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August 10, 2006

TO: EQB Members

FROM: Michael Sullivan  
Telephone: 651-201-2462

RE: **ANNOTATED AGENDA FOR  
August 18, 2006 Board Meeting**

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### **General**

This month's meeting will take place at the State Office Building, Hearing Room 5. 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 **August 18, 2006** meeting
- Adoption of the Proposed Minutes for **June 15, 2006** meeting

### **II. Executive Director's Report**

### **III. Legal Counsel Report**

### **IV. Update on Phase 2 Amendments to the Environmental Review Program Rules**

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

### **Materials enclosed:**

1. Request for Comments, dated August 7, 2006
2. Table of Preliminary Draft of Possible Amendments for Phase 2 Rulemaking, August 6, 2006

3. Letter of July 27, 2006 from Norman Craig, President, Minnesota Association of County Planning & Zoning Administrators, to Chair Badgerow
4. Letter of August 3, 2006 from Chair Badgerow to Norman Craig
5. Copy of media release by Dept. of Administration

### **Issues Before the Board**

No action is requested on this item. The staff will present an update on the Phase 2 Environmental Review rules revision process.

### **Background**

At the June 15, 2006 meeting, the Board authorized publication of a notice requesting comments on intended Phase 2 rule amendments, including a list of amendments that was discussed at the meeting. Subsequently, staff turned the list into a table-style format, similar to the one used in the previous rulemaking (copy enclosed) and prepared the official Request for Comments notice (copy enclosed). The Chair signed the notice on August 7, and the notice was sent to the State Register for publication on August 14. Notice of the opportunity to comment is also being given through the *EQB Monitor*, a press release to media statewide (copy enclosed), direct mailings to known interested persons, and by posting at the EQB Web site. The Request for Comments notice directs readers to the Web site to view the actual proposed amendments.

Public comments will be accepted through October 16, which gives a 60-day comment opportunity. Since the October Board meeting is October 19, staff should be able to distribute copies of comments to the Board and give a cursory summary of the comments in October. Staff anticipates a lot of interest in the Phase 2 amendments, especially in the proposed new shoreland categories.

### **Significant Issues**

Enclosed with the packet are copies of a letter to the Chair from the President of the Minnesota County Association of Planning & Zoning Administration and the Chair's reply letter. The Association is concerned about the proposed mandatory EAW and EIS categories proposals for projects in shorelands. The Association believes the proposal is too complicated. Board members may recall receiving an earlier letter from the Association, addressed to Commissioner Merriam, about the same topic. In the enclosed letter to the Chair, the Association asked the Board to delay publication of the Request for Comments in order to consider at this Board meeting the possibility of adding an alternative shoreland proposal from the counties to the Request for Comments material. As indicated in her reply, the Chair decided that the Request for Comments should not be delayed, because adding in another proposal from one interest group at this point of the process would set an undesirable precedent. The Chair's letter assures the Association that the Board will take its input seriously and that there are ample opportunities to provide input throughout the rest of the rulemaking process.

Staff anticipates that several county planning and zoning administrators will attend the Board meeting to speak to the Board about their concerns with the shoreland category proposals. The administrators may bring an alternative proposal for simplified shoreland categories to the Board

meeting.

**V. Overview of water planning activities** [John to provide details]

**Presenter:** John Wells, EQB Staff  
(651-201-2475)

**Materials enclosed:**

1. Table of EQB water authorities
2. Summary progress report on EQB Water Sustainability 2030 study

**Issue before the Board**

No action is requested on this item. While the EQB water planning program works closely with the Clean Water Cabinet, the Board will be asked to approve several water-related reports in the next few months.

**Background**

*Minnesota Statutes* directs the EQB to submit a water policy report to the Legislature every two years. The report may include ground water policy issues and is expected to draw from interagency analyses of research needs, water quality trends and water availability. The Governor's Office approved the Board's outline for a water availability assessment in December 2004. Since then, the Board's staff has been working with DNR, the University of Minnesota, the Minnesota Geological Survey, the U.S. Geological Survey and others on the *Water Sustainability 2030* assessment. The Board recently convened a meeting of representatives from PCA, Agriculture, Health, the Minnesota Geological Survey and the U.S. Geological Survey to discuss the feasibility of an assessment of ground water quality trends. The group concluded that a summary of groundwater-related trends issues would be useful. Both efforts should contribute to the identification of priorities and any needed policy changes that the Cabinet and EQB may develop.

**Significant Issues**

*Minnesota Statutes* calls for the reports to be submitted to the Legislature by September 15 of each even-numbered year. In past years, the Board and Governor's Office elected to delay completion and publication of the reports until later in the fall or winter. We assume that this year will be no exception.

- VI.** The Legislative Commission on Minnesota Resources (LCMR) requests that the EQB coordinate member agency response to a request for information to be used as part of the Legislative & Citizen Commission on Minnesota Resources (LCCMR) strategic planning process.

**Presenter:**

**Material enclosed:**

1. August 1, 2006 letter from Representative Kathy Tingelstad, Chair LCMR to Commissioner Dana Badgerow
2. Background information on the new Legislative Citizen Commission on Minnesota Resources
3. Minnesota Statutes 2005, chapter 116P-LCMR governing statutes
4. 2006 legislative changes to chapter 116P, creating and organizing the new Legislative Citizen Commission on Minnesota Resources

**Issue before the Board**

No action is requested on this item. The chair will be requesting member agency support and assistance in complying with the request received from Representative Tingelstad.

**Background**

Commissioner Badgerow, as chair of the EQB, received a letter from Representative Kathy Tingelstad, chair of the Legislative Commission on Minnesota Resources, requesting EQB assistance in gathering information from EQB member agencies that will be used to support the strategic planning process of the Legislative Citizen Commission on Minnesota Resources. In particular, the EQB will be asked to obtain from each member agency a "...succinct response..." to four questions and to prepare a summary of those responses.

EQB staff discussions with LCMR staff indicate that the requested information would be expected at the end of September 2006 at the earliest.

**Significant Issues**

There is one significant issue—the time frame allowed for the EQB response (late September or early October) is short and as such will require an expedited effort on the part of the EQB and member agencies. Another area that may require some extra focus is coordination of the LCMR request with member agency budget/priority development schedules.