

REQUEST FOR COMMENTS

Proposed Amendments to Rules Governing the Environmental Review Program, *Minnesota Rules, chapter 4410,*

Subject of Rules. The Minnesota Environmental Quality Board (EQB) is considering making revisions to the existing rules governing the Environmental Review Program. These are the rules under which Environmental Assessment Worksheets (EAWs), Environmental Impact Statements (EISs), and other environmental review documents are prepared.

The EQB has identified about 50 rule provisions that will be considered for amendment. Those provisions are enumerated in the document described under “Rule Drafts” below. Included are changes resulting from the EQB 2004 study of mandatory EAW threshold levels, and also other housekeeping and technical rule change proposals that have been identified by the EQB staff over the last few years.

Persons Affected. The proposed amendments may specifically affect project developers, local units of government and state agencies, citizens groups, and environmental groups. However, changes to the rules governing the Environmental Review Program may directly or indirectly affect all citizens of the state.

Statutory Authority. *Minnesota Statutes*, sections 116D.04 & 116D.045, establish the Environmental Review Program and authorize the EQB to adopt administrative rules governing its operation.

Public Comment. Interested persons or groups may submit comments or information on possible rule amendments in writing or orally until 4:30 p.m. on April 18, 2005.

Advisory Groups. The EQB is considering forming several advisory groups to discuss certain of the proposed amendments more formally, especially the possible amendments to the mandatory EAW categories. *Any person interested in serving on an advisory group is asked to contact the EQB by March 4.*

Rule Drafts. A preliminary draft of the amendments being considered by EQB is titled Proposed Revision of Rules Governing the Environmental Review Program, and from the EQB contact person noted below. The preliminary draft contains possible amendments to 47 existing rule parts or subparts, including proposed amendments to the mandatory EAW thresholds for five existing EAW categories (nonmetallic mineral mining, air pollution, wastewater systems, animal feedlots, and historical places) and the establishment of two new categories specific to lakeshore development and to development near highly important natural resources.

Proposed language has not been developed for all of the possible amendments. For some of the 48 provisions being considered, the preliminary draft is limited to describing the issues or

problems sought to be resolved through amending the rules or to presenting a conceptual revision without specific rule language.

Agency Contact Person. Written or oral comments, questions, requests to be appointed to an advisory group, requests to receive the preliminary draft of the proposed amendments, or requests for more information on these possible amendments to rules should be directed to:

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300 Centennial Building, 658 Cedar Street
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E-mail: gregg.downing@state.mn.us
TTY users may call the Board at 800/627-3529.

Alternative Format. Upon request, this Request for Comments can be made available in an alternative format, such as large print, Braille, or cassette tape. To make such a request, please contact the agency contact person at the address or telephone number listed above.

Note: Comments received in response to this notice will not necessarily be included in the formal rulemaking record submitted to the administrative law judge when a proceeding to adopt rules is started. The agency is required to submit to the judge only those written comments received in response to the rules after they are proposed. If you submitted comments during the development of the rules and you want to ensure that the administrative law judge reviews the comments, you should resubmit the comments after the rules are formally proposed. The EQB presently anticipates that rules may be formally proposed sometime in mid-2005.

Dated: February 1, 2005

Robert A. Schroeder, Chair
Environmental Quality Board