

# Exhibit F.1.

## Environmental Quality Board

### **DUAL NOTICE: Notice of Intent to Adopt Rules Without a Public Hearing Unless 25 or More Persons Request a Hearing, and Notice of Hearing if 25 or More Requests for Hearing Are Received; Revisor's ID Number RD-04157**

**Proposed Amendment to Rules Governing Environmental Review, *Minnesota Rules*, 4410.0200, 4410.0500, 4410.4300, 4410.4400, 410.5200, 4410.7904, 4410.7906, 4410.7926, 4410.4600**

**Introduction.** The Environmental Quality Board intends to adopt rules without a public hearing following the procedures in the rules of the Office of Administrative Hearings, *Minnesota Rules*, parts 1400.2300 to 1400.2310, and the Administrative Procedure Act, *Minnesota Statutes*, sections 14.22 to 14.28. If, however, 25 or more persons submit a written request for a hearing on the rules by 4:30 p.m. on January 7, 2018, the Environmental Quality Board will hold two public hearings.

The first hearing, in Room 100, Minnesota Pollution Control Agency, 520 Lafayette Road, St. Paul, MN 55155, starting at 10:00 am on Wednesday, January 23, 2019 and, the second hearing at Great River Regional Library, 1300 W St. Germain St., St Cloud, MN 56301, starting at 10:30am on Monday January 28, 2019. To find out whether the Environmental Quality Board will adopt the rules without a hearing or if it will hold the hearings, you should contact the agency contact person after January 7, 2019 and before January 23, 2019.

**Agency Contact Person.** Submit any comments or questions on the rules or written requests for a public hearing to the Environmental Quality Board contact person. The Environmental Quality Board contact person is:

Erik Cedarleaf Dahl  
Environmental Quality Board,  
520 Lafayette Rd. St. Paul, MN, 55101,  
651-757-2364 (phone), 651-757-2343 (fax), [erik.dahl@state.mn.us](mailto:erik.dahl@state.mn.us).

**You may also review the proposed rule and submit written comments via the Office of Administrative Hearings Rulemaking e-comments website at <https://minnesotaoah.granicusideas.com/discussions> .**

**Subject of Rules and Statutory Authority.** The proposed rules are about Environmental Review: definitions, RGU selection process, Mandatory EAW Categories, Mandatory EIS Categories, Exemptions, Required notices, Licensing of Explorers, Content of an application for drilling permit, Abandonment of Exploratory Borings. The statutory authority to adopt the rules is *Minnesota Statutes, section 116D.04, subdivisions 2a(a), 4a, 5a; Minnesota Statutes 116D.045, subdivision 1; Laws of Minnesota 2013, Chapter 114, Article 4, Section 105; Laws of Minnesota 2015, Chapter 4, Article 4, Section 121; Minnesota Statutes 116C.991; Laws of Minnesota 2015, Chapter 4, Section 33*. A copy of the proposed rules is published in the *State Register* and attached to this notice as mailed.

**Comments.** You have until 4:30 p.m. on January 7, 2019 to submit written comment in support of or in opposition to the proposed rules or any part or subpart of the rules. Your comment must be in writing and received by the agency contact person by the due date. Comment is encouraged. Your comments should identify the portion of the proposed rules addressed, the reason for the comment, and any change proposed. You are encouraged to propose any change that you desire. Any comments that you have about the legality of the proposed rules must also be made during this comment period.

**Request for a Hearing.** In addition to submitting comments, you may also request that the Environmental Quality Board hold a hearing on the rules. You must make your request for a public hearing in writing, which the agency contact person must receive by 4:30 p.m. on January 7, 2019. You must include your name and address in your written request. In addition, you must identify the portion of the proposed rules that you object to or state that you oppose the entire set of rules. Any request that does not comply with these requirements is not valid and the agency cannot count it when determining whether it must hold a public hearing. You are also encouraged to state the reason for the request and any changes you want made to the proposed rules.

**Withdrawal of Requests.** If 25 or more persons submit a valid written request for a hearing, the Environmental Quality Board will hold a public hearing unless a sufficient number of persons withdraw their requests in writing. If enough requests for hearing are withdrawn to reduce the number below 25, the agency must give written notice of this to all persons who requested a hearing, explain the actions the agency took to effect the withdrawal, and ask for written comments on this action. If a public hearing is required, the agency will follow the procedures in *Minnesota Statutes*, sections 14.131 to 14.20.

**Alternative Format/Accommodation.** Upon request, this information can be made available in an alternative format, such as large print, braille, or audio. To make such a request or if you need an accommodation to make this hearing accessible, please contact the agency contact person at the address or telephone number listed above.

**Modifications.** The Environmental Quality Board might modify the proposed rules, either as a result of public comment or as a result of the rule hearing process. It must support modifications by data and views submitted to the agency or presented at the hearing. The adopted rules may not be substantially different than these proposed rules unless the Environmental Quality Board follows the procedure under *Minnesota Rules*, part 1400.2110. If the proposed rules affect you in any way, the Environmental Quality Board encourages you to participate in the rulemaking process.

**Cancellation of Hearing.** The Environmental Quality Board will cancel the hearing(s) scheduled for January 23, 2019 and January 28, 2019 (in St. Cloud) if the Environmental Quality Board does not receive requests for a hearing from 25 or more persons. If you requested a public hearing, the Environmental Quality Board will notify you before the scheduled hearings whether the hearings will be held. You may also call the agency contact person at 651-757-2364 after January 7, 2019 (4:30pm) to find out whether the hearing will be held.

**Notice of Hearing.** If 25 or more persons submit valid written requests for a public hearing on the rules, the Environmental Quality Board will hold a hearing following the procedures in *Minnesota Statutes*, sections 14.131 to 14.20. The Environmental Quality Board will hold the hearings on the dates and at the times and places listed above. The hearings will continue until all interested persons have been heard. Administrative Law Judge, LauraSue Schlatter is assigned to conduct the hearings. Judge LauraSue Schlatter can be reached at the Office of Administrative Hearings, 600 North Robert Street, P.O. Box 64620, Saint Paul, Minnesota 55164-0620, telephone (651) 361-7875, and fax (651) 539-0310.

**Hearing Procedure.** If the Environmental Quality Board holds a hearing, you and all interested or affected persons, including representatives of associations or other interested groups, will have an opportunity to participate. You may present your views either orally at the hearing or in writing at any time before the hearing record closes. All evidence presented should relate to the proposed rules. You may also submit written material to the Administrative Law Judge to be recorded in the hearing record for five working days after the public hearing ends. At the hearing the Administrative Law Judge may order that this five-day comment period is extended for a longer period but not more than 20 calendar days. Following the comment period, there is a five-working-day rebuttal period when the agency and any interested person may respond in writing to any new information submitted. No one may submit **new** evidence during the five-day rebuttal period. The Office of Administrative Hearings must receive all comments and responses submitted to the Administrative Law Judge via the Office of Administrative Hearings Rulemaking e-comments website at

<https://minnesotaoah.granicusideas.com/discussions> no later than 4:30 p.m. on the due date. All comments or responses received will be available for review at the Environmental Quality Board or on the Environmental Quality Board website at <https://www.eqb.state.mn.us/content/eqb-mandatory-categories-rulemaking>. This rule hearing procedure is governed by *Minnesota Rules*, parts 1400.2000 to 1400.2240, and *Minnesota Statutes*, sections 14.131 to 14.20. You may direct questions about the procedure to the Administrative Law Judge.

The agency requests that any person submitting written views or data to the Administrative Law Judge before the hearing or during the comment or rebuttal period also submit a copy of the written views or data to the agency contact person at the address stated above.

**Statement of Need and Reasonableness.** The statement of need and reasonableness summarizes the justification for the proposed rules, including a description of who will be affected by the proposed rules and an estimate of the probable cost of the proposed rules. It is now available from the agency contact person. You may review or obtain copies for the cost of reproduction by contacting the agency contact person. The SONAR will be available at the Environmental Quality Board's website here: <https://www.eqb.state.mn.us/content/eqb-mandatory-categories-rulemaking>.

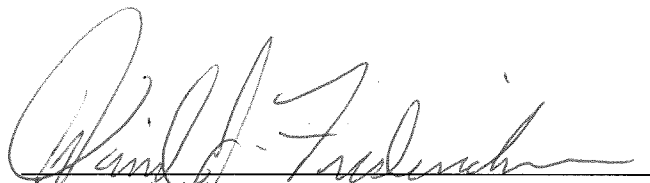
**Lobbyist Registration.** *Minnesota Statutes*, chapter 10A, requires each lobbyist to register with the State Campaign Finance and Public Disclosure Board. Ask any questions about this requirement of the Campaign Finance and Public Disclosure Board at: Suite #190, Centennial Building, 658 Cedar Street, St. Paul, Minnesota 55155, telephone (651) 539-1180 or 1-800-657-3889.

**Adoption Procedure if No Hearing.** If no hearing is required, the agency may adopt the rules after the end of the comment period. The Environmental Quality Board will submit the rules and supporting documents to the Office of Administrative Hearings for a legal review. You may ask to be notified of the date the rules are submitted to the office. If you want either to receive notice of this, to receive a copy of the adopted rules, or to register with the agency to receive notice of future rule proceedings, submit your request to the agency contact person listed above.

**Adoption Procedure after a Hearing.** If a hearing is held, after the close of the hearing record, the Administrative Law Judge will issue a report on the proposed rules. You may ask to be notified of the date that the Administrative Law Judge's report will become available, and can make this request at the hearing or in writing to the Administrative Law Judge. You may also ask to be notified of the date that the agency adopts the rules and the rules are filed with the Secretary of State by requesting this at the hearing or by writing to the agency contact person stated above.

**Order.** I order that the rulemaking hearing be held at the date, time, and location listed above.

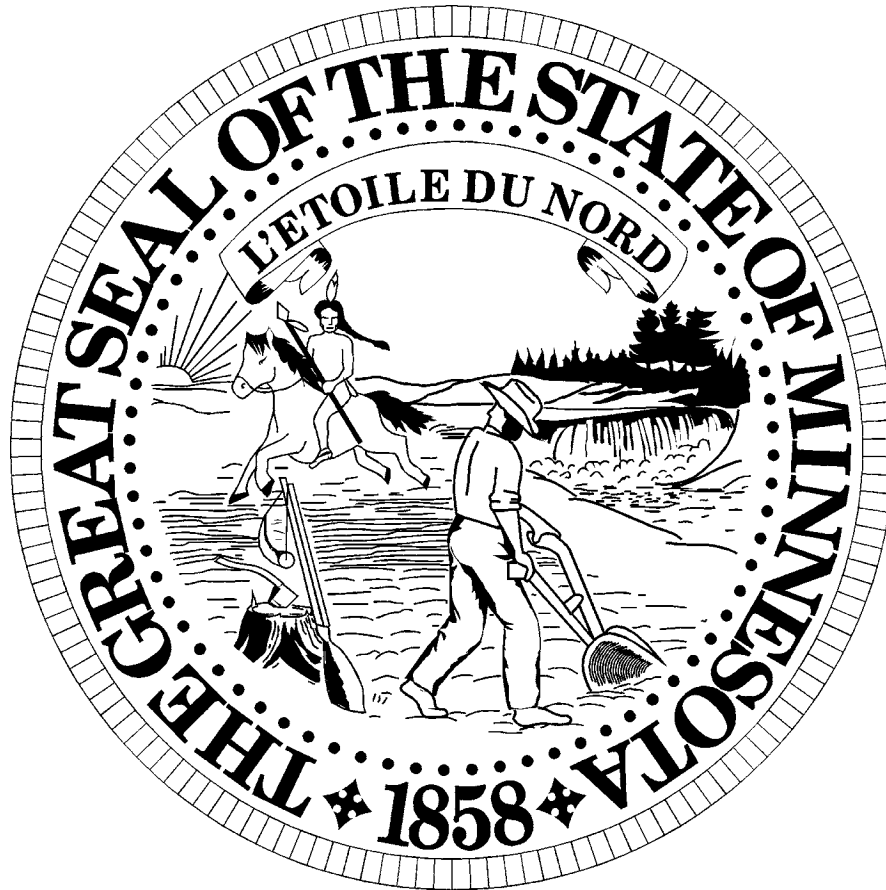
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Date

  
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Dave Frederickson  
Chair, Environmental Quality Board

## Exhibit F.2.

# 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;  
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# Proposed Rules

**Comments on Planned Rules or Rule Amendments.** An agency must first solicit Comments on Planned Rules or Comments on Planned Rule Amendments from the public on the subject matter of a possible rulemaking proposal under active consideration within the agency (*Minnesota Statutes* §§ 14.101). It does this by publishing a notice in the *State Register* at least 60 days before publication of a notice to adopt or a notice of hearing, and within 60 days of the effective date of any new statutory grant of required rulemaking.

**Rules to be Adopted After a Hearing.** After receiving comments and deciding to hold a public hearing on the rule, an agency drafts its rule. It then publishes its rules with a notice of hearing. All persons wishing to make a statement must register at the hearing. Anyone who wishes to submit written comments may do so at the hearing, or within five working days of the close of the hearing. Administrative law judges may, during the hearing, extend the period for receiving comments up to 20 calendar days. For five business days after the submission period the agency and interested persons may respond to any new information submitted during the written submission period and the record then is closed. The administrative law judge prepares a report within 30 days, stating findings of fact, conclusions and recommendations. After receiving the report, the agency decides whether to adopt, withdraw or modify the proposed rule based on consideration of the comments made during the rule hearing procedure and the report of the administrative law judge. The agency must wait five days after receiving the report before taking any action.

**Rules to be Adopted Without a Hearing.** Pursuant to *Minnesota Statutes* § 14.22, an agency may propose to adopt, amend, suspend or repeal rules without first holding a public hearing. An agency must first solicit **Comments on Planned Rules or Comments on Planned Rule Amendments** from the public. The agency then publishes a notice of intent to adopt rules without a public hearing, together with the proposed rules, in the *State Register*. If, during the 30-day comment period, 25 or more persons submit to the agency a written request for a hearing of the proposed rules, the agency must proceed under the provisions of §§ 14.1414.20, which state that if an agency decides to hold a public hearing, it must publish a notice of intent in the *State Register*.

**KEY: Proposed Rules - Underlining** indicates additions to existing rule language. ~~Strikeouts~~ indicate deletions from existing rule language. If a proposed rule is totally new, it is designated “all new material.” **Adopted Rules - Underlining** indicates additions to proposed rule language. ~~Strikeout~~ indicates deletions from proposed rule language.

## Environmental Quality Board

### **Proposed Permanent Rules Relating to Environmental Review: Mandatory Categories; DUAL NOTICE: Notice of Intent to Adopt Rules Without a Public Hearing Unless 25 or More Persons Request a Hearing, and Notice of Hearing if 25 or More Requests for Hearing Are Received; Revisor’s ID Number RD-04157**

**Proposed Amendment to Rules Governing Environmental Review, *Minnesota Rules*, 4410.0200, 4410.0500, 4410.4300, 4410.4400, 4410.5200, 4410.7904, 4410.7906, 4410.7926, 4410.4600**

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# Proposed Rules

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contact person after January 7, 2019 and before January 23, 2019.

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Erik Cedarleaf Dahl  
Environmental Quality Board,  
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# Proposed Rules

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Judge. You may also ask to be notified of the date that the agency adopts the rules and the rules are filed with the Secretary of State by requesting this at the hearing or by writing to the agency contact person stated above.

**Order.** I order that the rulemaking hearing be held at the date, time, and location listed above.

Date: November 5, 2018

Dave Frederickson  
Chair, Environmental Quality Board

## 4410.0200 DEFINITIONS AND ABBREVIATIONS.

*[For text of subps 1 and 1a, see M.R.]*

Subp. 1b. **Acute hazardous waste.** “Acute hazardous waste” has the meaning given in part 7045.0020.

*[For text of subps 2 to 5, see M.R.]*

Subp. 5a. **Auxiliary lane.** “Auxiliary lane” means the portion of the roadway that:

A. adjoins the through lanes for purposes such as speed change, turning, storage for turning, weaving, or truck climbing; and

B. supplements through-traffic movement.

*[For text of subps 6 to 9a, see M.R.]*

Subp. 9b. **Compost facility.** “Compost facility” means a facility used to compost or co-compost solid waste, including: has the meaning given in part 7035.0300.

A. structures and processing equipment used to control drainage or collect and treat leachate; and

B. storage areas for incoming waste, the final product, and residuals resulting from the composting process.

*[For text of subps 10 to 36, see M.R.]*

Subp. 36a. **Hazardous material.** “Hazardous material” has the meaning given in Code of Federal Regulations, title 49, section 171.8.

*[For text of subps 37 to 40a, see M.R.]*

Subp. 40b. **Institutional facility.** “Institutional facility” means a land-based facility owned or operated by an organization having a governmental, educational, civic, or religious purpose such as a school, hospital, prison, military installation, church, or other similar establishment or facility.

*[For text of subps 41 to 42a, see M.R.]*

Subp. 43. **Local governmental unit.** “Local governmental unit” means any unit of government other than the state or a state agency or the federal government or a federal agency. It Local governmental unit includes watershed districts established pursuant according to Minnesota Statutes, chapter 103D, soil and water conservation districts, watershed management organizations, counties, towns, cities, port authorities, housing authorities, and the Metropolitan Council. It Local governmental unit does not include courts, school districts, and regional development commissions.

*[For text of subps 44 to 52, see M.R.]*

Subp. 52a. **Mixed municipal solid waste land disposal facility.** “Mixed municipal solid waste land disposal facility” has the meaning given in part 7035.0300.

*[For text of subps 53 to 59, see M.R.]*

Subp. 59a. **Petroleum refinery.** “Petroleum refinery” has the meaning given in Minnesota Statutes, section 115C.02, subdivision 10a.

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# Proposed Rules

*[For text of subps 60 to 71, see M.R.]*

Subp. 71a. **Refuse-derived fuel.** “Refuse-derived fuel” means the product resulting from techniques or processes used to prepare solid waste by shredding, sorting, or compacting for use as an energy source has the meaning given in Minnesota Statutes, section 115A.03, subdivision 25d.

*[For text of subps 71b to 82, see M.R.]*

Subp. 82a. **Silica sand.** “Silica sand” has the meaning given in Minnesota Statutes, section 116C.99, subdivision 1.

Subp. 82b. **Silica sand project.** “Silica sand project” has the meaning given in Minnesota Statutes, section 116C.99, subdivision 1.

*[For text of subps 83 to 92c, see M.R.]*

Subp. 93. **Wetland.** “Wetland” has the meaning given wetlands in U.S. Fish and Wildlife Service Circular No. 39 (1971 edition) Minnesota Statutes, section 103G.005, subdivision 19.

*[For text of subps 94 to 96, see M.R.]*

## 4410.0500 RGU SELECTION PROCEDURES.

*[For text of subps 1 to 3, see M.R.]*

Subp. 4. **RGU for EAW by order of EQB.** If the ~~QB~~ EQB orders an EAW pursuant to part 4410.1000, subpart 3, item C, the EQB shall, at the same time, designate the RGU for that EAW.

*[For text of subp 5, see M.R.]*

Subp. 6. **Exception.** Notwithstanding subparts 1 to 5, the EQB or EQB chair may designate, ~~within five days of receipt of the completed data portions of the EAW,~~ a different RGU for the project if ~~the EQB determines~~ the designee has greater expertise in analyzing the potential impacts of the project.

## 4410.4300 MANDATORY EAW CATEGORIES.

*[For text of subp 1, see M.R.]*

Subp. 2. **Nuclear fuels and nuclear waste.** Items A to F designate the RGU for the type of project listed:

A. For construction or expansion of a facility for the storage of high level nuclear waste, other than an independent spent-fuel storage installation, the EQB ~~shall be~~ is the RGU.

*[For text of items B to F, see M.R.]*

Subp. 3. **Electric-generating facilities.** Items A to D designate the RGU for the type of project listed:

A. For construction of an electric power generating plant and associated facilities designed for or capable of operating at a capacity of between 25 megawatts and 50 megawatts, ~~the EQB shall be the RGU or more but less than 50 megawatts and for which an air permit from the PCA is required,~~ the PCA is the RGU.

B. For construction of an electric power generating plants plant and associated facilities designed for and capable of operating at a capacity of 25 megawatts or more but less than 50 megawatts or more, ~~environmental review shall be conducted according to parts 7849.1000 to 7849.2100 and 7850.1000 to 7850.5600 and for which an air permit from the PCA is not required,~~ the local governmental unit is the RGU.

C. For construction of an electric power generating plant and associated facilities designed for and capable of operating at a capacity of 50 megawatts or more, the PUC is the RGU, and environmental review must be conducted according to parts 7849.1000 to 7849.2100 and chapter 7850.

D. For construction of a wind energy conversion system, as defined in Minnesota Statutes, section 216F.01, designed for and capable of operating at a capacity of 25 megawatts or more, the PUC is the RGU, and environmental

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review must be conducted according to chapter 7854.

Subp. 4. **Petroleum refineries.** For expansion of an existing petroleum refinery facility that increases its the refinery's capacity by 10,000 ~~or more~~ barrels per day or more, the PCA ~~shall be~~ is the RGU.

Subp. 5. **Fuel conversion facilities.**

A. Items A and B Subitems (1) and (2) designate the RGU for the type of project listed:

A.

(1) For construction of a new fuel conversion facility for the conversion of coal, peat, or biomass sources to gaseous, liquid, or solid fuels if that facility has the capacity to utilize 25,000 dry tons or more per year of input, the PCA ~~shall be~~ is the RGU.

B.

(2) For construction ~~or expansion~~ of a new fuel conversion facility for the production of alcohol fuels ~~which that would have or would increase its~~ the capacity by to produce 5,000,000 ~~or more~~ gallons or more per year of alcohol produced, the PCA ~~shall be~~ is the RGU.

B. A mandatory EAW is not required for the projects described in Minnesota Statutes, section 116D.04, subdivision 2a, paragraph (b).

Subp. 6. **Transmission lines.** For construction of a transmission line at a new location with a nominal capacity of between 70 kilovolts and 100 kilovolts with 20 or more miles of its length in Minnesota, the EQB ~~shall be~~ the RGU. For construction of a high-voltage transmission lines line and associated facilities designed for and capable of operating at a nominal voltage of 100 kilovolts or more, as defined in part 7850.1000, the PUC is the RGU. Environmental review shall ~~must~~ be conducted according to parts 7849.1000 to 7849.2100 and 7850.1000 to 7850.5600.

Subp. 7. **Pipelines.** ~~Items A to D designate the RGU for the type of project listed: For construction, as defined in Minnesota Statutes, section 216G.01, subdivision 2, of a pipeline, as defined in Minnesota Statutes, section 216G.01, subdivision 3, or 216G.02, subdivision 1, the PUC is the RGU. Environmental review must be conducted according to chapter 7852 and Minnesota Statutes, chapter 216G.~~

A. For routing of a pipeline, greater than six inches in diameter and having more than 0.75 miles of its length in Minnesota, used for the transportation of coal, crude petroleum fuels, or oil or their derivatives, the EQB shall be the RGU.

B. For the construction of a pipeline for distribution of natural or synthetic gas under a license, permit, right, or franchise that has been granted by the municipality under authority of Minnesota Statutes, section 216B.36, designed to operate at pressures in excess of 275 pounds per square inch (gauge) with a length greater than:

(1) five miles if the pipeline will occupy streets, highways, and other public property; or

(2) 0.75 miles if the pipeline will occupy private property;

the EQB or the municipality is the RGU.

C. For construction of a pipeline to transport natural or synthetic gas subject to regulation under the federal Natural Gas Act, United States Code, title 15, section 717, et. seq., designed to operate at pressures in excess of 275 pounds per square inch (gauge) with a length greater than:

(1) five miles if the pipeline will be constructed and operated within an existing right-of-way; or

(2) 0.75 miles if construction or operation will require new temporary or permanent right-of-way;

the EQB is the RGU. This item shall not apply to the extent that the application is expressly preempted by federal law, or

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under specific circumstances when an actual conflict exists with applicable federal law.

~~D.~~ For construction of a pipeline to convey natural or synthetic gas that is not subject to regulation under the federal Natural Gas Act, United States Code, title 15, section 717, et seq.; or to a license, permit, right, or franchise that has been granted by a municipality under authority of Minnesota Statutes, section 216B.36; designed to operate at pressures in excess of 275 pounds per square inch (gauge) with a length greater than 0.75 miles, the EQB is the RGU.

Items A to D do not apply to repair or replacement of an existing pipeline within an existing right-of-way or to a pipeline located entirely within a refining, storage, or manufacturing facility.

Subp. 8. **Transfer facilities.** Items A and ~~B~~ to C designate the RGU for the type of project listed:

A. For construction of a new facility designed for or capable of transferring 300 tons or more of coal per hour or with an annual throughput of 500,000 tons of coal from one mode of transportation to a similar or different mode of transportation; or the expansion of an existing facility by these respective amounts, the PCA ~~shall be~~ is the RGU.

B. For construction of a new facility or the expansion by 50 percent or more of an existing facility for the bulk transfer of hazardous materials with the capacity of 10,000 or more gallons per transfer, if the facility is located in a shoreland area, a delineated flood plain floodplain, a state or federally designated wild and scenic rivers district, the Minnesota River Project Riverbend area, or the Mississippi headwaters area, the PCA ~~shall be~~ is the RGU.

C. The PCA is the RGU for a silica sand project that:

(1) is designed to store or is capable of storing more than 7,500 tons of silica sand; or

(2) has an annual throughput of more than 200,000 tons of silica sand.

*[For text of subp 9, see M.R.]*

Subp. 10. **Storage facilities.** Items A to ~~E~~ H designate the RGU for the type of project listed:

A. For construction of a new facility designed for or capable of storing more than 7,500 tons of coal or with an annual throughput of more than 125,000 tons of coal; or the expansion of an existing facility by these respective amounts, the PCA ~~shall be~~ is the RGU.

~~B.~~ For construction of a new major facility ~~on a single site designed for or capable of storing 1,000,000 gallons or more of hazardous materials, as defined in part 7151.1200, that results in a designed storage capacity of 1,000,000 gallons or more of hazardous materials,~~ the PCA ~~shall be~~ is the RGU.

C. For expansion of an existing major facility, as defined in part 7151.1200, with a designed storage capacity of 1,000,000 gallons or more of hazardous materials when the expansion adds a net increase of 1,000,000 gallons or more of hazardous materials, the PCA is the RGU.

D. For expansion of an existing facility that has less than 1,000,000 gallons in total designed storage capacity of hazardous materials when the net increase in designed storage capacity results in 1,000,000 gallons or more of hazardous materials, the PCA is the RGU.

~~E.~~ E. For construction of a new facility designed for or capable of storing on a single site 100,000 gallons or more of liquefied natural gas, as defined in Minnesota Statutes, section 299F.56, subdivision 14, or synthetic gas, or anhydrous ammonia as defined in Minnesota Statutes, section 216B.02, subdivision 6b, the PCA ~~shall be~~ PUC is the RGU, except as provided in item G.

F. For construction of a new facility designed for or capable of storing on a single site 100,000 gallons or more of anhydrous ammonia, the MDA is the RGU, except as provided in item G.

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G. For construction of a new facility designed for or capable of storing on a single site 100,000 gallons or more of a combination of liquefied natural gas, as defined in Minnesota Statutes, section 299F.56, subdivision 14; synthetic gas, as defined in Minnesota Statutes, section 216B.02, subdivision 6b; or anhydrous ammonia, the PUC is the RGU.

H. The PCA is the RGU for a silica sand project that:

(1) is designed to store or is capable of storing more than 7,500 tons of silica sand; or

(2) has an annual throughput of more than 200,000 tons of silica sand.

*[For text of subp 11, see M.R.]*

Subp. 12. **Nonmetallic mineral mining.** Items A to ~~C~~ D designate the RGU for the type of project listed:

*[For text of item A, see M.R.]*

B. For development of a facility for the extraction or mining of sand, gravel, stone, or other nonmetallic minerals, other than peat, which will excavate 40 or more acres of land to a mean depth of ten feet or more during its existence, the local ~~government governmental~~ unit ~~shall be~~ is the RGU.

*[For text of item C, see M.R.]*

D. For development of a silica sand project that excavates 20 or more acres of land to a mean depth of ten feet or more during the project's existence, the local governmental unit is the RGU.

*[For text of subp 13, see M.R.]*

Subp. 14. **Industrial, commercial, and institutional facilities.** Items A and B designate the RGU for the type of project listed, except as provided in items C and D:

A. For construction of a new or expansion of an existing warehousing or light industrial facility equal to or in excess of the following thresholds, expressed as gross floor space, the local governmental unit ~~shall be~~ is the RGU:

(1) unincorporated area, 150,000 square feet;

(2) third or fourth class city, 300,000 square feet;

(3) second class city, 450,000 square feet; and

(4) first class city, 600,000 square feet.

B. For construction of a new or expansion of an existing industrial, commercial, or institutional facility, other than a warehousing or light industrial facility, equal to or in excess of the following thresholds, expressed as gross floor space, the local ~~government governmental~~ unit ~~shall be~~ is the RGU:

*[For text of subitems (1) and (2), see M.R.]*

(3) second class city, 300,000 square feet; and

(4) first class city, 400,000 square feet.

*[For text of items C and D, see M.R.]*

*[For text of subp 15, see M.R.]*

Subp. 16. **Hazardous waste.** Items A to D designate the RGU for the type of project listed:

A. For construction of a new or expansion of a an existing hazardous waste disposal facility, the PCA ~~shall be~~ is the RGU.

B. For construction of a new facility for hazardous waste ~~processing facility with a capacity of 1,000 or more ki-~~



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~~lograms per month~~ storage or treatment that is generating or receiving 1,000 kilograms or more per month of hazardous waste or one kilogram or more per month of acute hazardous waste, the PCA ~~shall be~~ is the RGU.

C. For expansion of a ~~an existing facility for hazardous waste processing facility~~ storage or treatment that increases ~~its the facility's~~ capacity by ten percent or more, the PCA ~~shall be~~ is the RGU.

*[For text of item D, see M.R.]*

Subp. 17. **Solid waste.** Items A to G designate the RGU for the type of project listed:

A. For construction of a mixed municipal solid waste land disposal facility for up to 100,000 cubic yards of waste fill per year, the PCA is the RGU.

B. For expansion by 25 percent or more of ~~previous~~ previously permitted capacity of a mixed municipal solid waste land disposal facility for up to 100,000 cubic yards of waste fill per year, the PCA is the RGU.

*[For text of item C, see M.R.]*

D. For construction or expansion of a mixed municipal solid waste energy recovery facility or incinerator; or ~~the utilization use~~ of an existing facility for the combustion of mixed municipal solid waste or refuse-derived fuel, with a permitted capacity of 30 tons or more ~~tons~~ per day of input, the PCA is the RGU.

E. For construction or expansion of a mixed municipal solid waste compost facility or a refuse-derived fuel production facility with a permitted capacity of 50 tons or more ~~tons~~ per day of input, the PCA is the RGU.

F. For expansion by at least ten percent but less than 25 percent of ~~previous~~ previously permitted capacity of a mixed municipal solid waste land disposal facility for 100,000 cubic yards or more of waste fill per year, the PCA is the RGU.

*[For text of item G, see M.R.]*

Subp. 18. **Wastewater systems.** Items A to ~~E~~ F designate the RGU for the type of project listed:

A. For expansion, modification, or replacement of a municipal sewage collection system resulting in an increase in design average daily flow of any part of that system by 1,000,000 gallons per day or more if the discharge is to a wastewater treatment facility with a capacity less than 20,000,000 gallons per day ~~or for expansion, modification, or replacement of a municipal sewage collection system resulting in an increase in design average daily flow of any part of that system by 2,000,000 gallons per day or more if the discharge is to a wastewater treatment facility with the capacity of 20,000,000 gallons or greater,~~ the PCA ~~shall be~~ is the RGU.

~~B.~~ B. For expansion, modification, or replacement of a municipal sewage collection system resulting in an increase in design average daily flow of any part of that system by 2,000,000 gallons per day or more if the discharge is to a wastewater treatment facility with the capacity of 20,000,000 gallons or greater, the PCA is the RGU.

~~B. C.~~ C. For expansion or ~~reconstruction~~ modification of an existing municipal or domestic wastewater treatment facility ~~which that~~ results in an increase by 50 percent or more and by at least 200,000 gallons per day of ~~its the facility's~~ average wet weather design flow capacity, ~~or the~~ PCA is the RGU.

~~D.~~ D. For construction of a new municipal or domestic wastewater treatment facility with an average wet weather design flow capacity of 200,000 gallons per day or more, the PCA ~~shall be~~ is the RGU.

~~E.~~ E. For expansion or ~~reconstruction~~ modification of an existing industrial process wastewater treatment facility ~~which that~~ increases ~~its the facility's~~ design flow capacity by 50 percent or more and by at least 200,000 gallons per day or more, ~~or the~~ PCA is the RGU.

F. For construction of a new industrial process wastewater treatment facility with a design flow capacity of 200,000 gallons per day or more, 5,000,000 gallons per month or more, or 20,000,000 gallons per year or more, the PCA

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~~shall be is~~ the RGU. This category does not apply to industrial process wastewater treatment facilities that discharge to a ~~publicly-owned~~ publicly owned treatment works or to a tailings basin reviewed ~~pursuant~~ according to subpart 11, item B.  
*[For text of subps 19 and 19a, see M.R.]*

Subp. 20. **Campgrounds and RV parks.** For construction of a seasonal or permanent recreational development, accessible by vehicle, consisting of 50 or more sites, or the expansion of such a facility by 50 or more sites, the local ~~government~~ governmental unit ~~shall be is~~ the RGU.

Subp. 20a. **Resorts, campgrounds, and RV parks in shorelands.** The local ~~government~~ governmental unit is the RGU for construction or expansion of a resort or other seasonal or permanent recreational development located wholly or partially in shoreland, accessible by vehicle, of a type listed in item A or B:

*[For text of items A and B, see M.R.]*

Subp. 21. **Airport projects.** Items A and B designate the RGU for the type of project listed:

A. For construction of a paved, new airport runway, the DOT, local governmental unit, or the Metropolitan Airports Commission ~~shall be is~~ the RGU.

B. For construction of a runway extension that would upgrade an existing airport runway to permit usage by aircraft over 12,500 pounds that are at least three decibels louder than aircraft currently using the runway, the DOT, local ~~government~~ governmental unit, or the Metropolitan Airports Commission ~~shall be is~~ the RGU. The RGU ~~shall be is~~ selected according to part 4410.0500, subpart 5.

Subp. 22. **Highway projects.** Items A to C designate the RGU for the type of project listed:

A. For construction of a road on a new location over one mile in length that will function as a collector roadway, the DOT or local ~~government~~ governmental unit ~~shall be is~~ the RGU.

B. For construction of additional ~~travel through~~ lanes or passing lanes on an existing road for a length of ~~one two~~ or more miles, exclusive of auxiliary lanes, the DOT or local ~~government~~ governmental unit ~~shall be is~~ the RGU.

C. For the addition of one or more new interchanges to a completed limited access highway, the DOT or local ~~government~~ governmental unit ~~shall be is~~ the RGU.

*[For text of subps 23 and 24, see M.R.]*

Subp. 25. **Marinas.** For construction or expansion of a marina or harbor that results in a 20,000 or more square foot total or a 20,000 or more square foot increase of water surface area used temporarily or permanently for docks, docking, or maneuvering of watercraft, the local ~~government~~ governmental unit ~~shall be is~~ the RGU.

Subp. 26. **Stream diversion.** For a diversion, realignment, or channelization of any designated trout stream, or affecting greater than 500 feet of natural watercourse with a total drainage area of ten or more square miles unless exempted by part 4410.4600, subpart 14, item E, or 17, the DNR or local ~~government~~ governmental unit ~~shall be is~~ the RGU.

Subp. 27. **Wetlands and Public waters, public waters wetlands, and wetlands.** Items A and B designate the RGU for the type of project listed:

A. For projects that will change or diminish the course, current, or cross-section of one acre or more of any public water or public waters wetland except for those to be drained without a permit pursuant according to Minnesota Statutes, chapter 103G, the DNR or local ~~government~~ governmental unit ~~shall be is~~ the RGU.

B. For projects that will ~~change or diminish the course, current, or cross-section of 40 percent or more or five or more acres of types 3 through 8 wetland of 2.5 acres or more~~ cause an impact, as defined in part 8420.0111, to a total of one acre or more of wetlands, excluding public waters wetlands, if any part of the wetland is within a shoreland area, a delineated flood plain floodplain, a state or federally designated wild and scenic rivers district, the Minnesota River Proj-

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ect Riverbend area, or the Mississippi headwaters area, the local ~~government~~ governmental unit ~~shall be~~ is the RGU.

Subp. 28. **Forestry.** Items A and B designate the RGU for the type of project listed:

A. For harvesting of timber for commercial purposes on public lands within a state park, a historical area, a wilderness area, a scientific and natural area, a wild and scenic rivers district, the Minnesota River Project Riverbend area, the Mississippi headwaters area, or a critical area that does not have an approved plan under Minnesota Statutes, section 86A.09 or 116G.07, the DNR shall be is the RGU.

B. For a clearcutting of 80 or more contiguous acres of forest, any part of which is located within a shoreland area and within 100 feet of the ordinary high water mark of the lake or river, the DNR ~~shall be~~ is the RGU.

*[For text of subp 29, see M.R.]*

Subp. 30. **Natural areas.** For projects resulting in ~~the~~ permanent physical encroachment on lands within a national park, a state park, a wilderness area, state lands and waters within the boundaries of the Boundary Waters Canoe Area, or a scientific and natural area, or state trail corridor when the encroachment is inconsistent with laws applicable to or the management plan prepared for the recreational unit, the DNR or local ~~government~~ governmental unit ~~shall be~~ is the RGU.

Subp. 31. **Historical places.** For the destruction, in whole or part, or the moving of a property that is listed on the National Register of Historic Places or State Register of Historic Places, the permitting state agency or local ~~governmental~~ governmental unit ~~of government shall be~~ is the RGU, except this does not apply to projects reviewed under section 106 of the National Historic Preservation Act of 1966, United States Code, title ~~16~~ 54, section ~~470~~ 306108, or the federal policy on lands, wildlife and waterfowl refuges, and historic sites pursuant to United States Code, title 49, section 303, or projects reviewed by a local heritage preservation commission certified by the State Historic Preservation Office pursuant to Code of Federal Regulations, title 36, sections 61.5 and 61.7. This subpart does not apply to a property located within a designated historic district if the property is listed as “noncontributing” in the official district designation or if the State Historic Preservation Office issues a determination that the property is noncontributing.

*[For text of subps 32 to 35, see M.R.]*

Subp. 36. **Land use conversion, including golf courses.** Items A and B designate the RGU for the type of project listed:

A. For golf courses, residential development where the lot size is less than five acres, and other projects resulting in the permanent conversion of 80 or more acres of agricultural, native prairie, forest, or naturally vegetated land, the local ~~government~~ governmental unit ~~shall be~~ is the RGU, except that this subpart does not apply to agricultural land inside the boundary of the Metropolitan Urban Service Area established by the Metropolitan Council.

B. For projects resulting in the conversion of 640 or more acres of forest or naturally vegetated land to a different open space land use, the local ~~government~~ governmental unit ~~shall be~~ is the RGU.

Subp. 36a. **Land conversions in shoreland.**

A. For a project proposing a permanent conversion that alters 800 feet or more of the shoreline in a sensitive shoreland area or 1,320 feet or more of shoreline in a nonsensitive shoreland area, the local governmental unit is the RGU.

B. For a project proposing a permanent conversion that alters more than 50 percent of the shore impact zone if the alteration measures at least 5,000 square feet, the local governmental unit is the RGU.

*[For text of item C, see M.R.]*

Subp. 37. **Recreational trails.** If a project listed in items A to F will be built on state-owned land or funded, in whole or part, by grant-in-aid funds administered by the DNR, the DNR is the RGU. For other projects, if a governmental unit is sponsoring the project, in whole or in part, that governmental unit is the RGU. If the project is not sponsored by a unit

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of government, the RGU is the local governmental unit. For purposes of this subpart, “existing trail” means an established corridor in current legal use.

A. Constructing a trail at least ~~ten~~ 25 miles long on forested or other naturally vegetated land for a recreational use ~~other than snowmobiling or cross-country skiing~~, unless exempted by part 4410.4600, subpart 14, item D, ~~or constructing a trail at least 20 miles long on forested or other naturally vegetated land exclusively for snowmobiling or cross-country skiing.~~

B. Designating at least 25 miles of an existing trail for a new motorized recreational use other than snowmobiling. When designating an existing motorized trail or existing corridor in current legal use by motor vehicles, the designation does not contribute to the 25-mile threshold under this item. When adding a new recreational use or seasonal recreational use to an existing motorized recreational trail, the addition does not contribute to the 25-mile threshold if the treadway width is not expanded as a result of the added use. In applying items A and B, if a proposed trail will contain segments of newly constructed trail and segments that will follow an existing trail but be designated for a new motorized use, an EAW must be prepared if the sum total length of the ~~quotients obtained by dividing the length of the new construction by ten miles and the length of the existing but newly constructed and newly designated trail by 25 miles, equals or exceeds~~ one segment is at least 25 miles.

*[For text of items C to F, see M.R.]*

## 4410.4400 MANDATORY EIS CATEGORIES.

*[For text of subp 1, see M.R.]*

Subp. 2. **Nuclear fuels and nuclear waste.** Items A to ~~D~~ E designate the RGU for the type of project listed:

A. For the construction or expansion of a nuclear fuel or nuclear waste processing facility, including fuel fabrication facilities, reprocessing plants, and uranium mills, the DNR ~~shall be~~ is the RGU for uranium mills; otherwise, the PCA ~~shall be~~ is the RGU.

B. For construction of a high level nuclear waste disposal site, the EQB ~~shall be~~ is the RGU.

C. For construction or expansion of an independent spent-fuel storage installation, the Department of Commerce is the RGU.

~~E~~ D. For construction of an away-from-reactor facility for temporary storage of spent nuclear fuel, the ~~Public Utilities Commission shall be~~ PUC is the RGU.

~~D~~ E. For construction of a low level nuclear waste disposal site, the MDH ~~shall be~~ is the RGU.

Subp. 3. **Electric-generating facilities.** For construction of a large electric power generating plant, as defined in Minnesota Statutes, section 216E.01, subdivision 5, the PUC is the RGU. Environmental review ~~shall~~ must be conducted according to parts 7849.1000 to 7849.2100 and 7850.1000 to 7850.5600.

Subp. 4. **Petroleum refineries.** For construction of a new petroleum refinery facility, the PCA ~~shall be~~ is the RGU.

Subp. 5. **Fuel conversion facilities.** Items A and B designate the RGU for the type of project listed:

A. For construction of a new fuel conversion facility for ~~the conversion of~~ converting coal, peat, or biomass sources to gaseous, liquid, or solid fuels if ~~that~~ the facility has the capacity to utilize use 250,000 dry tons or more per year of input, the PCA ~~shall be~~ is the RGU.

B. For construction of a new or expansion of a an existing fuel conversion facility for the production of alcohol fuels ~~which that~~ would have or would increase its the facility's capacity by 50,000,000 or more gallons per year of alcohol produced if the facility will be in the seven-county Twin Cities metropolitan area or by 125,000,000 or more gallons per year of alcohol produced if the facility will be outside the seven-county Twin Cities metropolitan area, the PCA ~~shall~~

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~~be~~ is the RGU.

C. A mandatory EIS is not required for projects described in Minnesota Statutes, section 116D.04, subdivision 2a, paragraph (c).

Subp. 6. **Transmission lines.** For construction of a high-voltage transmission line and associated facilities, as defined in part 7850.1000, the PUC is the RGU. Environmental review ~~shall must~~ be conducted according to parts 7849.1000 to 7849.2100 and 7850.1000 to 7850.5600.

*[For text of subp 7, see M.R.]*

Subp. 8. **Metallic mineral mining and processing.** Items A ~~to C~~ and B designate the RGU for the type of project listed:

~~A.~~ For mineral deposit evaluation involving the extraction of 1,000 tons or more of material that is of interest to the proposer principally due to its radioactive characteristics, the DNR ~~shall be~~ is the RGU.

~~B. A.~~ For construction of a new facility for mining metallic minerals or for the disposal of tailings from a metallic mineral mine, the DNR ~~shall be~~ is the RGU.

~~C. B.~~ For construction of a new metallic mineral processing facility, the DNR ~~shall be~~ is the RGU.

Subp. 9. **Nonmetallic mineral mining.** Items A to C designate the RGU for the type of project listed:

A. For development of a facility for the extraction or mining of peat which will utilize 320 acres of land or more during its existence, the DNR ~~shall be~~ is the RGU.

B. For development of a facility for the extraction or mining of sand, gravel, stone, or other nonmetallic minerals, other than peat, which will excavate 160 acres of land or more to a mean depth of ten feet or more during its existence, the local ~~government~~ governmental unit ~~shall be~~ is the RGU.

*[For text of item C, see M.R.]*

*[For text of subp 10, see M.R.]*

Subp. 11. **Industrial, commercial, and institutional facilities.** Items A and B designate the RGU for the type of project listed, except as provided in items C and D:

A. For construction of a new or expansion of an existing warehousing or light industrial facility equal to or in excess of the following thresholds, expressed as gross floor space, the local governmental unit is the RGU:

- (1) unincorporated area, 375,000 square feet;
- (2) third or fourth class city, 750,000 square feet;
- (3) second class city, 1,000,000 square feet; and
- (4) first class city, 1,500,000 square feet.

B. For construction of a new or expansion of an existing industrial, commercial, or institutional facility, other than a warehousing or light industrial facility, equal to or in excess of the following thresholds, expressed as gross floor space, the local ~~government~~ governmental unit ~~shall be~~ is the RGU:

*[For text of subitems (1) and (2), see M.R.]*

- (3) second class city, 750,000 square feet; and
- (4) first class city, 1,000,000 square feet.

*[For text of items C and D, see M.R.]*

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Subp. 12. **Hazardous waste.** Items A to C designate the RGU for the type of project listed:

*[For text of items A and B, see M.R.]*

C. For construction or expansion of a facility for hazardous waste processing facility storage or treatment, if the facility is located in a water-related land use management district; or in an area characterized by soluble bedrock, the PCA ~~shall be~~ is the RGU.

Subp. 13. **Solid waste.** Items A to E designate the RGU for the type of project listed:

A. For construction of a mixed municipal solid waste land disposal facility for 100,000 cubic yards or more of waste fill per year, the PCA is the RGU.

B. For construction or expansion of a mixed municipal solid waste land disposal facility in a water-related land use management district; or in an area characterized by soluble bedrock, the PCA is the RGU.

C. For construction or expansion of a mixed municipal solid waste energy recovery facility or incinerator; or ~~the utilization use~~ of an existing facility for the combustion of mixed municipal solid waste or refuse-derived fuel; with a permitted capacity of 250 ~~or more~~ tons or more per day of input, the PCA is the RGU.

D. For construction or expansion of a mixed municipal solid waste compost facility or a refuse-derived fuel production facility when the construction or expansion results in a facility with a permitted capacity of 500 tons or more tons per day of input, the PCA is the RGU.

E. For expansion by 25 percent or more of previous capacity of a mixed municipal solid waste land disposal facility for 100,000 cubic yards or more of waste fill per year, the PCA is the RGU.

*[For text of subps 14 and 14a, see M.R.]*

Subp. 15. **Airport runway projects.** For construction of a paved and lighted airport runway of 5,000 feet of length or greater, the DOT or local ~~government~~ governmental unit ~~shall be~~ is the RGU.

Subp. 16. **Highway projects.** For construction of a road on a new location which is four or more lanes in width and two or more miles in length, the DOT or local ~~government~~ governmental unit ~~shall be~~ is the RGU.

*[For text of subps 17 and 18, see M.R.]*

Subp. 19. **Marinas.** For construction of a new or expansion of an existing marina, harbor, or mooring project on a state or federally designated wild and scenic river, the local ~~government~~ governmental unit ~~shall be~~ is the RGU.

Subp. 20. ~~Wetlands and Public waters and public water wetlands.~~ For projects that will eliminate a public water or public waters wetland, the DNR or the local ~~government~~ governmental unit ~~shall be~~ is the RGU.

*[For text of subps 21 to 24, see M.R.]*

Subp. 25. ~~Incineration of Incinerating wastes containing PCBs.~~ For ~~the incineration of incinerating~~ wastes containing ~~PCBs~~ PCBs for which an EIS is required by Minnesota Statutes, section 116.38, subdivision 2, the PCA ~~shall be~~ is the RGU.

*[For text of subps 26 to 28, see M.R.]*

## 4410.4600 EXEMPTIONS.

*[For text of subps 1 to 9, see M.R.]*

Subp. 10. **Industrial, commercial, and institutional facilities.** The following projects are exempt:

*[For text of item A, see M.R.]*

B. ~~The~~ Construction of a warehousing, light industrial, commercial, or institutional facility with less than 4,000 square feet of gross floor space; and with associated parking facilities designed for 20 vehicles or ~~less, is exempt~~ fewer.

# Proposed Rules

C. Construction of a new parking facility for ~~less~~ fewer than 100 vehicles if the facility is not located in a shoreland area, ~~a delineated flood plain floodplain,~~ a state or federally designated wild and scenic rivers district, the Minnesota River Project Riverbend area, or the Mississippi headwaters area ~~is exempt.~~

*[For text of subp 11, see M.R.]*

Subp. 12. **Residential development.** The following projects are exempt:

A. Construction of a sewer residential development, of:

(1) ~~less~~ fewer than ten units in an unincorporated area;

(2) ~~less~~ fewer than 20 units in a third or fourth class city;

(3) ~~less~~ fewer than 40 units in a second class city; or

(4) ~~less~~ fewer than 80 units in a first class city, no part of which is within a shoreland area, ~~a delineated flood plain floodplain,~~ a state or federally designated wild and scenic rivers district, the Minnesota River Project Riverbend area, or the Mississippi headwaters area, ~~is exempt.~~

*[For text of item B, see M.R.]*

C. Construction of a single residence or multiple residence with four dwelling units or ~~less~~ fewer and accessory appurtenant structures and utilities ~~is exempt.~~

*[For text of subp 13, see M.R.]*

Subp. 14. **Highway projects.** The following projects are exempt:

A. Highway safety improvement projects ~~are exempt.~~

B. Installation of traffic control devices, individual noise barriers, bus shelters and bays, loading zones, and access and egress lanes for transit and paratransit vehicles ~~is exempt.~~

C. Modernization of an existing roadway or bridge by resurfacing, restoration, or rehabilitation that may involve ~~the acquisition of~~ acquiring minimal amounts of right-of-way ~~is exempt.~~

D. Roadway landscaping; ~~or~~ construction of bicycle and pedestrian lanes, paths, and facilities within an existing right-of-way ~~are exempt.~~

E. Any stream diversion, realignment, or channelization within the right-of-way of an existing public roadway associated with bridge or culvert replacement ~~is exempt.~~

F. Reconstruction or modification of an existing bridge structure on essentially the same alignment or location that may involve ~~the acquisition of~~ acquiring minimal amounts of right-of-way ~~is exempt.~~

*[For text of subps 15 to 17, see M.R.]*

Subp. 18. **Agriculture and forestry.** The following projects are exempt:

A. Harvesting of timber for maintenance purposes ~~is exempt.~~

B. Public and private forest management practices, other than clearcutting or ~~the application of~~ applying pesticides, that involve less than 20 acres of land, ~~are exempt.~~

*[For text of subps 19 to 26, see M.R.]*

Subp. 27. **Recreational trails.** The projects listed in items A to F H are exempt. For purposes of this subpart, “existing trail” means an established corridor in current legal use.

# Proposed Rules

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*[For text of items A to F, see M.R.]*

G. Paving a trail located on an abandoned railroad grade retired in accordance with Code of Federal Regulations, title 49, part 1152.

H. Adding a new motorized use to an existing motorized trail or trail segment where the trail is located only on an abandoned railroad grade retired in accordance with Code of Federal Regulations, title 49, part 1152.

## **4410.5200 EQB MONITOR; PUBLICATION REQUIREMENTS.**

Subpart 1. **Required notices.** Governmental units are required to publish notice of the items listed in items A to R in the EQB Monitor, except that this part constitutes a request and not a requirement with respect to federal agencies.

A. When a project has been noticed pursuant according to item D, separate notice of individual permits required by that project need not be made unless changes in the project are proposed that will involve new and potentially significant environmental effects not considered previously. No decision granting a permit application for which notice is required to be published by this part shall be is effective until 30 days following publication of the notice.

*[For text of subitem (1), see M.R.]*

(2) For notice of public sales of permits for or leases to mine iron ore, copper-nickel, or other minerals on state-owned or administered mineral rights, Minnesota Statutes, sections 93.16, and 93.335, and 93.351, and part 6125.0500, the DNR is the permitting authority.

*[For text of subitems (3) and (4), see M.R.]*

*[For text of items B to R, see M.R.]*

*[For text of subps 2 and 3, see M.R.]*

## **4410.7904 LICENSING OF EXPLORERS.**

An applicant shall must comply with Minnesota Statutes, section ~~156A.071~~ 103I.601, subdivision 2, and parts 4727.0400 to ~~4727.0900~~ 4727.0860, relating to the regulation of exploratory boring.

## **4410.7906 PROCEDURE FOR THE ISSUANCE OF A ISSUING DRILLING PERMIT.**

*[For text of subp 1, see M.R.]*

Subp. 2. **Content of an application for drilling permit.** An application for a drilling permit shall must be filed by the applicant with the board EQB and shall must include:

*[For text of items A and B, see M.R.]*

C. the applicant's explorer's license, issued under Minnesota Statutes, section ~~156A.071~~ 103I.601, subdivision 2, and parts 4727.0400 to ~~4727.0900~~ 4727.0860;

*[For text of items D to J, see M.R.]*

*[For text of subps 3 and 4, see M.R.]*

## **4410.7926 ~~ABANDONMENT OF~~ ABANDONING EXPLORATORY BORINGS.**

Pursuant According to Minnesota Statutes, section 116C.724, subdivision 2, clause (1), any abandonment, whether temporary or permanent, shall must comply with the state drilling and drill hole abandonment and restoration rules governing exploratory boring under Minnesota Statutes, chapter ~~156A~~ 103I, and parts 4727.1000 to ~~4727.1300~~ 4727.1250.

**TERM CHANGE.** The term "shall be the RGU" is changed to "is the RGU" wherever it appears in Minnesota Rules, chapter 4410.



## Exhibit F.3.

## Environmental Quality Board

### **AMENDED DUAL NOTICE: Notice of Intent to Adopt Rules Without a Public Hearing Unless 25 or More Persons Request a Hearing, and Notice of Hearing if 25 or More Requests for Hearing Are Received; Revisor's ID Number RD-04157**

**Proposed Amendment to Rules Governing Environmental Review, *Minnesota Rules*, 4410.0200, 4410.0500, 4410.4300, 4410.4400, 4410.5200, 4410.7904, 4410.7906, 4410.7926, 4410.4600**

**Introduction.** The Environmental Quality Board intends to adopt rules without a public hearing following the procedures in the rules of the Office of Administrative Hearings, *Minnesota Rules*, parts 1400.2300 to 1400.2310, and the Administrative Procedure Act, *Minnesota Statutes*, sections 14.22 to 14.28. If, however, 25 or more persons submit a written request for a hearing on the rules by 4:30 p.m. on February 4, 2019, the Environmental Quality Board will hold two public hearings.

**AMENDED DATES:** EQB has changed the hearing dates for this rulemaking. The first hearing, in Room 100, Minnesota Pollution Control Agency, 520 Lafayette Road, St. Paul, MN 55155, starting at 10:00 am on **Friday March 8, 2019** and continuing until all public comments have been heard. The second hearing at Great River Regional Library, 1300 W St. Germain St., St Cloud, MN 56301, starting at 10:30am on **Tuesday March 12, 2019** and continuing until all public comments have been heard. To find out whether the Environmental Quality Board will adopt the rules without a hearing or if it will hold the hearings, you should contact the agency contact person after February 4, 2019 and before March 8, 2019.

Any comments submitted following the publication of the original Dual Notice published on November 13, 2018, will be included in the rulemaking record.

**Agency Contact Person.** Submit any comments or questions on the rules or written requests for a public hearing to the Environmental Quality Board contact person. The Environmental Quality Board contact person is:

Erik Cedarleaf Dahl  
 Environmental Quality Board,  
 520 Lafayette Rd. St. Paul, MN, 55101,  
 651-757-2364 (phone), 651-757-2343 (fax), [erik.dahl@state.mn.us](mailto:erik.dahl@state.mn.us).

**You may also review the proposed rule and submit written comments via the Office of Administrative Hearings Rulemaking e-comments website at <https://minnesotaoah.granicusideas.com/discussions> .**

**Subject of Rules and Statutory Authority.** The proposed rules are about Environmental Review: definitions, RGU selection process, Mandatory EAW Categories, Mandatory EIS Categories, Exemptions, Required notices, Licensing of Explorers, Content of an application for drilling permit, Abandonment of Exploratory Borings. The statutory authority to adopt the rules

is *Minnesota Statutes, section 116D.04, subdivisions 2a(a), 4a, 5a; Minnesota Statutes 116D.045, subdivision 1; Laws of Minnesota 2013, Chapter 114, Article 4, Section 105; Laws of Minnesota 2015, Chapter 4, Article 4, Section 121; Minnesota Statutes 116C.991; Laws of Minnesota 2015, Chapter 4, Section 33*. A copy of the proposed rules is published in the *State Register* and attached to this notice as mailed.

**Comments.** You have until 4:30 p.m. on February 4, 2019 to submit written comment in support of or in opposition to the proposed rules or any part or subpart of the rules. Your comment must be in writing and received by the agency contact person by the due date. Comment is encouraged. Your comments should identify the portion of the proposed rules addressed, the reason for the comment, and any change proposed. You are encouraged to propose any change that you desire. Any comments that you have about the legality of the proposed rules must also be made during this comment period. Any comments submitted following the publication of the original Dual Notice published on November 13, 2018, will be included in the rulemaking record.

**Request for a Hearing.** In addition to submitting comments, you may also request that the Environmental Quality Board hold a hearing on the rules. You must make your request for a public hearing in writing, which the agency contact person must receive by 4:30 p.m. on February 4, 2019. You must include your name and address in your written request. In addition, you must identify the portion of the proposed rules that you object to or state that you oppose the entire set of rules. Any request that does not comply with these requirements is not valid and the agency cannot count it when determining whether it must hold a public hearing. You are also encouraged to state the reason for the request and any changes you want made to the proposed rules.

**Withdrawal of Requests.** If 25 or more persons submit a valid written request for a hearing, the Environmental Quality Board will hold a public hearing unless a sufficient number of persons withdraw their requests in writing. If enough requests for hearing are withdrawn to reduce the number below 25, the agency must give written notice of this to all persons who requested a hearing, explain the actions the agency took to effect the withdrawal, and ask for written comments on this action. If a public hearing is required, the agency will follow the procedures in *Minnesota Statutes*, sections 14.131 to 14.20.

**Alternative Format/Accommodation.** Upon request, this information can be made available in an alternative format, such as large print, braille, or audio. To make such a request or if you need an accommodation to make this hearing accessible, please contact the agency contact person at the address or telephone number listed above.

**Modifications.** The Environmental Quality Board might modify the proposed rules, either as a result of public comment or as a result of the rule hearing process. It must support modifications by data and views submitted to the agency or presented at the hearing. The adopted rules may not be substantially different than these proposed rules unless the Environmental Quality Board follows the procedure under *Minnesota Rules*, part 1400.2110. If the proposed rules affect you in any way, the Environmental Quality Board encourages you to participate in the rulemaking process.

**Cancellation of Hearing.** The Environmental Quality Board will cancel the hearing(s) scheduled for March 8, 2019 (in St Paul), and March 12, 2019 (in St. Cloud) if the Environmental Quality Board does not receive requests for a hearing from 25 or more persons. If you requested a public hearing, the Environmental Quality Board will notify you before the scheduled hearings whether the hearings will be held. You may also call the agency contact person at 651-757-2364 after February 4, 2019 (4:30pm) to find out whether the hearing will be held.

**Notice of Hearing.** If 25 or more persons submit valid written requests for a public hearing on the rules, the Environmental Quality Board will hold a hearing following the procedures in *Minnesota Statutes*, sections 14.131 to 14.20. The Environmental Quality Board will hold the hearings on the dates and at the times and places listed above. The hearings will continue until all interested persons have been heard. Administrative Law Judge, LauraSue Schlatter is assigned to conduct the hearings. Judge LauraSue Schlatter can be reached at the Office of Administrative Hearings, 600 North Robert Street, P.O. Box 64620, Saint Paul, Minnesota 55164-0620, telephone (651) 361-7875, and fax (651) 539-0310.

**Hearing Procedure.** If the Environmental Quality Board holds a hearing, you and all interested or affected persons, including representatives of associations or other interested groups, will have an opportunity to participate. You may present your views either orally at the hearing or in writing at any time before the hearing record closes. All evidence presented should relate to the proposed rules. You may also submit written material to the Administrative Law Judge to be recorded in the hearing record for five working days after the public hearing ends. At the hearing the Administrative Law Judge may order that this five-day comment period is extended for a longer period but not more than 20 calendar days. Following the comment period, there is a five-working-day rebuttal period when the agency and any interested person may respond in writing to any new information submitted. No one may submit **new** evidence during the five-day rebuttal period. The Office of Administrative Hearings must receive all comments and responses submitted to the Administrative Law Judge via the Office of Administrative Hearings Rulemaking e-comments website at <https://minnesotaoah.granicusideas.com/discussions> no later than 4:30 p.m. on the due date. All comments or responses received will be available for review at the Environmental Quality Board or on the Environmental Quality Board website at <https://www.eqb.state.mn.us/content/eqb-mandatory-categories-rulemaking>. This rule hearing procedure is governed by *Minnesota Rules*, parts 1400.2000 to 1400.2240, and *Minnesota Statutes*, sections 14.131 to 14.20. You may direct questions about the procedure to the Administrative Law Judge.

The agency requests that any person submitting written views or data to the Administrative Law Judge before the hearing or during the comment or rebuttal period also submit a copy of the written views or data to the agency contact person at the address stated above.

**Statement of Need and Reasonableness.** The statement of need and reasonableness summarizes the justification for the proposed rules, including a description of who will be affected by the proposed rules and an estimate of the probable cost of the proposed rules. It is now available from the agency contact person. You may review or obtain copies for the cost of reproduction by contacting the agency contact person. The SONAR will be available at the

Environmental Quality Board's website here: <https://www.eqb.state.mn.us/content/eqb-mandatory-categories-rulemaking>.

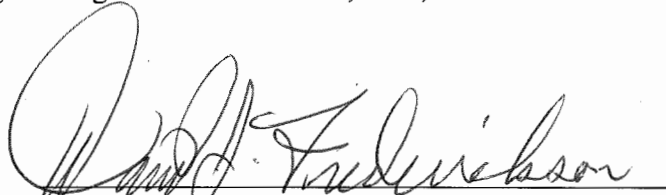
**Lobbyist Registration.** *Minnesota Statutes*, chapter 10A, requires each lobbyist to register with the State Campaign Finance and Public Disclosure Board. Ask any questions about this requirement of the Campaign Finance and Public Disclosure Board at: Suite #190, Centennial Building, 658 Cedar Street, St. Paul, Minnesota 55155, telephone (651) 539-1180 or 1-800-657-3889.

**Adoption Procedure if No Hearing.** If no hearing is required, the agency may adopt the rules after the end of the comment period. The Environmental Quality Board will submit the rules and supporting documents to the Office of Administrative Hearings for a legal review. You may ask to be notified of the date the rules are submitted to the office. If you want either to receive notice of this, to receive a copy of the adopted rules, or to register with the agency to receive notice of future rule proceedings, submit your request to the agency contact person listed above.

**Adoption Procedure after a Hearing.** If a hearing is held, after the close of the hearing record, the Administrative Law Judge will issue a report on the proposed rules. You may ask to be notified of the date that the Administrative Law Judge's report will become available, and can make this request at the hearing or in writing to the Administrative Law Judge. You may also ask to be notified of the date that the agency adopts the rules and the rules are filed with the Secretary of State by requesting this at the hearing or by writing to the agency contact person stated above.

**Order.** I order that the rulemaking hearing be held at the date, time, and location listed above.

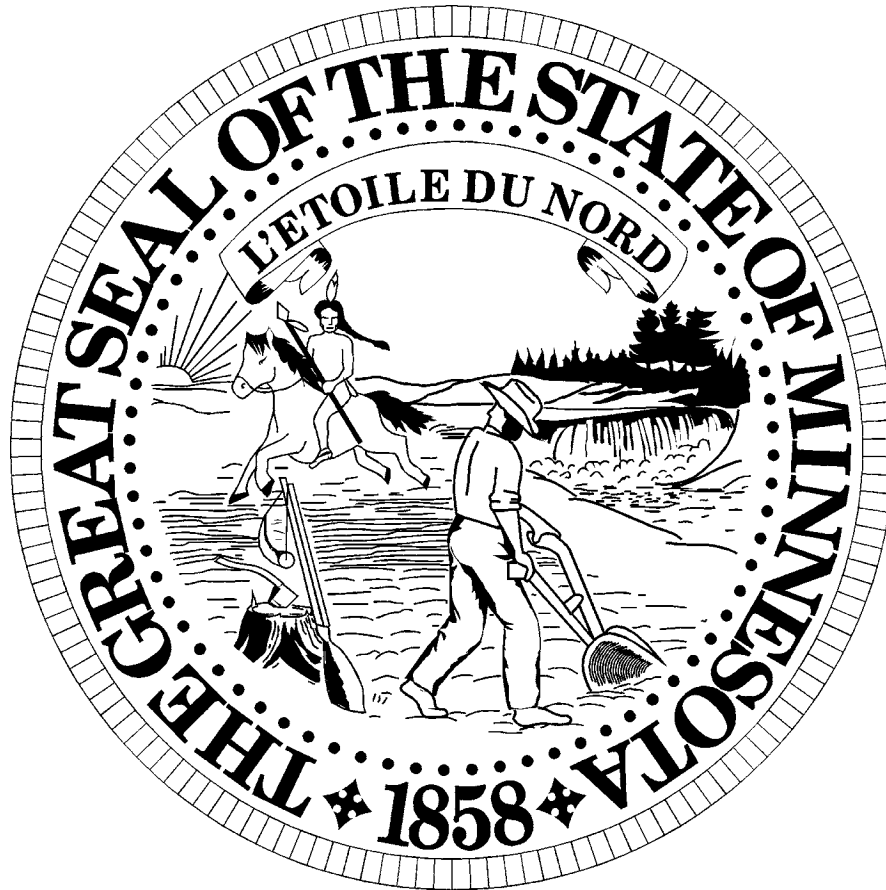
12/20/18  
Date

  
Dave Frederickson  
Chair, Environmental Quality Board

## Exhibit F.4.

# 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;  
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# Minnesota Rules: Amendments and Additions

**NOTICE: How to Follow State Agency Rulemaking in the State Register**

The State Register is the official source, and only complete listing, for all state agency rulemaking in its various stages. State agencies are required to publish notice of their rulemaking action in the State Register. Published every Monday, the State Register makes it easy to follow and participate in the important rulemaking process. Approximately 80 state agencies have the authority to issue rules. Each agency is assigned specific Minnesota Rule chapter numbers. Every odd-numbered year the Minnesota Rules are published. Supplements are published to update this set of rules. Generally speaking, proposed and adopted exempt rules do not appear in this set because of their short-term nature, but are published in the State Register.

An agency must first solicit Comments on Planned Rules or Comments on Planned Rule Amendments from the public on the subject matter of a possible rulemaking proposal under active consideration within the agency (Minnesota Statutes §§ 14.101). It does this by publishing a notice in the State Register at least 60 days before publication of a notice to adopt or a notice of hearing, or within 60 days of the effective date of any new statutory grant of required rulemaking.

When rules are first drafted, state agencies publish them as Proposed Rules, along with a notice of hearing, or a notice of intent to adopt rules without a hearing in the case of noncontroversial rules. This notice asks for comment on the rules as proposed. Proposed emergency rules, and withdrawn proposed rules, are also published in the State Register. After proposed rules have gone through the comment period, and have been rewritten into their final form, they again appear in the State Register as Adopted Rules. These final adopted rules are not printed in their entirety, but only the changes made since their publication as Proposed Rules. To see the full rule, as adopted and in effect, a person simply needs two issues of the State Register, the issue the rule appeared in as proposed, and later as adopted.

The State Register features partial and cumulative listings of rules in this section on the following schedule: issues #1-13 inclusive; issues #14-25 inclusive (issue #26 cumulative for issues #1-26); issues #27-38 inclusive (issue #39, cumulative for issues #1-39); issues #40-52 inclusive, with final index (#1-52, or 53 in some years). An annual subject matter index for rules was separately printed usually in August, but starting with Volume 19 now appears in the final issue of each volume. For copies or subscriptions to the State Register, contact Minnesota's Bookstore, 660 Olive Street (one block east of I-35E and one block north of University Ave), St. Paul, MN 55155, phone: (612) 297-3000, or toll-free 1-800-657-3757. TTY relay service phone number: (800) 627-3529.

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**(Rules Appearing in Vol. 43 Issues #1-26 are**  
**in Vol 43, #26 - Monday 24 December 2018)**  
**Volume 43, #27**

**Monday 31 December -**

**Environmental Quality Board**

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**Rules to be Adopted After a Hearing.** After receiving comments and deciding to hold a public hearing on the rule, an agency drafts its rule. It then publishes its rules with a notice of hearing. All persons wishing to make a statement must register at the hearing. Anyone who wishes to submit written comments may do so at the hearing, or within five working days of the close of the hearing. Administrative law judges may, during the hearing, extend the period for receiving comments up to 20 calendar days. For five business days after the submission period the agency and interested persons may respond to any new information submitted during the written submission period and the record then is closed. The administrative law judge prepares a report within 30 days, stating findings of fact, conclusions and recommendations. After receiving the report, the agency decides whether to adopt, withdraw or modify the proposed rule based on consideration of the comments made during the rule hearing procedure and the report of the administrative law judge. The agency must wait five days after receiving the report before taking any action.

**Rules to be Adopted Without a Hearing.** Pursuant to *Minnesota Statutes* § 14.22, an agency may propose to adopt, amend, suspend or repeal rules without first holding a public hearing. An agency must first solicit **Comments on Planned Rules or Comments on Planned Rule Amendments** from the public. The agency then publishes a notice of intent to adopt rules without a public hearing, together with the proposed rules, in the *State Register*. If, during the 30-day comment period, 25 or more persons submit to the agency a written request for a hearing of the proposed rules, the agency must proceed under the provisions of §§ 14.1414.20, which state that if an agency decides to hold a public hearing, it must publish a notice of intent in the *State Register*.

**KEY: Proposed Rules** - Underlining indicates additions to existing rule language. ~~Strikeouts~~ indicate deletions from existing rule language. If a proposed rule is totally new, it is designated “all new material.” **Adopted Rules** - Underlining indicates additions to proposed rule language. ~~Strikeout~~ indicates deletions from proposed rule language.

## Environmental Quality Board

### AMENDED DUAL NOTICE: Notice of Intent to Adopt Rules Without a Public Hearing Unless 25 or More Persons Request a Hearing, and Notice of Hearing if 25 or More Requests for Hearing Are Received; Revisor’s ID Number RD-04157

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# Proposed Rules

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a hearing or if it will hold the hearings, you should contact the agency contact person after February 4, 2019 and before March 8, 2019.

Any comments submitted following the publication of the original Dual Notice published on November 13, 2018, will be included in the rulemaking record.

**Agency Contact Person.** Submit any comments or questions on the rules or written requests for a public hearing to the Environmental Quality Board contact person. The Environmental Quality Board contact person is:

Erik Cedarleaf Dahl  
Environmental Quality Board,  
520 Lafayette Rd. St. Paul, MN, 55101,  
651-757-2364 (phone), 651-757-2343 (fax), [erik.dahl@state.mn.us](mailto:erik.dahl@state.mn.us).

**You may also review the proposed rule and submit written comments via the Office of Administrative Hearings Rulemaking e-comments website at <https://minnesotaoah.granicusideas.com/discussions> .**

**Subject of Rules and Statutory Authority.** The proposed rules are about Environmental Review: definitions, RGU selection process, Mandatory EAW Categories, Mandatory EIS Categories, Exemptions, Required notices, Licensing of Explorers, Content of an application for drilling permit, Abandonment of Exploratory Borings. The statutory authority to adopt the rules is *Minnesota Statutes, section 116D.04, subdivisions 2a(a), 4a, 5a; Minnesota Statutes 116D.045, subdivision 1; Laws of Minnesota 2013, Chapter 114, Article 4, Section 105; Laws of Minnesota 2015, Chapter 4, Article 4, Section 121; Minnesota Statutes 116C.991; Laws of Minnesota 2015, Chapter 4, Section 33*. A copy of the proposed rules is published in the *State Register* and attached to this notice as mailed.

**Comments.** You have until 4:30 p.m. on February 4, 2019 to submit written comment in support of or in opposition to the proposed rules or any part or subpart of the rules. Your comment must be in writing and received by the agency contact person by the due date. Comment is encouraged. Your comments should identify the portion of the proposed rules addressed, the reason for the comment, and any change proposed. You are encouraged to propose any change that you desire. Any comments that you have about the legality of the proposed rules must also be made during this comment period. Any comments submitted following the publication of the original Dual Notice published on November 13, 2018, will be included in the rulemaking record.

**Request for a Hearing.** In addition to submitting comments, you may also request that the Environmental Quality Board hold a hearing on the rules. You must make your request for a public hearing in writing, which the agency contact person must receive by 4:30 p.m. on February 4, 2019. You must include your name and address in your written request. In addition, you must identify the portion of the proposed rules that you object to or state that you oppose the entire set of rules. Any request that does not comply with these requirements is not valid and the agency cannot count it when determining whether it must hold a public hearing. You are also encouraged to state the reason for the request and any changes you want made to the proposed rules.

**Withdrawal of Requests.** If 25 or more persons submit a valid written request for a hearing, the Environmental Quality Board will hold a public hearing unless a sufficient number of persons withdraw their requests in writing. If enough requests for hearing are withdrawn to reduce the number below 25, the agency must give written notice of this to all persons who requested a hearing, explain the actions the agency took to effect the withdrawal, and ask for written comments on this action. If a public hearing is required, the agency will follow the procedures in *Minnesota Statutes*, sections 14.131 to 14.20.

**Alternative Format/Accommodation.** Upon request, this information can be made available in an alternative format, such as large print, braille, or audio. To make such a request or if you need an accommodation to make this hearing accessible, please contact the agency contact person at the address or telephone number listed above.

**Modifications.** The Environmental Quality Board might modify the proposed rules, either as a result of public

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# Proposed Rules

comment or as a result of the rule hearing process. It must support modifications by data and views submitted to the agency or presented at the hearing. The adopted rules may not be substantially different than these proposed rules unless the Environmental Quality Board follows the procedure under *Minnesota Rules*, part 1400.2110. If the proposed rules affect you in any way, the Environmental Quality Board encourages you to participate in the rulemaking process.

**Cancellation of Hearing.** The Environmental Quality Board will cancel the hearing(s) scheduled for March 8, 2019 (in St. Paul), and March 12, 2019 (in St. Cloud) if the Environmental Quality Board does not receive requests for a hearing from 25 or more persons. If you requested a public hearing, the Environmental Quality Board will notify you before the scheduled hearings whether the hearings will be held. You may also call the agency contact person at 651-757-2364 after February 4, 2019 (4:30pm) to find out whether the hearing will be held.

**Notice of Hearing.** If 25 or more persons submit valid written requests for a public hearing on the rules, the Environmental Quality Board will hold a hearing following the procedures in *Minnesota Statutes*, sections 14.131 to 14.20. The Environmental Quality Board will hold the hearings on the dates and at the times and places listed above. The hearings will continue until all interested persons have been heard. Administrative Law Judge, LauraSue Schlatter is assigned to conduct the hearings. Judge LauraSue Schlatter can be reached at the Office of Administrative Hearings, 600 North Robert Street, P.O. Box 64620, Saint Paul, Minnesota 55164-0620, telephone (651) 361-7875, and fax (651) 539-0310.

**Hearing Procedure.** If the Environmental Quality Board holds a hearing, you and all interested or affected persons, including representatives of associations or other interested groups, will have an opportunity to participate. You may present your views either orally at the hearing or in writing at any time before the hearing record closes. All evidence presented should relate to the proposed rules. You may also submit written material to the Administrative Law Judge to be recorded in the hearing record for five working days after the public hearing ends. At the hearing the Administrative Law Judge may order that this five-day comment period is extended for a longer period but not more than 20 calendar days. Following the comment period, there is a five-working-day rebuttal period when the agency and any interested person may respond in writing to any new information submitted. No one may submit **new** evidence during the five-day rebuttal period. The Office of Administrative Hearings must receive all comments and responses submitted to the Administrative Law Judge via the Office of Administrative Hearings Rulemaking e-comments website at <https://minnesotaoah.granicusideas.com/discussions> no later than 4:30 p.m. on the due date. All comments or responses received will be available for review at the Environmental Quality Board or on the Environmental Quality Board website at <https://www.eqb.state.mn.us/content/eqb-mandatory-categories-rulemaking>. This rule hearing procedure is governed by *Minnesota Rules*, parts 1400.2000 to 1400.2240, and *Minnesota Statutes*, sections 14.131 to 14.20. You may direct questions about the procedure to the Administrative Law Judge.

The agency requests that any person submitting written views or data to the Administrative Law Judge before the hearing or during the comment or rebuttal period also submit a copy of the written views or data to the agency contact person at the address stated above.

**Statement of Need and Reasonableness.** The statement of need and reasonableness summarizes the justification for the proposed rules, including a description of who will be affected by the proposed rules and an estimate of the probable cost of the proposed rules. It is now available from the agency contact person. You may review or obtain copies for the cost of reproduction by contacting the agency contact person. The SONAR will be available at the Environmental Quality Board's website here: <https://www.eqb.state.mn.us/content/eqb-mandatory-categories-rulemaking>.

**Lobbyist Registration.** *Minnesota Statutes*, chapter 10A, requires each lobbyist to register with the State Campaign Finance and Public Disclosure Board. Ask any questions about this requirement of the Campaign Finance and Public Disclosure Board at: Suite #190, Centennial Building, 658 Cedar Street, St. Paul, Minnesota 55155, telephone (651) 539-1180 or 1-800-657-3889.

**Adoption Procedure if No Hearing.** If no hearing is required, the agency may adopt the rules after the end of the comment period. The Environmental Quality Board will submit the rules and supporting documents to the Office of Administrative Hearings for a legal review. You may ask to be notified of the date the rules are submitted to the office. If you want either to receive notice of this, to receive a copy of the adopted rules, or to register with the agency to receive notice of future rule proceedings, submit your request to the agency contact person listed above.

# Proposed Rules

**Adoption Procedure after a Hearing.** If a hearing is held, after the close of the hearing record, the Administrative Law Judge will issue a report on the proposed rules. You may ask to be notified of the date that the Administrative Law Judge's report will become available, and can make this request at the hearing or in writing to the Administrative Law Judge. You may also ask to be notified of the date that the agency adopts the rules and the rules are filed with the Secretary of State by requesting this at the hearing or by writing to the agency contact person stated above.

**Order.** I order that the rulemaking hearing be held at the date, time, and location listed above.

Date: 12/20/2018

Dave Frederickson  
Chair, Environmental Quality Board

## Exempt Rules

Exempt rules are excluded from the normal rulemaking procedures (*Minnesota Statutes* §§ 14.386 and 14.388). They are most often of two kinds. One kind is specifically exempted by the Legislature from rulemaking procedures, but approved for form by the Revisor of Statutes, reviewed for legality by the Office of Administrative Hearings, and then published in the State Register. These exempt rules are effective for two years only.

The second kind of exempt rule is one adopted where an agency for good cause finds that the rulemaking provisions of *Minnesota Statutes*, Chapter 14 are unnecessary, impracticable, or contrary to the public interest. This exemption can be used only where the rules:

- (1) address a serious and immediate threat to the public health, safety, or welfare, or
- (2) comply with a court order or a requirement in federal law in a manner that does not allow for compliance with *Minnesota Statutes* Sections 14.14-14.28, or
- (3) incorporate specific changes set forth in applicable statutes when no interpretation of law is required, or
- (4) make changes that do not alter the sense, meaning, or effect of the rules.

These exempt rules are also reviewed for form by the Revisor of Statutes, for legality by the Office of Administrative Hearings and then published in the *State Register*. In addition, the Office of Administrative Hearings must determine whether the agency has provided adequate justification for the use of this exemption. Rules adopted under clauses (1) or (2) above are effective for two years only. The Legislature may also exempt an agency from the normal rulemaking procedures and establish other procedural and substantive requirements unique to that exemption.

**KEY: Proposed Rules** - Underlining indicates additions to existing rule language. ~~Strikeouts~~ indicate deletions from existing rule language. If a proposed rule is totally new, it is designated "all new material." **Adopted Rules** - Underlining indicates additions to proposed rule language. ~~Strikeout~~ indicates deletions from proposed rule language.

## Department of Natural Resources

### Adopted Exempt Permanent Rule Relating to Mississippi River Corridor Critical Area

#### 6106.0050 DEFINITIONS.

*[For text of subparts 1 to 63, see Minnesota Rules]*

Subp. 64. **River corridor boundary.** "River corridor boundary" means the boundary approved and adopted by the Metropolitan Council under Minnesota Statutes, section 116G.06, as approved and adopted by the legislature in Minnesota Statutes, section 116G.15, and as legally described in the State Register, volume 3.43, pages 1681-508 to 1691-519.

*[For text of subparts 65 to 86, see Minnesota Rules]*

## Exhibit F.5.

## Environmental Quality Board

### NOTICE OF HEARING

**Proposed Amendment to Rules Governing Environmental Review, *Minnesota Rules*, 4410.0200, 4410.0500, 4410.4300, 4410.4400, 4410.5200, 4410.7904, 4410.7906, 4410.7926, 4410.4600; Revisor's ID Number RD-04157; OAH docket number 80-9008-35532**

**Public Hearing.** The Environmental Quality Board (EQB) intends to adopt rules after a public hearing following the procedures in the rules of the Office of Administrative Hearings, *Minnesota Rules*, parts 1400.2200 to 1400.2240, and the Administrative Procedure Act, *Minnesota Statutes*, sections 14.131 to 14.20. The agency will hold a public hearing on the above-named rules in Room 100, Minnesota Pollution Control Agency, 520 Lafayette Road, St. Paul, MN, **starting at 1:30pm on Friday, May 31, 2019**, and continuing until the hearing is completed. The hearing (via a video-conference connection) will also be available at:

Brainerd MPCA Office  
7678 College Road, Suite 105  
Baxter, MN 56425

Detroit Lakes MPCA Office  
714 Lake Ave., Suite 220  
Detroit Lakes, MN 56501

Duluth MPCA Office  
525 Lake Ave. S., Suite 400  
Duluth, MN 55802

Marshall MPCA Office  
504 Fairgrounds Rd., Suite 200  
Marshall, MN 56258

Rochester MPCA Office  
18 Wood Lake Drive SE  
Rochester, MN 55904

In the November 13, 2018, State Register, on pages 531 to 546, and in the December 31, 2018, State Register, on pages 775 to 778, the EQB published a Notice of Intent to Adopt Rules relating to Environmental Review categories. The Notice stated that a hearing would be held on the proposed rules if 25 or more persons submitted written requests for a hearing. In response, the EQB received 177 requests for a hearing. **The hearing(s) on Friday March 8, 2019 and on March 12, 2019 are cancelled** and rescheduled for Friday, May 31, 2019 1:30pm, in Room 100, Minnesota Pollution Control Agency, 520 Lafayette Road, St. Paul, MN.

The EQB will schedule additional days of hearing if necessary. All interested or affected persons will have an opportunity to participate by submitting either oral or written data, statements, or arguments. Statements may be submitted without appearing at the hearing.

**Administrative Law Judge.** Administrative Law Judge LauraSue Schlatter will conduct the hearing. The judge can be reached at the Office of Administrative Hearings, 600 North Robert Street, P.O. Box 64620, Saint Paul, Minnesota 55164-0620 by fax (651) 539-0310 or by telephone by calling Judge Schlatter's assistant Ian Lewenstein at (651) 361-7857, or by email to

Ian.Lewenstein@state.mn.us. The rule hearing procedure is governed by *Minnesota Statutes*, sections 14.131 to 14.20, and by the rules of the Office of Administrative Hearings, *Minnesota Rules*, parts 1400.2000 to 1400.2240. You should direct questions about the rule hearing procedure to the administrative law judge.

**Subject of Rules, Statutory Authority, and Agency Contact Person.** The proposed rules are about Environmental Review: definitions, RGU selection process, Mandatory EAW Categories, Mandatory EIS categories, Exemptions, Required notices, Licensing of Explorers, Content of an application for drilling permit, Abandonment of Exploratory Borings. The statutory authority to adopt the rules is *Minnesota Statutes, section 116D.04, subdivisions 2a(a), 4a, 5a; Minnesota Statutes 116D.045, subdivision 1; Laws of Minnesota 2013, Chapter 114, Article 4, Section 105; Laws of Minnesota 2015 1<sup>st</sup> Special Session, Chapter 4, Article 4, Section 121; Minnesota Statutes 116C.991; Laws of Minnesota 2015 1<sup>st</sup> Special Session, Chapter 4, Article 5, Section 33.* A copy of the proposed rules was published in the *State Register* on November 13, 2018, *State Registers*, on pages 531 to 546, and is attached to this notice as mailed.

**Agency Contact Person.** The Environmental Quality Board contact person is:

Erik Cedarleaf Dahl  
 Environmental Quality Board,  
 520 Lafayette Rd. St. Paul, MN, 55101,  
 651-757-2364 (phone), 651-757-2343 (fax), erik.dahl@state.mn.us.

**Statement of Need and Reasonableness.** The statement of need and reasonableness contains a summary of the justification for the proposed rules, including a description of who will be affected by the proposed rules and an estimate of the probable cost of the proposed rules. It is now available from the agency contact person. You may review or obtain copies for the cost of reproduction by contacting the agency contact person.

**Public Comment.** You and all interested or affected persons, including representatives of associations and other interested groups, will have an opportunity to participate. *The administrative law judge will accept your views* either orally at the hearing or in writing at any time before the close of the hearing record. Submit written comments *to the administrative law judge at the address above or via the Office of Administrative Hearings Rulemaking eComments website at <https://minnesotaoah.granicusideas.com/discussions>*. All evidence that you present should relate to the proposed rules. You may also submit written material *to the administrative law judge* to be recorded in the hearing record for five working days after the public hearing ends. At the hearing the administrative law judge may order this five-day comment period extended for a longer period but for no more than 20 calendar days. Following the comment period, there is a five-working-day rebuttal period during which the agency and any interested person may respond in writing to any new information submitted. No one may submit additional evidence during the five-day rebuttal period. The Office of Administrative Hearings must receive all comments and responses submitted to the administrative law judge no later than 4:30 p.m. on the due date. All comments or responses received are public and will be available for review at the Office of Administrative Hearings.



The agency requests that any person submitting written views or data to the administrative law judge before the hearing or during the comment or rebuttal period also submit a copy of the written views or data to the agency contact person at the address stated above.

**Alternative Format/Accommodation.** Upon request, this information can be made available in an alternative format, such as large print, braille, or audio. To make such a request or if you need an accommodation to make this hearing accessible, please contact the agency contact person at the address or telephone number listed above.

**Modifications.** The agency may modify the proposed rules as a result of the rule hearing process. It must support modifications with data and views presented during the rule hearing process. The adopted rules may not be substantially different than these proposed rules, unless the agency follows the procedure under *Minnesota Rules*, part 1400.2110. If the proposed rules affect you in any way, the agency encourages you to participate.

**Adoption Procedure after the Hearing.** After the close of the hearing record, the administrative law judge will issue a report on the proposed rules. You may ask to be notified of the date when the judge's report will become available, and can make this request at the hearing or in writing to the administrative law judge. You may also ask to be notified of the date that the agency adopts the rules and files them with the Secretary of State, or ask to register with the agency to receive notice of future rule proceedings. You may make these requests at the hearing or in writing to the agency contact person stated above.

**Lobbyist Registration.** *Minnesota Statutes*, chapter 10A, requires each lobbyist to register with the State Campaign Finance and Public Disclosure Board. You should direct questions regarding this requirement to the Campaign Finance and Public Disclosure Board at: Suite #190, Centennial Building, 658 Cedar Street, St. Paul, Minnesota 55155, telephone (651) 539-1180 or 1-800-657-3889.

**Order.** I order that the rulemaking hearing be held at the date, time, and location listed above.

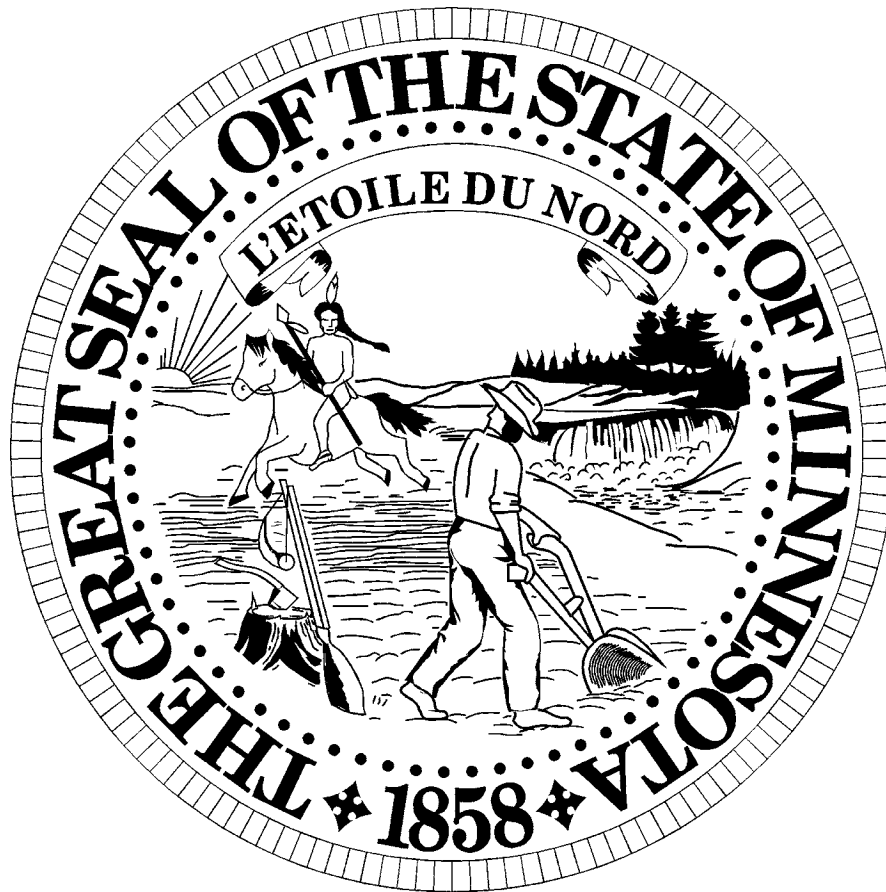
2/12/19  
Date \_\_\_\_\_

  
\_\_\_\_\_  
William Seuffert  
Executive Director, Environmental Quality Board

## Exhibit F.6.

# 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;  
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**Monday 25 February 2019  
Volume 43, Number 35  
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**Environmental Quality Board**

**NOTICE OF HEARING for Proposed Amendment to Rules Governing Environmental Review, *Minnesota Rules*, 4410.0200, 4410.0500, 4410.4300, 4410.4400, 4410.5200, 4410.7904, 4410.7906, 4410.7926, 4410.4600; Revisor's ID Number RD-04157; OAH docket number 80-9008-35532**

**Public Hearing.** The Environmental Quality Board (EQB) intends to adopt rules after a public hearing following the procedures in the rules of the Office of Administrative Hearings, *Minnesota Rules*, parts 1400.2200 to 1400.2240, and the Administrative Procedure Act, *Minnesota Statutes*, sections 14.131 to 14.20. The agency will hold a public hearing on the above-named rules in Room 100, Minnesota Pollution Control Agency, 520 Lafayette Road, St. Paul, MN, **starting at 1:30pm on Friday, May 31, 2019**, and continuing until the hearing is completed. The hearing (via a video-conference connection) will also be available at:

Brainerd MPCA Office  
7678 College Road, Suite 105  
Baxter, MN 56425

Marshall MPCA Office  
504 Fairgrounds Rd., Suite 200  
Marshall, MN 56258

Detroit Lakes MPCA Office  
714 Lake Ave., Suite 220  
Detroit Lakes, MN 56501

Rochester MPCA Office  
18 Wood Lake Drive SE  
Rochester, MN 55904

Duluth MPCA Office  
525 Lake Ave. S., Suite 400  
Duluth, MN 55802

In the November 13, 2018, State Register, on pages 531 to 546, and in the December 31, 2018, State Register, on pages 775 to 778, the EQB published a Notice of Intent to Adopt Rules relating to Environmental Review categories. The Notice stated that a hearing would be held on the proposed rules if 25 or more persons submitted written requests for a hearing. In response, the EQB received 177 requests for a hearing. **The hearing(s) on Friday March 8, 2019 and on March 12, 2019 are cancelled** and rescheduled for Friday, May 31, 2019 1:30pm, in Room 100, Minnesota Pollution Control Agency, 520 Lafayette Road, St. Paul, MN.

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# Official Notices

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Erik Cedarleaf Dahl  
 Environmental Quality Board,  
 520 Lafayette Rd. St. Paul, MN, 55101,  
 651-757-2364 (phone), 651-757-2343 (fax), [erik.dahl@state.mn.us](mailto:erik.dahl@state.mn.us).

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The agency requests that any person submitting written views or data to the administrative law judge before the hearing or during the comment or rebuttal period also submit a copy of the written views or data to the agency contact person at the address stated above.

**Alternative Format/Accommodation.** Upon request, this information can be made available in an alternative format, such as large print, braille, or audio. To make such a request or if you need an accommodation to make this hearing accessible, please contact the agency contact person at the address or telephone number listed above.

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**Adoption Procedure after the Hearing.** After the close of the hearing record, the administrative law judge will issue a report on the proposed rules. You may ask to be notified of the date when the judge's report will become available, and can make this request at the hearing or in writing to the administrative law judge. You may also ask to be notified of the date that the agency adopts the rules and files them with the Secretary of State, or ask to register with the agency to receive notice of future rule proceedings. You may make these requests at the hearing or in writing to the agency contact person stated above.

**Lobbyist Registration.** *Minnesota Statutes*, chapter 10A, requires each lobbyist to register with the State Campaign Finance and Public Disclosure Board. You should direct questions regarding this requirement to the Campaign Finance and Public Disclosure Board at: Suite #190, Centennial Building, 658 Cedar Street, St. Paul, Minnesota 55155, telephone (651) 539-1180 or 1-800-657-3889.

**Order.** I order that the rulemaking hearing be held at the date, time, and location listed above.

Date: 2/19/2019

William Seuffert  
 Executive Director, Environmental Quality Board

## Exhibit F.7.

## Environmental Quality Board

### NOTICE OF HEARING

**Proposed Amendment to Rules Governing Environmental Review, *Minnesota Rules*, 4410.0200, 4410.0500, 4410.4300, 4410.4400, 4410.5200, 4410.7904, 4410.7906, 4410.7926, 4410.4600; Revisor's ID Number RD-04157; OAH docket number 80-9008-35532**

**Public Hearing.** The Environmental Quality Board (EQB) intends to adopt rules after a public hearing following the procedures in the rules of the Office of Administrative Hearings, *Minnesota Rules*, parts 1400.2200 to 1400.2240, and the Administrative Procedure Act, *Minnesota Statutes*, sections 14.131 to 14.20. The EQB will hold a public hearing on the above-named rules in Room 100, Minnesota Pollution Control Agency, 520 Lafayette Road, St. Paul, MN, **starting at 1:30pm on Friday, May 31, 2019**, and continuing until the hearing is completed. The hearing (via a video-conference connection) will also be available at:

Brainerd MPCA Office  
7678 College Road, Suite 105  
Baxter, MN 56425

Detroit Lakes MPCA Office  
714 Lake Ave., Suite 220  
Detroit Lakes, MN 56501

Duluth MPCA Office  
525 Lake Ave. S., Suite 400  
Duluth, MN 55802

Marshall MPCA Office  
504 Fairgrounds Rd., Suite 200  
Marshall, MN 56258

Rochester MPCA Office  
18 Wood Lake Drive SE  
Rochester, MN 55904

The EQB will hold an additional public hearing on the above-named rules at the St Cloud Great River Regional Library, 1300 W. St. Germain St., St. Cloud, MN 56301, **starting at 5:30pm on Wednesday June 26, 2019**, and continuing until 8:30pm.

St Cloud Great River Regional Library  
1300 W. St. Germain St.  
St. Cloud, MN 56301

In the November 13, 2018, State Register, on pages 531 to 546, and in the December 31, 2018, State Register, on pages 775 to 778, the EQB published a Notice of Intent to Adopt Rules relating to Environmental Review categories. The Notice stated that a hearing would be held on the proposed rules if 25 or more persons submitted written requests for a hearing. In response, the EQB received 177 requests for a hearing.

The EQB will schedule additional days of hearing if necessary. All interested or affected persons will have an opportunity to participate by submitting either oral or written data, statements, or arguments. Statements may be submitted without appearing at the hearing.



**Comments.** You have until 4:30 p.m. on June 21, 2019 to submit written comment in support of or in opposition to the proposed rules or any part or subpart of the rules. Your comment must be in writing and received by the agency contact person by the due date. Comment is encouraged. Your comments should identify the portion of the proposed rules addressed, the reason for the comment, and any change proposed. You are encouraged to propose any change that you desire. Any comments that you have about the legality of the proposed rules must also be made during this comment period.

**Administrative Law Judge.** Administrative Law Judge LauraSue Schlatter will conduct the hearing. The judge can be reached at the Office of Administrative Hearings, 600 North Robert Street, P.O. Box 64620, Saint Paul, Minnesota 55164-0620, fax (651) 539-0310 by telephone by calling OAH Rulemaking Coordinator Ian Lewenstein at (651) 361-7857, or by email to Ian.Lewenstein@state.mn.us. The rule hearing procedure is governed by *Minnesota Statutes*, sections 14.131 to 14.20, and by the rules of the Office of Administrative Hearings, *Minnesota Rules*, parts 1400.2000 to 1400.2240. You should direct questions about the rule hearing procedure to the administrative law judge.

**Subject of Rules, Statutory Authority, and Agency Contact Person.** The proposed rules are about Environmental Review: definitions, RGU selection process, Mandatory EAW Categories, Mandatory EIS categories, Exemptions, Required notices, Licensing of Explorers, Content of an application for drilling permit, Abandonment of Exploratory Borings. The statutory authority to adopt the rules is *Minnesota Statutes, section 116D.04, subdivisions 2a(a), 4a, 5a; Minnesota Statutes 116D.045, subdivision 1; Laws of Minnesota 2013, Chapter 114, Article 4, Section 105; Laws of Minnesota 2015 1<sup>st</sup> Special Session, Chapter 4, Article 4, Section 121; Minnesota Statutes 116C.991; Laws of Minnesota 2015 1<sup>st</sup> Special Session, Chapter 4, Section 33.* A copy of the proposed rules was published in the *State Register* on November 13, 2018, *State Registers*, on pages 531 to 546, and attached to this notice as mailed.

**Agency Contact Person.** The Environmental Quality Board contact person is:

Erik Cedarleaf Dahl  
Environmental Quality Board,  
520 Lafayette Rd. St. Paul, MN, 55101,  
651-757-2364 (phone), 651-757-2343 (fax), erik.dahl@state.mn.us.

**Statement of Need and Reasonableness.** The statement of need and reasonableness contains a summary of the justification for the proposed rules, including a description of who will be affected by the proposed rules and an estimate of the probable cost of the proposed rules. It is now available from the agency contact person. You may review or obtain copies for the cost of reproduction by contacting the agency contact person.

**Public Comment.** You and all interested or affected persons, including representatives of associations and other interested groups, will have an opportunity to participate. *The administrative law judge will accept your views* either orally at the hearing or in writing at any time before the close of the hearing record. Submit written comments *to the administrative law judge at the address above or via the Office of Administrative Hearings Rulemaking*

eComments website at <https://minnesotaoah.granicusideas.com/discussions>. All evidence that you present should relate to the proposed rules. You may also submit written material to the administrative law judge to be recorded in the hearing record for five working days after the public hearing ends. At the hearing the administrative law judge may order this five-day comment period extended for a longer period but for no more than 20 calendar days. Following the comment period, there is a five-working-day rebuttal period during which the agency and any interested person may respond in writing to any new information submitted. No one may submit additional evidence during the five-day rebuttal period. The Office of Administrative Hearings must receive all comments and responses submitted to the administrative law judge no later than 4:30 p.m. on the due date. All comments or responses received are public and will be available for review at the Office of Administrative Hearings.

The agency requests that any person submitting written views or data to the administrative law judge before the hearing or during the comment or rebuttal period also submit a copy of the written views or data to the agency contact person at the address stated above.

**Alternative Format/Accommodation.** Upon request, this information can be made available in an alternative format, such as large print, braille, or audio. To make such a request or if you need an accommodation to make this hearing accessible, please contact the agency contact person at the address or telephone number listed above.

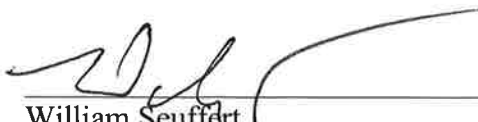
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**Adoption Procedure after the Hearing.** After the close of the hearing record, the administrative law judge will issue a report on the proposed rules. You may ask to be notified of the date when the judge's report will become available, and can make this request at the hearing or in writing to the administrative law judge. You may also ask to be notified of the date that the agency adopts the rules and files them with the Secretary of State, or ask to register with the agency to receive notice of future rule proceedings. You may make these requests at the hearing or in writing to the agency contact person stated above.

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**Order.** I order that the rulemaking hearing be held at the date, time, and location listed above.

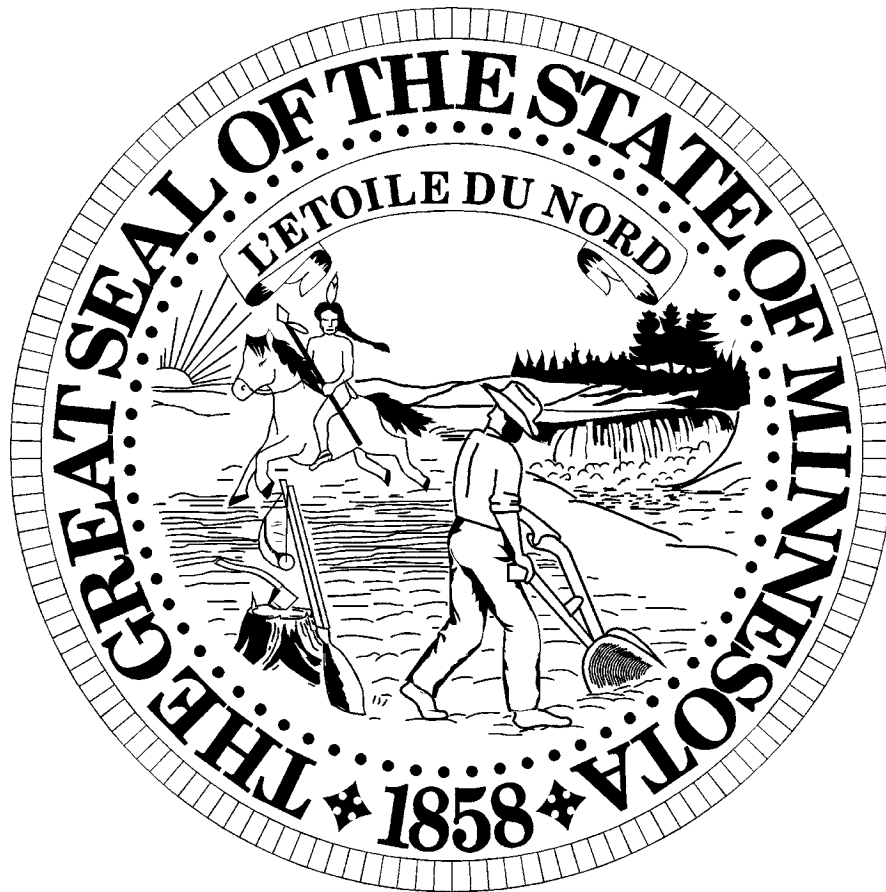
5/9/19  
 \_\_\_\_\_  
 Date

  
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 William Seuffert  
 Executive Director, Environmental Quality Board

## Exhibit F.8.

# 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 and Grants**

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## Proposed Rules

**Comments on Planned Rules or Rule Amendments.** An agency must first solicit Comments on Planned Rules or Comments on Planned Rule Amendments from the public on the subject matter of a possible rulemaking proposal under active consideration within the agency (*Minnesota Statutes* §§ 14.101). It does this by publishing a notice in the *State Register* at least 60 days before publication of a notice to adopt or a notice of hearing, and within 60 days of the effective date of any new statutory grant of required rulemaking.

**Rules to be Adopted After a Hearing.** After receiving comments and deciding to hold a public hearing on the rule, an agency drafts its rule. It then publishes its rules with a notice of hearing. All persons wishing to make a statement must register at the hearing. Anyone who wishes to submit written comments may do so at the hearing, or within five working days of the close of the hearing. Administrative law judges may, during the hearing, extend the period for receiving comments up to 20 calendar days. For five business days after the submission period the agency and interested persons may respond to any new information submitted during the written submission period and the record then is closed. The administrative law judge prepares a report within 30 days, stating findings of fact, conclusions and recommendations. After receiving the report, the agency decides whether to adopt, withdraw or modify the proposed rule based on consideration of the comments made during the rule hearing procedure and the report of the administrative law judge. The agency must wait five days after receiving the report before taking any action.

**Rules to be Adopted Without a Hearing.** Pursuant to *Minnesota Statutes* § 14.22, an agency may propose to adopt, amend, suspend or repeal rules without first holding a public hearing. An agency must first solicit **Comments on Planned Rules** or **Comments on Planned Rule Amendments** from the public. The agency then publishes a notice of intent to adopt rules without a public hearing, together with the proposed rules, in the *State Register*. If, during the 30-day comment period, 25 or more persons submit to the agency a written request for a hearing of the proposed rules, the agency must proceed under the provisions of §§ 14.1414.20, which state that if an agency decides to hold a public hearing, it must publish a notice of intent in the *State Register*.

**KEY: Proposed Rules** - Underlining indicates additions to existing rule language. ~~Strikeouts~~ indicate deletions from existing rule language. If a proposed rule is totally new, it is designated "all new material." **Adopted Rules** - Underlining indicates additions to proposed rule language. ~~Strikeout~~ indicates deletions from proposed rule language.

## Environmental Quality Board

**Notice of Hearing for Proposed Amendment to Rules Governing Environmental Review, Minnesota Rules, 4410.0200, 4410.0500, 4410.4300, 4410.4400, 4410.5200, 4410.7904, 4410.7906, 4410.7926, 4410.4600; Revisor's ID Number RD-04157; OAH docket number 80-9008-35532**

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# Proposed Rules

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Brainerd MPCA Office  
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Baxter, MN 56425

Detroit Lakes MPCA Office  
714 Lake Ave., Suite 220  
Detroit Lakes, MN 56501

Duluth MPCA Office  
525 Lake Ave. S., Suite 400  
Duluth, MN 55802

Marshall MPCA Office  
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Marshall, MN 56258

Rochester MPCA Office  
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Rochester, MN 55904

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**Agency Contact Person.** The Environmental Quality Board contact person is:

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# Proposed Rules

Erik Cedarleaf Dahl  
 Environmental Quality Board,  
 520 Lafayette Rd. St. Paul, MN, 55101,  
 651-757-2364 (phone), 651-757-2343 (fax), [erik.dahl@state.mn.us](mailto:erik.dahl@state.mn.us).

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**Order.** I order that the rulemaking hearing be held at the date, time, and location listed above.

Date: May 9, 2019

William Seuffert  
 Executive Director, Environmental Quality Board