and EIS categories for residential and other types of projects in shorelands.

Enclosed with the packet is a copy of a letter sent to Commissioner Merriam from the Minnesota Association of County Planning and Zoning Administrators commenting on some of the provisions in the DNR's proposal (which the Association is aware of because of county representation on the advisory group).