

**Environmental Quality Board****CERTIFICATE OF COMPLIANCE WITH MINNESOTA STATUTES, SECTION 14.111,  
REGARDING FARMING OPERATIONS**

**Proposed Rules of the Environmental Quality Board 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 R-04157**

I certify that on September 27, 2018, at least 30 days prior to the publication of the proposed rule amendments in the State Register, at the City of St. Paul, County of Ramsey, State of Minnesota, the EQB notified the Commissioner of Agriculture, pursuant to Minnesota Statutes, Section 14.111. Specifically, the EQB deposited a letter, with a copy of the proposed rule amendments attached, to the Commissioner of Agriculture in the interoffice mail of the State of Minnesota; and notified MDA staff via email. This was done to comply with Minnesota Statutes, Section 14.111, regarding farming operations. A copy of the letter and associated email are attached to this Certificate.

9/28/2018



Erik Cedarleaf Dahl  
Planning Director

**From:** [Dahl, Erik \(EOB\)](#)  
**To:** [Tegdesch, Elizabeth \(MPCA\)](#)  
**Subject:** Can you please send this for me?  
**Date:** Thursday, September 27, 2018 8:40:00 AM  
**Attachments:** [image003.png](#)  
[image004.png](#)  
[Letter to Ag Commish and Legal Counsel.docx](#)  
[Draft Dual Notice 9 26 2018.docx](#)  
[Revisor Certified Rules 9 5 2018.pdf](#)  
[SONAR September 27 2018.pdf](#)

---

Beth,

Can you send this letter and attachments to the addresses on the top and the CC's on the bottom of the letter? Please let me know when its sent.

Thanks,

**Erik Dahl**

Planning Director

**Minnesota Environmental Quality Board**

520 Lafayette Road

St. Paul, MN, 55155

O: 651-757-2364

[eqb.state.mn.us](http://eqb.state.mn.us)



NOTICE: This email (including attachments) is covered by the Electronic Communications Privacy Act, 18 U.S.C. 2510-2521. This email may be confidential and may be legally privileged. If you are not the intended recipient, you are hereby notified that any retention, dissemination, distribution, or copying of this communication is strictly prohibited. Please reply back to the sender that you have received this message in error, then delete it. Thank you.



September 27, 2018

David Frederickson, Commissioner  
Minnesota Department of Agriculture  
625 Robert Street North,  
Saint Paul, MN 55155-2538

Doug Spanier, Attorney  
Minnesota Department of Agriculture  
625 Robert Street North,  
Saint Paul, MN 55155-2538

Re: In The Matter of the Proposed Rules of the Environmental Quality Board about 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; Revisor's ID Number: R-04157

Dear Commissioner David Frederickson:

The Environmental Quality Board (EQB or Board) is proposing amendments to rules concerning 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.. This rulemaking is proposed under Revisor's ID Number R-04157

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.

Minnesota Statutes, section 14.111, states:

“Before an agency adopts or repeals rules that affect farming operations, the agency must provide a copy of the proposed rule change to the commissioner of agriculture, no later than 30 days prior to publication of the proposed rule in the State Register.”

EQB plans to publish, on October 29, 2018, a Dual 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.

As required by section 14.111, the EQB is sending you a copy of the aforementioned notice and the Statement of Need and Reasonableness. We are also enclosing a copy of the proposed rules.

If you have any questions about these rules, please contact Erik Cedarleaf Dahl at 651-757-2364 or [Erik.Dahl@state.mn.us](mailto:Erik.Dahl@state.mn.us).

Sincerely,

A handwritten signature in black ink, appearing to read "Will Seuffert". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Will Seuffert  
Executive Director  
Minnesota Environmental Quality Board  
520 Lafayette Road  
St. Paul, MN, 55155  
O: 651-757-2766

Enclosures: Dual Notice of Intent to Adopt Rules  
Statement of Need and Reasonableness  
Proposed Rules

cc: Whitney Place, Assistant Commissioner  
Joshua Stamper, Division Director, Pesticide and Fertilizer Management Division  
Dan Stoddard, Assistant Division Director, Pesticide and Fertilizer Management Division



November 20, 2018

**Minnesota Environmental Quality Board**

**CERTIFICATE OF SENDING THE NOTICE AND THE STATEMENT OF NEED AND REASONABLENESS TO LEGISLATORS AND THE LEGISLATIVE COORDINATING COMMISSION**

**Proposed Rules of the Environmental Quality Board 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 R-04157**

I certify that on November 20, 2018, when the Environmental Quality Board mailed Notice of Intent to Adopt Rules under Minnesota Statutes, section 14.14 or 14.22, I sent a copy of the Notice and the Statement of Need and Reasonableness to certain Legislators and the Legislative Coordinating Commission by depositing them in the State of Minnesota's central mail system for United States mail with postage prepaid. I mailed these documents to comply with Minnesota Statutes, section 14.116. A copy of the cover letter is attached to this Certificate.

A handwritten signature in blue ink, appearing to read 'Erik Dahl', written over a horizontal line.

Erik Cedarleaf Dahl  
Planning Director  
Environmental Quality Board  
[Erik.Dahl@state.mn.us](mailto:Erik.Dahl@state.mn.us)  
651-757-2364



**MINNESOTA**  
ENVIRONMENTAL QUALITY BOARD

November 20, 2018

The Honorable Bill Ingebrigtsen, Chair  
Environment and Natural Resources  
Finance Committee  
3207 Minnesota Senate Building  
St. Paul, MN 55155

The Honorable Dan Fabian, Chair  
Environment and Natural Resources  
Policy and Finance Committee  
359 State office Building  
St. Paul, MN 55155

The Honorable David J. Tomassoni,  
Ranking Minority Member  
Environment and Natural Resources  
Finance Committee  
2235 Minnesota Senate Building  
St. Paul, MN 55155

The Honorable Rick Hansen,  
DFL Lead  
Environment and Natural Resources Policy  
And Finance Committee  
247 State Office Building  
St Paul, MN 55155

Legislative Coordinating Commission  
72 State Office Building  
100 Rev. Dr. Martin Luther King, Jr. Blvd.  
St. Paul, MN 55155

Re: In The Matter of the Proposed Rules of the Environmental Quality Board 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 R-04157

Dear Legislators:

The Environmental Quality Board (EQB or Board) is proposing amendments to rules relating to the Environmental Review Program (Minnesota Rules chapter 4410), including: RGU selection process, Mandatory Environmental Assessment Worksheet categories, Mandatory Environmental Impact Statement categories, definitions to support the mandatory categories, categories of exemptions for environmental review, required notices, Licensing of Explorers, Content of an application for drilling permit, Abandonment of Exploratory Borings (Revisor's ID Number R-04157). Also included in this rulemaking:

- Rules relating to silica sand projects (Revisor's ID Number RD-4305).
- Rules relating to Recreational trails (Revisor's ID Number RD-4381).

The statutory authority to adopt the rules is Minnesota Statutes, section 116D.04, subdivisions 2a(b) and 5a; Minnesota Statutes 116C.04; 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.

Minnesota Statutes, section 14.116, states:

**“14.116 NOTICE TO LEGISLATURE.**

When an agency mails notice of intent to adopt rules under section 14.14 or 14.22, the agency must send a copy of the same notice and a copy of the statement of need and reasonableness to the chairs and ranking minority party members of the legislative policy and budget committees with jurisdiction over the subject matter of the proposed rules and to the Legislative Coordinating Commission.

In addition, if the mailing of the notice is within two years of the effective date of the law granting the agency authority to adopt the proposed rules, the agency shall make reasonable efforts to send a copy of the notice and the statement to all sitting legislators who were chief house and senate authors of the bill granting the rulemaking authority. If the bill was amended to include this rulemaking authority, the agency shall make reasonable efforts to send the notice and the statement to the chief house and senate authors of the amendment granting rulemaking authority, rather than to the chief authors of the bill.”

EQB published a *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* in the State Register on November 13, 2018 after the Environmental Quality Board held a meeting on September 19, 2018. The Notice was mailed according to section 14.14 or 14.22.

As required by section 14.116, the EQB is sending you a copy of the notice and the Statement of Need and Reasonableness. [For your information, we are also enclosing a copy of the proposed rules.]

If you have any questions about these rules, please contact Erik Cedarleaf Dahl at 651-757-2364 or [Erik.Dahl@state.mn.us](mailto:Erik.Dahl@state.mn.us).

Sincerely,



Will Seuffert  
Executive Director  
Minnesota Environmental Quality Board  
520 Lafayette Road  
St. Paul, MN, 55155  
O: 651-757-2766

Enclosures: Notice of Intent to Adopt Rules, Statement of Need and Reasonableness, Proposed Rules

**m1 MINNESOTA**  
ENVIRONMENTAL QUALITY BOARD

December 28, 2018

**Minnesota Environmental Quality Board**

**CERTIFICATE OF SENDING THE AMENDED DUAL NOTICE AND THE STATEMENT OF  
NEED AND REASONABLENESS TO LEGISLATORS AND THE LEGISLATIVE  
COORDINATING COMMISSION**

**Proposed Rules of the Environmental Quality Board 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 R-04157**

I certify that on December 28, 2018, when the Environmental Quality Board mailed the Amended Notice of Intent to Adopt Rules under Minnesota Statutes, section 14.14 or 14.22, I sent a copy of the Amended Notice and the Statement of Need and Reasonableness to certain Legislators and the Legislative Coordinating Commission by depositing them in the State of Minnesota's central mail system for United States mail with postage prepaid. I mailed these documents to comply with Minnesota Statutes, section 14.116. A copy of the cover letter is attached to this Certificate.



Erik Cedarleaf Dahl  
Planning Director  
Environmental Quality Board  
[Erik.Dahl@state.mn.us](mailto:Erik.Dahl@state.mn.us)  
651-757-2364



 **MINNESOTA**  
ENVIRONMENTAL QUALITY BOARD

December 28, 2018

The Honorable Bill Ingebrigtsen, Chair  
Environment and Natural Resources  
Finance Committee  
3207 Minnesota Senate Building  
St. Paul, MN 55155

The Honorable Dan Fabian, Chair  
Environment and Natural Resources  
Policy and Finance Committee  
359 State office Building  
St. Paul, MN 55155

The Honorable David J. Tomassoni,  
Ranking Minority Member  
Environment and Natural Resources  
Finance Committee  
2235 Minnesota Senate Building  
St. Paul, MN 55155

The Honorable Rick Hansen,  
DFL Lead  
Environment and Natural Resources Policy  
And Finance Committee  
247 State Office Building  
St Paul, MN 55155

Legislative Coordinating Commission  
72 State Office Building  
100 Rev. Dr. Martin Luther King, Jr. Blvd.  
St. Paul, MN 55155

Re: In The Matter of the Proposed Rules of the Environmental Quality Board 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 R-04157

Dear Legislators:

The Environmental Quality Board (EQB or Board) is proposing amendments to rules relating to the Environmental Review Program (Minnesota Rules chapter 4410), including: RGU selection process, Mandatory Environmental Assessment Worksheet categories, Mandatory Environmental Impact Statement categories, definitions to support the mandatory categories, categories of exemptions for environmental review, required notices, Licensing of Explorers, Content of an application for drilling permit, Abandonment of Exploratory Borings (Revisor's ID Number R-04157). Also included in this rulemaking:

- Rules relating to silica sand projects (Revisor's ID Number RD-4305).
- Rules relating to Recreational trails (Revisor's ID Number RD-4381).

The statutory authority to adopt the rules is Minnesota Statutes, section 116D.04, subdivisions 2a(b) and 5a; Minnesota Statutes 116C.04; 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.

Minnesota Statutes, section 14.116, states:

**“14.116 NOTICE TO LEGISLATURE.**

When an agency mails notice of intent to adopt rules under section 14.14 or 14.22, the agency must send a copy of the same notice and a copy of the statement of need and reasonableness to the chairs and ranking minority party members of the legislative policy and budget committees with jurisdiction over the subject matter of the proposed rules and to the Legislative Coordinating Commission.

In addition, if the mailing of the notice is within two years of the effective date of the law granting the agency authority to adopt the proposed rules, the agency shall make reasonable efforts to send a copy of the notice and the statement to all sitting legislators who were chief house and senate authors of the bill granting the rulemaking authority. If the bill was amended to include this rulemaking authority, the agency shall make reasonable efforts to send the notice and the statement to the chief house and senate authors of the amendment granting rulemaking authority, rather than to the chief authors of the bill.”

EQB published an Amended *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* in the State Register on December 31, 2018 after the Environmental Quality Board held a meeting on September 19, 2018. The Amended Notice was mailed according to section 14.14 or 14.22.

As required by section 14.116, the EQB is sending you a copy of the amended notice and the Statement of Need and Reasonableness. [For your information, we are also enclosing a copy of the proposed rules.]

If you have any questions about these rules, please contact Erik Cedarleaf Dahl at 651-757-2364 or [Erik.Dahl@state.mn.us](mailto:Erik.Dahl@state.mn.us).

Sincerely,



Will Seuffert  
Executive Director  
Minnesota Environmental Quality Board  
520 Lafayette Road  
St. Paul, MN, 55155  
O: 651-757-2766

Enclosures: Notice of Intent to Adopt Rules, Statement of Need and Reasonableness, Proposed Rules



September 5, 2018

**Minnesota Environmental Quality Board**

**CERTIFICATE OF COMPLIANCE WITH MINNESOTA STATUTES, SECTION 14.131,  
REGARDING CONSULTATION WITH MINNESOTA MANAGEMENT AND BUDGET.**

**Proposed Rules of the Environmental Quality Board 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 R-04157**

I certify that on August 20, 2018, at least 30 days prior to the publication of the proposed rule amendments in the *State Register*, at the City of St. Paul, County of Ramsey, State of Minnesota, the Environmental Quality Board (EQB) notified the Minnesota Management and Budget (MMB), pursuant to Minnesota Statutes, Section 14.131. Specifically, the EQB (a) deposited a letter to MMB, together with a copy of the Statement of Need and Reasonableness (which includes a copy of the proposed rule amendments) in the USPS; and (b) emailed a copy of the same letter and associated attachments to MMB. A copy of the letter, which requested the MMB's review and comments on the fiscal analysis of the proposed rules as well as MMB's letter in response (9/4/2018), is attached to this Certificate.

A handwritten signature in blue ink, appearing to read 'Erik Dahl', written over a horizontal line.

Erik Cedarleaf Dahl  
Planning Director  
Environmental Quality Board  
[Erik.Dahl@state.mn.us](mailto:Erik.Dahl@state.mn.us)  
651-757-2364

**From:** [Dahl, Erik \(EOB\)](#)  
**To:** [Fahnhorst, Sean \(MMB\)](#)  
**Subject:** EQB Rulemaking: R-0457  
**Date:** Monday, August 20, 2018 2:29:00 PM  
**Attachments:** [image003.png](#)  
[image004.png](#)  
[MMB Letter Signed 8 20 2018.pdf](#)  
[SONAR working document 2018 August 20 2018.pdf](#)  
**Importance:** High

---

Sean,

I sent you a letter with attachments via the mail today, but I also wanted to send you an electronic version so you had it sooner.

Please let me know if you have any questions.

If possible, we need to get this reviewed and back to us with MMB questions/concerns/approval by September 4<sup>th</sup> COB in order to get in our September EQB Board packet. Thank you for your help.

**Erik Dahl**

Planning Director

**Minnesota Environmental Quality Board**

520 Lafayette Road  
St. Paul, MN, 55155  
O: 651-757-2364  
[eqb.state.mn.us](http://eqb.state.mn.us)



NOTICE: This email (including attachments) is covered by the Electronic Communications Privacy Act, 18 U.S.C. 2510-2521. This email may be confidential and may be legally privileged. If you are not the intended recipient, you are hereby notified that any retention, dissemination, distribution, or copying of this communication is strictly prohibited. Please reply back to the sender that you have received this message in error, then delete it. Thank you.

**m** **MINNESOTA**  
ENVIRONMENTAL QUALITY BOARD

**Minnesota Environmental Quality Board**  
**520 Lafayette Road North**  
**Saint Paul, MN 55155**

8/20/2018

Sean Fahnhorst  
Executive Budget Officer  
Minnesota Management and Budget  
658 Cedar St., Suite 400  
St. Paul, MN 55155

Re: In The Matter of the Proposed Rules of the Environmental Quality Board about Mandatory Environmental Review Categories; Revisor's ID Number: R-0457

Dear Sean Fahnhorst,

Minnesota Statutes, section 14.131, requires that an agency engaged in rulemaking consult with the Commissioner of Minnesota Management and Budget, "to help evaluate the fiscal impact and fiscal benefits of the proposed rule on units of local government."

Enclosed for your review are copies of the following documents on proposed rules the Mandatory Environmental Review Categories.

1. The August 2018 draft of the SONAR.

I will also be delivering documents to the Governor's Office this week.

If you or any other representative of the Commissioner of Minnesota Management & Budget has questions about the proposed rule, please call me at 651-757-2364. Please send any correspondence about this matter to me at the following address: Minnesota Environmental Quality Board, Attn. Erik Cedarleaf Dahl, 520 Lafayette Road, St. Paul, MN, 55155

Yours very truly,



Erik Cedarleaf Dahl  
Planning Director



## Office Memorandum

Date: September 4, 2018

To: Erik Cedarleaf Dahl, Environmental Quality Board

From: Sean Fahnhorst, Minnesota Management and Budget

CC: Alisha Cowell, Minnesota Management and Budget

### **RE: M.S. 14.131 Review of Proposal to Amend Rules Regarding Environmental Assessment Worksheets, Environmental Impacts Statements, Responsible Government Unit Determinations, and Exemptions from Environmental Review**

---

The Environmental Quality Board (EQB) proposes to amend Minnesota Rules Chapters 4410.0200, 4410.0500, 4410.4300, 4410.4400, 4410.5200, 4410.7904, 4410.7906, 4410.7926, and 4410.4600 regarding mandatory categories for environmental assessment worksheets and environmental impact statements, definitions to support those categories, responsible governmental unit determinations, and categories of exemptions from environmental review. Pursuant to M.S. 14.131, EQB has consulted with the commissioner of Minnesota Management and Budget (MMB) to help evaluate the fiscal impact of the proposed rule changes on local units of government.

#### **Evaluation**

On behalf of the commissioner of MMB, I reviewed the proposed rule changes and the related Statement of Need and Reasonableness and consulted with board staff to determine the local fiscal impact of the changes as proposed. The attached table encapsulates the potential impacts of the amendments on local government units. To summarize, the proposed change to part 4410.4300, subpart 3, item B regarding electric-generating facilities may increase costs for local governments if a project is proposed that meets the rule's threshold. This change makes the local government unit the responsible government unit, and therefore, responsible for conducting environmental review when a project occurs. According to Minnesota Pollution Control Agency records, during the last 10 years, 13 projects have occurred in this general category. Of these 13 projects, one would have fallen under item B and required environmental review by the local government unit if this proposed change had been in effect. To mitigate these costs, local government units have the option of creating a local ordinance to require project proposers to pay the costs of an environmental assessment worksheet.

Further, the EQB is uncertain if the amendment to part 4410.4300, subpart 27 regarding wetlands and public waters will increase costs for local governments. Because this amendment clarifies and simplifies rule language, local government units will potentially apply the rule more frequently and incur additional costs. The remaining rule amendments should have little to no effect on, or decrease, the costs to local government units.

---

Rule Number and Title	Cost to Local Government Unit	Notes
Part 4410.0200, subpart 1b. Acute hazardous waste.	None	
Part 4410.0200, subpart 5a. Auxiliary lane.	None	
Part 4410.0200, subpart 9b. Compost facility.	None	
Part 4410.0200, subpart 36a. Hazardous material.	None	
Part 4410.0200, subpart 40b. Institutional facility.	None	
Part 4410.0200, subpart 43. Local governmental unit.	None	
Part 4410.0200, subpart 52a. Mixed municipal solid waste land disposal facility.	None	
Part 4410.0200, subpart 59a. Petroleum refinery.	None	
Part 4410.0200, subpart 71a. Refuse-derived fuel.	None	
Part 4410.0200, subpart 82a. Silica sand	None	
Part 4410.0200, subpart 82b. Silica sand project.	None	
Part 4410.0200, subpart 93. Wetland.	None	
Part 4410.0500, subpart. 4. RGU for EAW by order of EQB.	None	
Part 4410.0500, subpart 6. Exception.	None	
Part 4410.4300, subpart 2. Nuclear fuels and nuclear waste.	None	
Part 4410.4300, subpart 3. Electric-generating facilities.	Item B, likely if a project is proposed.	Local government units have approval authority over projects in item B. Other changes align with rule 7854
Part 4410.4300, subpart 4. Petroleum refineries.	None	
Part 4410.4300, subpart 5. Fuel conversion facilities.	None	
Part 4410.4300, subpart 6. Transmission lines.	None	
Part 4410.4300, subpart 7. Pipelines.	None	
Part 4410.4300, subpart 8. Transfer facilities.	None	
Part 4410.4300, subpart 10. Storage facilities.	None	
Part 4410.4300, subpart 12. Nonmetallic mineral mining.	None	
Part 4410.4300, subpart 14. Industrial, commercial, and institutional.	None	
Part 4410.4300, subpart 16. Hazardous waste.	None	
Part 4410.4300, subpart 17. Solid waste.	None	
Part 4410.4300, subpart 18. Wastewater system.	None	
Part 4410.4300, subpart 20. Campgrounds and RV parks.	None	
Part 4410.4300, subpart 20a. Resorts, campgrounds, and RV parks in shorelands	None	
Part 4410.4300, subpart 21. Airport projects.	None	
Part 4410.4300, subpart 22. Highway projects.	Cost Reduction	Increase in threshold will likely cause local government units to undertake less environmental review
Part 4410.4300, subpart 25. Marinas.	None	

Part 4410.4300, subpart 26. Stream diversion.	None	
Part 4410.4300, subpart 27. Wetlands and public waters.	Uncertain	This amendment will clarify and simplify language. The modification potentially would cause local government units to apply the rule more frequently, which could increase their costs
Part 4410.4300, subpart 30. Natural areas.	None	
Part 4410.4300, subpart 31. Historical places.	None	
Part 4410.4300, subpart 36. Land use conversion, including golf courses.	None	
Part 4410.4300, subpart 37. Recreational trails.	Cost Reduction	Projects that require environmental review are likely to decrease
Part 4410.4400, subpart 2. Nuclear fuels.	None	
Part 4410.4400, subpart 3. Electric-generating facilities.	None	
Part 4410.4400, subpart 4. Petroleum refineries.	None	
Part 4410.4400, subpart 5. Fuel conversion facilities.	None	
Part 4410.4400, subpart 6. Transmission lines.	None	
Part 4410.4400, subpart 8. Metallic mineral mining and processing.	None	
Part 4410.4400, subpart 9. Nonmetallic mineral mining.	None	
Part 4410.4400, subpart 11. Industrial, commercial, and institutional facilities.	None	
Part 4410.4400, subpart 12. Hazardous waste.	None	
Part 4410.4400, subpart 13. Solid waste.	None	
Part 4410.4400, subpart 15. Airport runway projects.	None	
Part 4410.4400, subpart 16 Highway projects.	None	
Part 4410.4400 Subp. 19. Marinas.	None	
Part 4410.4400, subpart 20. Wetlands and public waters.	None	
Part 4410.4400, subpart 25. Incineration of wastes containing PCBs.	None	
Part 4410.4600, subpart 10. Industrial, commercial, and institutional facilities.	None	
Part 4410.4600, subpart 12. Residential development.	None	
Part 4410.4600, subpart 14. Highway projects.	None	
Part 4410.4600, subpart 18. Agriculture and forestry.	None	
Part 4410.4600, subpart 27. Recreational trails.	Cost Reduction	
Part 4410.5200, subpart 1. Required notices.	None	
Part 4410.7904, Licensing of Explorers.	None	
Part 4410.7906, subpart 2. Content of an application for drilling permit.	None	
Part 4410.7926. Abandonment of Exploratory Borings.	None	





March 6, 2019

**Minnesota Environmental Quality Board**

**CERTIFICATE OF MAILING A NOTICE OF HEARING TO THOSE WHO REQUESTED A HEARING.**

**Proposed Rules of the Environmental Quality Board 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 R-04157**

I certify that on February 25, 2019, February 25, 2019 and March 6, 2019, I mailed a Notice of Hearing by sending an electronic copy via email to all persons who requested a hearing as well as sending the notice via USPS to all persons who did not include an email in their hearing request. The Notice is given under Minnesota Statutes, section 14.25, subdivision 1. Copies of both the Notice and the mailing list are attached to this Certificate.

The EQB also posted the Notice of Hearing on the rulemaking webpage (<https://www.eqb.state.mn.us/content/eqb-mandatory-categories-rulemaking>) on February 25, 2019, and sent an associated message via GovDelivery too all who subscribe to receive updates related to this rulemaking and EQB's general "EQB Monitor" GovDelivery email list. A copy of the GovDelivery email list is included in Exhibit G4 with this rulemaking.

A handwritten signature in blue ink, appearing to read 'Erik Dahl', written over a horizontal line.

Erik Cedarleaf Dahl  
Planning Director  
Environmental Quality Board  
[Erik.Dahl@state.mn.us](mailto:Erik.Dahl@state.mn.us)  
651-757-2364

## 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.

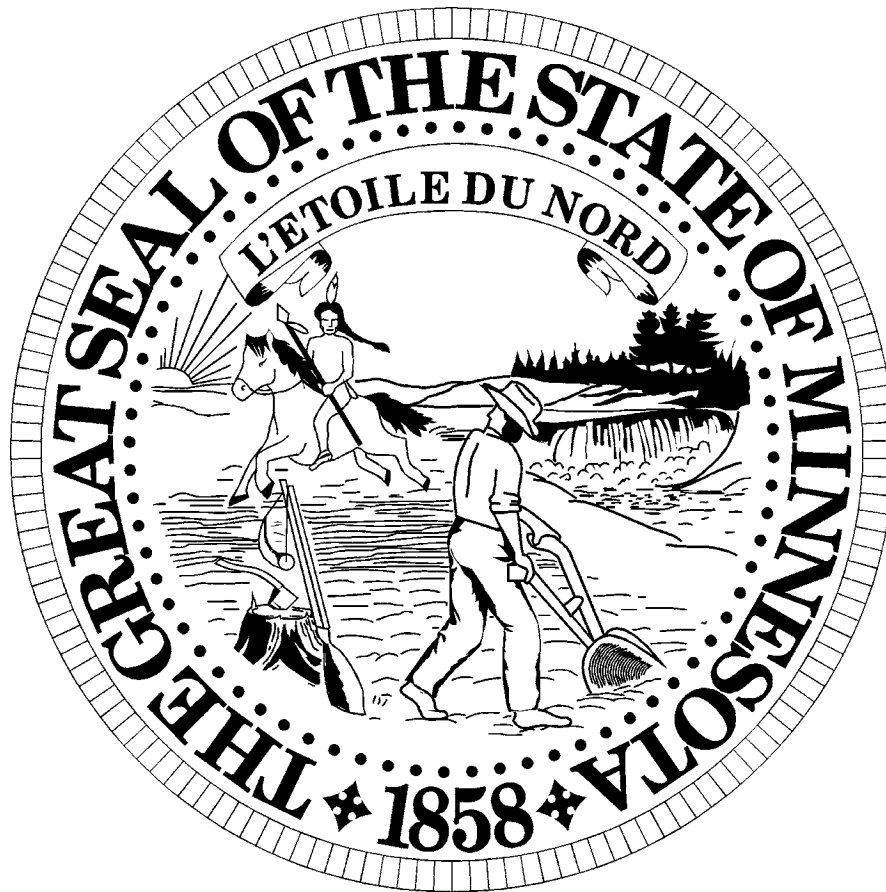
**Order.** I order that the rulemaking hearing be held at the date, time, and location listed above.

2/12/19  
Date

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

# 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**

**Monday 25 February 2019  
Volume 43, Number 35  
Pages 983 - 1010**

# Contents

<b>Minnesota Rules: Amendments and Additions</b> .....	986	<b>Department of Human Services</b>	
<b>Expedited Emergency Rules</b>		<b>Purchasing and Service Delivery Division</b>	
<b>Department of Natural Resources</b>		Notice of Request for Proposals to Provide: Health Care Services to Families and Children Medical Assistance (Families and Children) and MinnesotaCare in 80 Greater Minnesota Counties .....	1001
Adopted Expedited Emergency Game and Fish Rule: Prohibition on Feeding Deer.....	987	Notice of Request for Proposals to Provide Medicare-Medical Assistance Integrated Health Care and Long Term Care Services for People Ages 65 or Older Through the Minnesota Senior Health Options and Medical Assistance Health Care and Long Term Care Services for People Ages 65 or Older through Minnesota Senior Care Plus Programs Throughout 87 Counties in Minnesota .....	1002
<b>Expedited Rules</b>		<b>State Contracts</b>	
<b>Department of Natural Resources</b>		<b>Department of Administration</b>	
Adopted Expedited Permanent Game and Fish Rules: Taking Fish on Minnesota-South Dakota Boundary Waters .....	988	Notice of Call for Bids for Sale of Property .....	1003
<b>Exempt Rules</b>		<b>Minnesota State Colleges and Universities (Minnesota State)</b>	
<b>Department of Natural Resources</b>		Request for Proposals for Applicant Tracking System .....	1004
Adopted Exempt Permanent Rules Designating Experimental and Special Management Waters.....	989	<b>Lake Superior College</b>	
<b>Adopted Rules</b>		Request for Bid for Two Truck-Tractors.....	1004
<b>Department of Employment and Economic Development (DEED)</b>		<b>St. Cloud Technical &amp; Community College</b>	
Adopted Permanent Rules Relating to Extended Employment Services.....	993	Formal Request for Proposal for Endovascular Simulator, C-arm Integration and Modules .....	1004
<b>Official Notices</b>		<b>South Central College</b>	
<b>Dakota County</b>		Notice of Availability of Request for Qualifications (RFQ) for STEM & Healthcare Renovation .....	1005
Notice of Executor of Estate.....	996	<b>Minnesota Management &amp; Budget (MMB)</b>	
<b>Environmental Quality Board</b>		Request for Proposal for Administrative Services (Sales/Marketing and Billing/ Enrollment) .....	1006
NOTICE OF HEARING for Proposed Amendment to Rules Governing Environmental Review, <i>Minnesota Rules</i> , 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 .....	997	<b>Minnesota Department of Transportation (MnDOT)</b>	
<b>Minnesota Housing Finance Agency (MHFA)</b>		<b>Engineering Services Division</b>	
Notice of Hearing on Bond Issues for Qualified Mortgage Bonds.....	999	Notices Regarding Professional/Technical (P/T) Contracting.....	1006
<b>Department of Natural Resources</b>		<b>Minnesota Zoo</b>	
<b>Lands and Minerals Division</b>		Request for Proposal for Consulting on State Procurement Services for a Food and Retail Vendor.....	1007
Notice of Proposed Boundary Line Agreement.....	999	<b>Non-State Public Bids, Contracts &amp; Grants</b>	
<b>Teachers Retirement Association</b>		<b>Metropolitan Airports Commission (MAC)</b>	
Notice of Meeting .....	999	Notice of Call for Bids for 2019 Terminal 1-Lindbergh Tug Doors Replacement.....	1008
Notice of Meeting .....	1000	Notice of Call for Bids for Terminal 1-Lindbergh: Inbound Roadway Dynamic Signage.....	1009
<b>State Grants &amp; Loans</b>		Notice of Call for Bids for 2019 Terminal 1-Lindbergh Tram System Upgrades P5... ..	1009
<b>Department of Commerce</b>		<b>Metropolitan Council</b>	
Notice of Request for Proposals for Automobile Theft Prevention Program Grants....	1000	Systems Construction for the Green Line Extension (Southwest LRT) Project Invitation for Bid #17P000.....	1010
<b>Department of Employment and Economic Development (DEED)</b>			
Notice of Grant Opportunity.....	1000		
<b>Department of Human Services</b>			
<b>Deaf and Hard of Hearing Services Division</b>			
Notice of Request for Proposals for a Qualified Grantee to Develop and Implement Solutions to Increase Access to Quality Interpreting Services for Deaf, DeafBlind and Hard of Hearing consumers in Greater Minnesota .....	1001		

## Get the Earliest Delivery of the State Register

A subscription to the **STATE REGISTER** gets you the **EARLIEST DELIVERY**. Instead of waiting until Monday at 8:00 a.m. when the magazine is posted on our website, we'll SEND you the magazine on Friday at close of business with the State, 4:30 pm: 2-1/2 days early.

Yes, that's right -- 2-1/2 days ahead of normal publication schedule -- to get to know what's coming in the next week; to prepare your plans for your submissions to grant and loan programs and RFPs, RFIs and other contracts and bids.

Subscriptions for an entire year cost \$180. The magazine is **SENT TO YOU**, as well as ONE OTHER PERSON YOU DESIGNATE, in case of vacations, or illnesses, or other absences in your office . . . and you won't have to access our website or click, click, click to find us.

Subscriptions include the most up-to-date information, including a growing index to issues in each volume, issue by issue, including the current volume, which others do not have access to until the end of the volume year.

And a subscription gets you our Current Listing of All OPEN bids, contracts, grants, loans, and RFPs that are still open for bid, so you don't have to hunt through each back issue to find something.

---



---

# Official Notices

## 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.

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](mailto: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.

# Official Notices

---

**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](mailto: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.

Date: 2/19/2019

William Seuffert  
 Executive Director, Environmental Quality Board



**From:** [Minnesota Environmental Quality Board](#)  
**To:** [Wilson, Denise \(EOB\)](#); [Pratt, Katie \(EOB\)](#); [Tegdesch, Elizabeth \(MPCA\)](#); [Dahl, Erik \(EOB\)](#); [Tumminello, Giuseppe \(EOB\)](#); [Cale, Tabitha \(EOB\)](#); [Mroz-Risse, Kristin \(EOB\)](#)  
**Subject:** Courtesy Copy: EQB Monitor, February 25, 2019  
**Date:** Monday, February 25, 2019 8:00:25 AM

---

**This is a courtesy copy of an email bulletin sent by Beth Tegdesch.**

**This bulletin was sent to the following groups of people:**

Subscribers of EQB Monitor (1552 recipients)

---

New\_EQB\_Logo



## The *EQB Monitor*

520 Lafayette Road North, Saint Paul, MN 55155 - [www.eqb.state.mn.us](http://www.eqb.state.mn.us)  
[EQB.Monitor@state.mn.us](mailto:EQB.Monitor@state.mn.us) - (651) 757-2873

[Facebook](#)   [Twitter](#)   [YouTube](#)



**Publication Date: February 25, 2019**  
Vol. 43, No. 8

**Publication Schedule:** Mondays at 8:00 AM  
**Submission Deadline:** [View 2019 Schedule](#)  
Use the [EQB Monitor Submission Form](#)

---

### In this publication:

- [EQB - Notice of Hearing](#)
- [Environmental Impact Statement Need Decisions](#)
- [Notices](#)
- [Environmental Review Announcements](#)

The *EQB Monitor* is a weekly publication announcing environmental review documents, public comment periods and other actions of the Environmental Quality Board. For more information on environmental review, please visit the [EQB website](#).

You can manage your subscription to the *EQB Monitor* [here](#). Be sure to add [MNEQB@public.govdelivery.com](mailto:MNEQB@public.govdelivery.com) to your address book or safe sender list.

Check the [EQB Calendar](#) for more details on *Monitor* deadlines and Board Meetings. Meeting minutes, agendas and additional notices are also posted on the [EQB Website](#).

cliff



## EQB - 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 hearings 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](mailto: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:**

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.

## Environmental Impact Statement Need Decisions

The noted responsible governmental unit has determined the following project does not require preparation of an Environmental Impact Statement. The dates given are, respectively, the date of the determination and the date the Environmental Assessment Worksheet notice was published in the EQB Monitor.

- Minnesota Department of Transportation, Trunk Highway 53 Intersection and Passing Lane Improvement Project, 2-19-19 (12-31-18)
- Minnesota Pollution Control Agency, Prairie Feeders, LLC – FP 21 Site, 2-13-19 (12-3-18)

## Notices

### ROTENONE APPLICATION PROJECT PLANNED BY DNR SECTION OF FISHERIES

**The DNR Section of Fisheries is planning a rotenone treatment on the lake below:**

Lake	DOW#	Township	Range	Sections(s)
Frank Lake	76003400	121N	37W	5,6

The DNR Section of Fisheries is planning a rotenone treatment during the spring (April 2019). The project involves the boat application (2 boats utilized) of powdered rotenone (5% active ingredient) at approximately 1PPM (low-dose) concentration to eliminate carryover Walleye in Frank Lake which is a DNR Section of Fisheries Walleye rearing pond. All attempts will be made to remove and stock as many carryover Walleye as possible prior to the treatment. This project will take place only if winterkill of Walleye does not occur during 2018/19 winter. Fish sampling will be conducted between ice-out and project initiation to confirm/deny winterkill of Walleye. Endangered or threatened species are not present in this lake. The goal for this project is to remove primary predators in order to substantially increase Walleye fingerling production for fall 2019 to better meet statewide Walleye stocking quotas.

For general information about this project contact:

Dave Coahran  
 Spicer Area Fisheries Supervisor  
 320-796-2161 ext. 225  
 dave.coahran@state.mn.us

**Minnesota Department of Agriculture--Notification of**

## Release of Genetically Engineered Organisms

**R. Simplot Company** filed a Notification for Release of a Genetically Engineered Organism with the Minnesota Department of Agriculture, **MDA notification number 19-NO-08**. Notification is for genetically modified **POTATO**, pending USDA-APHIS Biotechnology Regulatory Services (BRS) approval for the environmental release of transgenic potato, referenced as Application Number **19-016-101n**.

The counties identified for release include the following: **Lake of the Woods County-1 location with 1 acre**. Project categories include **FR (Fungal Resistance) and PQ (Product Quality)**.

**Betaseed, Inc.** filed a Notification for Release of a Genetically Engineered Organism with the Minnesota Department of Agriculture, **MDA notification number 19-NO-09**. Notification is for genetically modified SUGARBEET, pending USDA-APHIS Biotechnology Regulatory Services (BRS) approval for the environmental release of transgenic sugarbeet, referenced as Application Number 19-044-103n.

The counties identified for release include the following: Clay-4 locations with up to 10 acres per location, Dakota-2 locations with up to 10 acres per location, Goodhue- 2 locations with up to 10 acres per location, and Wilken-1 location with 10 acres. Project categories include PQ (Product Quality).

**University of Minnesota** filed a Notification for Release of a Genetically Engineered Organism with the Minnesota Department of Agriculture, **MDA notification number 19-NO-10**. Notification is for genetically modified WHEAT, pending USDA-APHIS Biotechnology Regulatory Services (BRS) approval for the environmental release of transgenic wheat, referenced as Application Number 19-039-102r.

The county identified for release include the following: Dakota County-1 location with 1 acre. Project categories include FR (Fungal Resistance).

**For additional information contact:**

Denise Thiede  
Minnesota Department of Agriculture  
625 Robert St N.  
St. Paul, MN 55155  
651-201-6531  
[denise.thiede@state.mn.us](mailto:denise.thiede@state.mn.us)

---

## Environmental Review Announcements

### New Monitor Submission Form Available

A new *Monitor* Submission Form is now available on our website. This form can be used to submit information for publication in *The Monitor*. The updated form will improve the quality of information collected about the projects and notices being submitted for publication and the EQB's ability to monitor the effectiveness of Minnesota's Environmental Review Program.

The updated form is available on the EQB website at: <https://www.eqb.state.mn.us/eqb-monitor>

## Request for Proposals for Enterprise Environmental Review and Technical Services Master Contract

**Qualified contractors with expertise in preparing environmental review documents, preparing technical analyses and/or expertise in public engagement practices may be eligible to apply to be listed on an Enterprise Environmental Review Master Contract.**

Public and private projects in MN can have impacts on our air, land and water resources. For over four decades, Minnesota Environmental Policy Act (MEPA) has helped minimize damage to Minnesota's environment by requiring that certain projects go through an environmental review (ER) process before getting governmental permits or approvals. The ER process provides an opportunity for public comment and produces a document that identifies: 1) potential environmental effects of the proposed project and; 2) ways to reduce negative environmental effects.

Environmental review is conducted by a Responsible Government Unit (RGU). Under MEPA, RGUs have authority and responsibility to prepare environmental review documents (Environmental Assessment Worksheets, Environmental Impact Statements and Alternative Urban Areawide Reviews) that provide information concerning environmental effects of a proposed project to project proposers, governmental decision makers and the public and, when applicable, engage stakeholders in the process.

## **Who will be able to use the contract?**

This Program will be available for use by state agencies and other local government entities as well as non-profit organizations eligible under the State's cooperative purchasing venture ("CPV") program. CPVs are established pursuant to Minnesota Statutes § 16C.03, subdivision 10 and includes, but is not limited to, counties, cities, school districts, higher education and non-profit organizations.

For more information on becoming a qualified CPV member, follow this link <http://www.mmd.admin.state.mn.us/cpv2.htm>, or contact the Office of State Procurement Helpline at (651)296-2600. If you are a CPV and have worked with a competent, qualified contractor in the past that you think should be considered, please forward this information and suggest they submit an application.

## **What services will be offered?**

The Minnesota Department of Administration is introducing the Enterprise Environmental Review and Technical Services Master Contract Program (the "Program") to support state agencies and governmental units with the preparation of environmental review and decision documents, and analyses in technical specialties. Once the ER Master Contract process is complete, contractors will remain on the list for two years with the possibility of an additional three year extension, depending utilization. Contractors who apply will be able to select the services they want to offer (i.e. developing complete environmental review documents and/or developing specific types of stand-alone studies like traffic studies, wildlife studies, assessments of archeological and historic resources, etc. and/or assisting with implementation of best practices for communication and public engagement).

## **Applicants may select one or more of the following Sub-categories included in the RFP:**

1. Environmental Review
  - o EAW
  - o EIS
  - o AUAR
2. Public Engagement
  - o Communications
  - o Editing/Technical Writing
  - o Public/Stakeholder Engagement
3. Community Assessment
  - o Health Assessment
  - o Social Impacts Assessment
  - o Economic Impacts Analysis
  - o Traffic and Transportation Impact Assessment
  - o Greenhouse Gas Assessment
  - o Cultural Impacts Assessment

4. Technical Assessment

- o Land Use
- o Geology, Hydrogeology and Soils
- o Ecological
- o Water Resources
- o Air
- o Contamination/ Hazards Materials/ Wastes
- o Cumulative Potential Effects Assessment
- o GIS Data Analysis

## How to apply to the RFP

The Request for Proposals will be open from January 2, 2019 through 4:30 PM on March 4, 2019.

In order to submit an application, you need to register. For more information on becoming a registered SWIFT vendor, please go to <https://mn.gov/mmb/accounting/swift/vendor-resources/> or contact the SWIFT Supplier Portal Assistance line at (651)201-8100, Option 1.

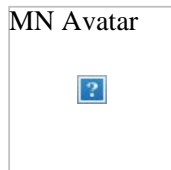
If you are already a registered vendor, here is the link to submit an application:

[https://supplier.swift.state.mn.us/psp/fmssupap\\_1/SUPPLIER/ERP/c/PORTAL\\_COMPONENTS\\_AU.AUC\\_LOGIN.GBL](https://supplier.swift.state.mn.us/psp/fmssupap_1/SUPPLIER/ERP/c/PORTAL_COMPONENTS_AU.AUC_LOGIN.GBL)

## Contact Information

PaZong Thao, Contracts Specialist  
Minnesota Department of Administration  
[PaZong.Thao@state.mn.us](mailto:PaZong.Thao@state.mn.us)

Having trouble viewing this email? [View it as a Web page.](#)



Questions?  
[Contact Us](#)

STAY CONNECTED:



SUBSCRIBER SERVICES:

[Manage Preferences](#) | [Unsubscribe](#) | [Help](#)

**From:** [Dahl, Erik \(EOB\)](#)  
**To:** [Dahl, Erik \(EOB\)](#)  
**Cc:** [Wilson, Denise \(EOB\)](#)  
**Bcc:** ["mark.sehr@co.rock.mn.us"](#); ["calscf66"](#); ["Elizabeth Dickinson"](#); ["Mary LeBlanc"](#); ["sschnieder@co.nobles.mn.us"](#); ["mattison@arvig.net"](#); ["la.sims"](#); ["sststrand@elpc.org"](#); ["Barbara Draper"](#); ["rep.dale.lueck@house.mn.us"](#); ["Ron Potter"](#); ["Bill Adamski"](#); ["Greta Larson"](#); ["John Kearney"](#); ["Lea Foushee"](#); ["Mark Ray"](#); ["Timothy DenHerder-Thomas"](#); ["thegreenwayguy@gmail.com"](#); ["Terry Hokenson"](#); ["Claudia Foussard"](#); ["Travis Fristed"](#); ["Joe K. Triplett"](#); ["Karin Grandia"](#); ["alice.m.west@gmail.com"](#); ["davidratner1.0@gmail.com"](#); ["Brian M. Ketring"](#); ["hampton.sj"](#); ["Andrew Witter"](#); ["dan.sauve@co.clearwater.mn.us"](#); ["Richard Heilman"](#); ["Nick Klisch"](#); ["TimB@co.sibley.mn.us"](#); ["Brian Giese"](#); ["Teich, Jodi"](#); ["Andi Moffatt"](#); ["Michelle Shaw"](#); ["Ulla Nilsen"](#); ["Kriss Wells"](#); ["Brian PaStarr"](#); ["Lyndon Robjent"](#); ["Christine Popowski"](#); ["Triksvien"](#); ["Laurie Bangs"](#); ["Genna Mastellone"](#); ["Margaret O'Connor"](#); ["Scott Russell"](#); ["Martha Delaney"](#); ["Nova Bradford"](#); ["Steven Smith"](#); ["Bonnie Beckel"](#); ["Brian Pogodzinski@co.houston.mn.us"](#); ["Lon.aune@co.marshall.mn.us"](#); ["kbengtson@co.kittson.mn.us"](#); ["sam.muntean@lqpc.com"](#); ["jon.large@co.mahnomen.mn.us"](#); ["Denny Wagner"](#); ["Jacqueline T."](#); ["Maurice Spangler"](#); ["Elaine Moore"](#); ["Ron Wetzell"](#); ["Stephen Borden"](#); ["Bob Merritt"](#); ["Doug Fischer"](#); ["Mel Odens"](#); ["Mike Menzel"](#); ["Kathryn Iverson"](#); ["Sarah Harper"](#); ["Lois Norrgard"](#); ["John.haluska@gmail.com"](#); ["Michelle Thelen"](#); ["Margaret Breen"](#); ["cynthek@zoho.com"](#); ["Dan La Vigne"](#); ["Kaia Svien"](#); ["Anna Kleven"](#); ["Sophie Breen"](#); ["Luke B."](#); ["Green\\_Jennifer"](#); ["Mary Breen"](#); ["rh smith"](#); ["Maria Klein"](#); ["ecdvorak@comcast.net"](#); ["John Anderson"](#); ["John Brunkhorst"](#); ["keithc@mica.org"](#); ["bruce.cochran@co.mille-lacs.mn.us"](#); ["Rita Chamblin"](#); ["John Munter"](#); ["Lowell Schellack"](#); ["rob.sip@rrwmb.org"](#); ["dabel@ci.minnetrista.mn.us"](#); ["ryan.thilges@blueearthcountymn.gov"](#); ["Jean Ross"](#); ["Carol Andrews"](#); ["cityhall@ci.shorewood.mn.us"](#); ["highway@co.benton.mn.us"](#); ["Nicolette Slagle"](#); ["scott.gischia@clevelandcliffs.com"](#); ["Jo Haberman"](#); ["CHARLES VIREN"](#); ["Lynn Barringer"](#); ["John P."](#); ["Martha"](#); ["Lawrence Landherr"](#); ["James Reents"](#); ["Stephanie Johnson"](#); ["CHARLES JOHNSON"](#); ["Angie Arden"](#); ["Kris"](#); ["William Barton"](#); ["dfitz@boreal.org"](#); ["carla.stueve@hennepin.us"](#); ["Sharon Frykman"](#); ["mjtauber42@outlook.com"](#); ["emurray@mncounties.org"](#); ["nanakay@unitelc.com"](#); ["whatisreality@integra.net"](#); ["Kris and Jill Barber"](#); ["Lowell Deede"](#); ["Jayne Johnson"](#); ["Don Pietrick"](#); ["wilm@tds.net"](#); ["Don Pietrick"](#); ["MICHAEL C."](#); ["David Zentner"](#); ["Phil Oswald"](#); ["mike"](#); ["Robin R Penner"](#); ["Robin Nicholson"](#); ["greg.gallen"](#); ["Elizabeth Baker-Knuttila"](#); ["Eric Gagner"](#); ["Kwilas, Tony"](#); ["psandy@ci.brainerd.mn.us"](#); ["Stacy Mader"](#); ["Krysten Foster"](#); ["whatisreality@integra.net"](#); ["Robert Tamanaha"](#); ["Peter"](#); ["Mike Hofer"](#); ["Carlos Espinosa"](#); ["Kathy Hollander"](#); ["doriecarlson@gmail.com"](#); ["John Howard III"](#); ["Michael Stalberger"](#); ["Willis Mattison"](#); ["twieniecki@co.scott.mn.us"](#); ["alex.anne.funk@icloud.com"](#); ["wright@boreal.org"](#); ["sophiatanderson@gmail.com"](#); ["akfunky@yahoo.com"](#); ["isadorabenson17@gmail.com"](#); ["israhirs9@gmail.com"](#); ["alarconborgestonio@gmail.com"](#); ["morrillsophie@gmail.com"](#); ["maritisaacson@gmail.com"](#); ["michael.stalberger@blueearthcountymn.gov"](#); ["katie.schroerer@gmail.com"](#); ["kerianncooper02@gmail.com"](#); ["hngu1901@mpsedu.org"](#); ["msprengerotto@gmail.com"](#); ["benjaminfena@hotmail.com"](#); ["gabekaplan7@gmail.com"](#); ["shadowlight14.alice@gmail.com"](#); ["erikajpeterson@comcast.net"](#); ["elkawatson@yahoo.com"](#); ["redrose.moore4@gmail.com"](#); ["gregglev000@stillwaterschools.org"](#); ["linuslanger@outlook.com"](#); ["abhehe@outlook.com"](#); ["Joshua.framke@gmail.com"](#); ["mcbriabi000@stillwaterschools.org"](#); ["priyadw00@gmail.com"](#); ["begona458@gmail.com"](#); ["maddyfernands@gmail.com"](#); ["laharel@gmail.com"](#); ["cassiemox@comcast.net"](#)

**Subject:** Notice of Hearing: Revisor's ID Number (RD-04157) - EOB Rulemaking  
**Date:** Friday, February 22, 2019 10:58:00 AM  
**Attachments:** [image002.png](#)  
[image003.png](#)

---

**To persons who requested a hearing. The Environmental Quality Board is sending this Notice to all persons who requested a hearing.**

---

#### **Notice of Hearing; 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; 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 55155](#). **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 55155](#).

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](mailto: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](mailto: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.

A copy of the proposed rules can be downloaded here:

[https://www.eqb.state.mn.us/sites/default/files/documents/1\\_Revisor%20Certified%20Rules%209\\_5\\_2018.pdf](https://www.eqb.state.mn.us/sites/default/files/documents/1_Revisor%20Certified%20Rules%209_5_2018.pdf)

- The Rule Language can be downloaded or reviewed here: [Certified Rule Language](#)
- The Statement of Need and Reasonableness can be download here: [SONAR](#)
- The exhibits for the SONAR can be downloaded here: [Exhibits](#)
- Here is a link to OAH's eComment portal: [eComments](#)

**Erik Dahl**

Planning Director

**Minnesota Environmental Quality Board**

520 Lafayette Road

St. Paul, MN, 55155

O: 651-757-2364

[eqb.state.mn.us](http://eqb.state.mn.us)



NOTICE: This email (including attachments) is covered by the Electronic Communications Privacy Act, 18 U.S.C. 2510-2521. This email may be confidential and may be legally privileged. If you are not the intended recipient, you are hereby notified that any retention, dissemination, distribution, or copying of this communication is strictly prohibited. Please reply back to the sender that you have received this message in error, then delete it. Thank you.

**From:** [Dahl, Erik \(EOB\)](#)  
**To:** [Dahl, Erik \(EOB\)](#)  
**Cc:** [Wilson, Denise \(EOB\)](#)  
**Bcc:** ["cgoodsky@boisforte-nsn.gov"; "christina.maley@boisforte-nsn.gov"; "cchavers@boisforte-nsn.gov"; "tgeshick@boisforte-nsn.gov"; "joywiecks@fdlrez.com"; "philipdefoe@fdlrez.com"; "nancyschuldt@fdlrez.com"; "richardgitar@fdlrez.com"; "kevindupuis@fdlrez.com"; "waynedupuis@fdlrez.com"; "davidsmith@fdlrez.com"; "vallenc@grandportage.com"; "mwatkins@grandportage.com"; "norman@grandportage.com"; "air@ldrm.org"; "carma.huseby@llojibwe.org"; "levib@ldrm.org"; "jeffh@ldrm.org"; "faron.jackson@llojibwe.org"; "charlie.lippert@millelacsband.com"; "perry.bunting@millelacsband.com"; "chad.weiss@millelacsband.com"; "bradley.harrington@millelacsband.com"; "justice.wabasha@lowersioux.com"; "deb.dirlam@lowersioux.com"; "cheyanne.stjohn@lowersioux.com"; "gmiller@pic.org"; "leva.charles@pic.org"; "margaret.obear@pic.org"; "barbaral@uppersiouxcommunity-nsn.gov"; "kevinj@uppersiouxcommunity-nsn.gov"; "wazyatawin@uppersiouxcommunity-nsn.gov"; "scott.walz@shakoopedakota.org"; "christina.ricketts@shakoopedakota.org"; "charlie.vig@shakoopedakota.org"; "steve.albrecht@shakoopedakota.org"; "mnorthbird@mnchippewatribe.org"; "ofrazer@mnchippewatribe.org"; "imalinski@redlakenation.org"; "kayla.bowe@redlakenation.org"; "sbowe@redlakenation.org"; "jleblanc@redlakenation.org"; "dseki@redlakenation.org"; "monica.hedstrom@whiteearth-nsn.gov"; "terrance.tibbets@whiteearth-nsn.gov"; "tkaspar@1854treatyauthority.org"; "Smyers@1854treatyauthority.org"; "dvoigt@1854treatyauthority.org"](#)  
**Subject:** Notice of Hearing: Revisor's ID Number (RD-04157)  
**Date:** Wednesday, February 20, 2019 2:20:00 PM  
**Attachments:** [image002.png](#)  
[image003.png](#)

To whom it may concern:

You are receiving this packet because you were identified as an interested party, by the Administrative Law Judge assigned to review these proposed rule changes. The Environmental Quality Board published a notice of intent to adopt changes to the rules governing environmental review, Minnesota rules:, 4410.0200, 4410.0500, 4410.4300, 4410.4400, 4410.5200, 4410.7904, 4410.7906, 4410.7926, 4410.4600.

#### **Notice of Hearing; 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; 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 55155](#). **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 55155.](#)

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](mailto: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](mailto: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.

A copy of the proposed rules can be downloaded here:

[https://www.eqb.state.mn.us/sites/default/files/documents/1\\_Revisor%20Certified%20Rules%209\\_5\\_2018.pdf](https://www.eqb.state.mn.us/sites/default/files/documents/1_Revisor%20Certified%20Rules%209_5_2018.pdf)

- The Rule Language can be downloaded or reviewed here: [Certified Rule Language](#)
- The Statement of Need and Reasonableness can be download here: [SONAR](#)
- The exhibits for the SONAR can be downloaded here: [Exhibits](#)
- Here is a link to OAH's eComment portal: [eComments](#)

Planning Director

**Minnesota Environmental Quality Board**

520 Lafayette Road

St. Paul, MN, 55155

O: 651-757-2364

[eqb.state.mn.us](http://eqb.state.mn.us)



NOTICE: This email (including attachments) is covered by the Electronic Communications Privacy Act, 18 U.S.C. 2510-2521. This email may be confidential and may be legally privileged. If you are not the intended recipient, you are hereby notified that any retention, dissemination, distribution, or copying of this communication is strictly prohibited. Please reply back to the sender that you have received this message in error, then delete it. Thank you.

**From:** [Dahl, Erik \(EOB\)](#)  
**To:** [Dahl, Erik \(EOB\)](#)  
**Cc:** [Wilson, Denise \(EOB\)](#)  
**Bcc:** ["cjohnson@lmc.org"](#); ["khoffman@mncenter.org"](#); ["tkwilas@mncchamber.com"](#); ["Troy.Freihammer@co.stearns.mn.us"](#); ["leisa.thompson@metc.state.mn.us"](#); ["Berquam, Jennifer"](#); ["ghann@mntownships.org"](#)  
**Subject:** Notice of Hearing: Revisor's ID Number (RD-04157)  
**Date:** Wednesday, February 20, 2019 2:16:00 PM  
**Attachments:** [image002.png](#)  
[image003.png](#)

---

To whom it may concern:

You are receiving this packet because you were identified as an interested party, by the Administrative Law Judge assigned to review these proposed rule changes. The Environmental Quality Board published a notice of intent to adopt changes to the rules governing environmental review, Minnesota rules:, 4410.0200, 4410.0500, 4410.4300, 4410.4400, 4410.5200, 4410.7904, 4410.7906, 4410.7926, 4410.4600.

---

### Notice of Hearing; 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; 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 55155](#). **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 55155](#).



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.

---

A copy of the proposed rules can be downloaded here:

[https://www.eqb.state.mn.us/sites/default/files/documents/1\\_Revisor%20Certified%20Rules%209\\_5\\_2018.pdf](https://www.eqb.state.mn.us/sites/default/files/documents/1_Revisor%20Certified%20Rules%209_5_2018.pdf)

- The Rule Language can be downloaded or reviewed here: [Certified Rule Language](#)
- The Statement of Need and Reasonableness can be download here: [SONAR](#)
- The exhibits for the SONAR can be downloaded here: [Exhibits](#)
- Here is a link to OAH's eComment portal: [eComments](#) -- *comments on the rule or requests for a hearing can be made at this website.*

**Erik Dahl**

Planning Director

**Minnesota Environmental Quality Board**

520 Lafayette Road

St. Paul, MN, 55155

O: 651-757-2364

[eqb.state.mn.us](http://eqb.state.mn.us)



NOTICE: This email (including attachments) is covered by the Electronic Communications Privacy Act, 18 U.S.C. 2510-2521. This email may be confidential and may be legally privileged. If you are not the intended recipient, you are hereby notified that any retention, dissemination, distribution, or copying of this communication is strictly prohibited. Please reply back to the sender that you have received this message in error, then delete it. Thank you.

**From:** [Dahl, Erik \(EOB\)](#)  
**To:** [Dahl, Erik \(EOB\)](#)  
**Cc:** [Wilson, Denise \(EOB\)](#)  
**Bcc:** ["mark.sehr@co.rock.mn.us"](#); ["calscf66"](#); ["Elizabeth Dickinson"](#); ["Mary LeBlanc"](#); ["sschnieder@co.nobles.mn.us"](#); ["mattison@arvig.net"](#); ["la.sims"](#); ["sstrand@elpc.org"](#); ["Barbara Draper"](#); ["rep.dale.lueck@house.mn"](#); ["Ron Potter"](#); ["Bill Adamski"](#); ["Greta Larson"](#); ["John Kearney"](#); ["Lea Foushee"](#); ["Mark Ray"](#); ["Timothy DenHerder-Thomas"](#); ["thegreenwayguy@gmail.com"](#); ["Terry Hokenson"](#); ["Claudia Foussard"](#); ["Travis Fristed"](#); ["Joe K. Triplett"](#); ["Karin Grandia"](#); ["alice.m.west@gmail.com"](#); ["davidratner1.0@gmail.com"](#); ["Brian M. Ketring"](#); ["hampton.sj"](#); ["Andrew Witter"](#); ["dan.sauve@co.clearwater.mn.us"](#); ["Richard Heilman"](#); ["Nick Klisch"](#); ["TimB@co.sibley.mn.us"](#); ["Brian Giese"](#); ["Teich, Jodi"](#); ["Andi Moffatt"](#); ["Michelle Shaw"](#); ["Ulla Nilsen"](#); ["Kris Wells"](#); ["Brian PaStarr"](#); ["Lyndon Robjent"](#); ["Christine Popowski"](#); ["riksvien"](#); ["Laurie Bangs"](#); ["Genna Mastellone"](#); ["Margaret O'Connor"](#); ["Scott Russell"](#); ["Martha Delaney"](#); ["Nova Bradford"](#); ["Steven Smith"](#); ["Bonnie Beckel"](#); ["Brian.Pogodzinski@co.houston.mn.us"](#); ["Lon.aune@co.marshall.mn.us"](#); ["kbengtson@co.kittson.mn.us"](#); ["sam.muntean@lqpc.com"](#); ["jon.large@co.mahnomen.mn.us"](#); ["Denny Wagner"](#); ["Jacqueline 1"](#); ["Maurice Spangler"](#); ["Elaine Moore"](#); ["Ron Wetzell"](#); ["Stephen Borden"](#); ["Bob Merritt"](#); ["Doug Fischer"](#); ["Mel Odens"](#); ["Mike Menzel"](#); ["Kathryn Iverson"](#); ["Sarah Harper"](#); ["Lois Norrgard"](#); ["john.haluska@gmail.com"](#); ["Michelle Thelen"](#); ["Margaret Breen"](#); ["cyntheak@zoho.com"](#); ["Dan La Vigne"](#); ["Kaia Svien"](#); ["Anna Kleven"](#); ["Sophie Breen"](#); ["Luke B."](#); ["Green, Jennifer"](#); ["Mary Breen"](#); ["rh.smith"](#); ["Maria Klein"](#); ["ecdvorak@comcast.net"](#); ["John Anderson"](#); ["John Brunkhorst"](#); ["keithc@mica.org"](#); ["bruce.cochran@co.mille-lacs.mn.us"](#); ["Rita Chamblin"](#); ["John Munter"](#); ["Lowell Schellack"](#); ["rob.sip@rrwmb.org"](#); ["dabel@ci.minnetrista.mn.us"](#); ["ryan.thilges@blueearthcountymn.gov"](#); ["Jean Ross"](#); ["Carol Andrews"](#); ["cityhall@ci.shorewood.mn.us"](#); ["highway@co.benton.mn.us"](#); ["Nicolette Slagle"](#); ["scott.gischia@clevelandcliffs.com"](#); ["Jo Haberman"](#); ["CHARLES VIREN"](#); ["Lynn Barringer"](#); ["John P."](#); ["Martha"](#); ["Lawrence Landherr"](#); ["James Reents"](#); ["Stephanie Johnson"](#); ["CHARLES JOHNSON"](#); ["Angie Arden"](#); ["Kris"](#); ["William Barton"](#); ["dfitz@boreal.org"](#); ["carla.stueve@hennepin.us"](#); ["Sharon Frykman"](#); ["mjtauber42@outlook.com"](#); ["emurray@mncounties.org"](#); ["nanakay@unitelc.com"](#); ["whatisreality@integra.net"](#); ["Kris and Jill Barber"](#); ["Lowell Deede"](#); ["Jayne Johnson"](#); ["Don Pietrick"](#); ["wilm@tds.net"](#); ["Don Pietrick"](#); ["MICHAEL C."](#); ["David Zentner"](#); ["Phil Oswald"](#); ["mike"](#); ["Robin R Penner"](#); ["Robin Nicholson"](#); ["greg.gailen"](#); ["Elizabeth Baker-Knuttila"](#); ["Eric Gagner"](#); ["Kwilas, Tony"](#); ["psandy@ci.brainerd.mn.us"](#); ["Stacy Mader"](#); ["Krysten Foster"](#); ["whatisreality@integra.net"](#); ["Robert Tamanaha"](#); ["Peter"](#); ["Mike Hofer"](#); ["Carlos Espinosa"](#); ["Kathy Hollander"](#); ["doricearlson@gmail.com"](#); ["John Howard III"](#); ["Michael Stalberger"](#); ["Willis Mattison"](#); ["twiniecki@co.scott.mn.us"](#); ["alex.anne.funk@icloud.com"](#); ["wright@boreal.org"](#); ["sophiatanderson@gmail.com"](#); ["akfunky@yahoo.com"](#); ["Isadorabenson17@gmail.com"](#); ["israhirs9@gmail.com"](#); ["alarconborgestonio@gmail.com"](#); ["morrillsophie@gmail.com"](#); ["maritisaacson@gmail.com"](#); ["michael.stalberger@blueearthcountymn.gov"](#); ["katie.schroeer@gmail.com"](#); ["kerianncooper02@gmail.com"](#); ["hnqu1901@mpsedu.org"](#); ["msprengerotto@gmail.com"](#); ["benjaminfena@hotmail.com"](#); ["gabekaplan7@gmail.com"](#); ["shadowlight14.alice@gmail.com"](#); ["erikajpeterson@comcast.net"](#); ["elkawatson@yahoo.com"](#); ["redrose.moore4@gmail.com"](#); ["gregglev000@stillwaterschools.org"](#); ["linuslanger@outlook.com"](#); ["abhehe@outlook.com"](#); ["joshua.framke@gmail.com"](#); ["mcbriabi000@stillwaterschools.org"](#); ["priyadw00@gmail.com"](#); ["begona458@gmail.com"](#); ["maddyfernands@gmail.com"](#); ["laharel@gmail.com"](#); ["cassiemox@comcast.net"](#)

**Subject:** Update on EQB Rulemaking: Haring date (May 31) and next steps (EQB Board meeting May 15, 2019)  
**Date:** Wednesday, March 06, 2019 9:46:00 AM  
**Attachments:** [Updated rulemaking memo 3 6 2019.pdf](#)  
[image003.png](#)  
[image004.png](#)  
**Importance:** High

---

## Dear Commenter,

You are receiving this letter (attached) because you commented on the Environmental Quality Board's (EQB's) Mandatory Category Rulemaking (Revisor's ID Number RD-04157). Thank you for participating in the rulemaking process. The comment period closed on February 4, 2019 and we received 190 comments on the proposed rules.

The purpose of this letter is to provide you with information about next steps in the rulemaking process to enable your ongoing participation in the rulemaking. Please be advised, this letter is not a response to your comments. You will receive a response to your comment from EQB staff as required by the rulemaking process.

The hearing date has been moved from March 8/12<sup>th</sup> to **May 31<sup>st</sup>, 2019 at 1:30pm**, to provide the EQB an opportunity to review the comments received and consider revisions. Due to the turnover of Board members coinciding with the administration transition, EQB staff needs

additional time to present the rule, the body of comments and responses, and any recommended revisions to the EQB prior to the hearing.

Based on comments received during the public comment period, EQB staff will present and recommend revisions to the proposed rule language for the Board to consider at the May 15, 2019 Board meeting. Please be advised, the scope of the rulemaking will not expand, but proposed rule changes may be removed or revised based on feedback received during the comment period. All EQB meetings are open to the public. Agenda and proposed revisions to the rule will be posted 10 days prior to the EQB meeting.

### **Next Steps:**

- 1) **May 15, 2019 EQB Meeting:** EQB staff will present an overview of comments, and recommended changes to the proposed rules. The EQB will consider recommendations and direct staff accordingly. The Board meeting packet will be available by May 3, 2019 on the EQB website: <https://www.eqb.state.mn.us/>
  
- 2) **May 31, 2019 1:30pm:** Public rulemaking hearing at MPCA, St Paul, Room 100. The hearing (via a two-way-video-conference connection—anyone wishing to give testimony to the Judge can do so via the two-way-video-conference connection) will also be available at:
  - a. Brainerd MPCA Office, [7678 College Road, Suite 105, Baxter, MN 56425](#)
  - b. Detroit Lakes MPCA Office, [714 Lake Ave., Suite 220, Detroit Lakes, MN 56501](#)
  - c. Duluth MPCA Office, [525 Lake Ave. S., Suite 400, Duluth, MN 55802](#)
  - d. Marshall MPCA Office, [504 Fairgrounds Rd., Suite 200, Marshall, MN 56258](#)
  - e. Rochester MPCA Office, [18 Wood Lake Drive SE, Rochester, MN 55904](#)

Additional rule timeline updates are available at the EQB rulemaking webpage: <https://www.eqb.state.mn.us/content/eqb-mandatory-categories-rulemaking>

Thank you for your time and interest in the EQB rulemaking. If you have any other questions, please reach out to Erik Cedarleaf Dahl ([erik.dahl@state.mn.us](mailto:erik.dahl@state.mn.us) or 651-757-2364).

Sincerely,

**Erik Dahl**

Planning Director

**Minnesota Environmental Quality Board**

520 Lafayette Road

St. Paul, MN, 55155

O: 651-757-2364

[eqb.state.mn.us](http://eqb.state.mn.us)



NOTICE: This email (including attachments) is covered by the Electronic Communications Privacy Act, 18 U.S.C. 2510-2521. This email may be confidential and may be legally privileged. If you are not the intended recipient, you are hereby notified that any retention, dissemination, distribution, or copying of this communication is strictly prohibited. Please reply back to the sender that you have received this message in error, then delete it. Thank you.

George Crocker	North American Water Office	PO BOX 174 LAKE ELMO, MN 55042
Terry Neff & Steve Hughes	Aitkin County	209 Second Street NW, Room 100, Aitkin, MN 56431
Paul Stolen		37603 370th Ave. SE, Fosston, MN 56542
Richard Sanders	Polk County	820 Old Highway 75 S., Crookston, MN 56716
Steven G. Bot	City of St. Michael	11800 Town Center Drive NE, St. Michael, MN 55376
Tom Kellogg	City of Waseca	508 South State Street, Waseca, MN 56093
Caleb Peterson	City of Cloquet	1307 Cloquet Avenue Cloquet, MN 55720
Todd Gerhardt	City of Chanhassen	7700 Market Blvd., PO Box 147, Chanhassen, Minnesota 55317
Mille Lacs County Board Chair	Mille Lacs County	635 2nd Street SE, Milaca, MN 56353
Kevin F. Voracek & Timothy C Murray	City of Faribault	208 First Ave. NW., Faribault, MN 55021
John Gorder	City of Eagan	3830 Pilot Knob, Eagan MN, 55122
Julie M. Long	City of Bloomington	700 West 98th Street, Bloomington, MN 55431
Tim Worke	Associated General Contractors of Minnesota	525 Park Street, Suite #110, Saint Paul, MN 55103

12 Fed Tribes:

<https://www.pca.state.mn.us/sites/default/files/p-gen5-25.pdf>

Metro Cities (Association of Metropolitan Municipalities)  
Attn: Patricia Nauman  
145 University Ave W, Suite 125  
St. Paul, MN 55103  
651-215-4000

Association of Minnesota Counties  
Attn: Julie Ring  
125 Charles Avenue  
St. Paul, MN 55103-2108

Coalition of Greater Minnesota Cities  
c/o 525 Park St.  
Suite 470  
St. Paul, MN 55103

League of Minnesota Cities  
Attn: David Unmacht  
145 University Ave. W  
Saint Paul, MN 55103-2044

Metropolitan Council  
Attn: Alene Tchourumoff  
390 Robert Street North  
St. Paul, MN 55101

Minnesota Association of Small Cities  
Attn: Jill Sletten  
145 University Ave West  
Saint Paul, MN 55103-2044

Minnesota Chamber of Commerce  
Attn: Doug Loon  
400 Robert Street North  
Suite 1500  
St. Paul, MN

Minnesota City/County Management Association  
Attn: Steve Taylor  
Sherburne County Gov't Center  
13880 Business Center Drive NW  
Suite 100  
Elk River, MN 55330-4668

Minnesota Center for Environmental Advocacy  
Attn: Kathryn Hoffman  
1919 University Ave W, Suite 515  
Saint Paul, MN 55104  
Minnesota Environmental Partnership  
Attn: Steve Morse  
546 Rice Street, Suite 100  
Saint Paul, MN 55103

Sierra Club North Star Chapter  
Attn: Margaret Levin  
2327 East Franklin Avenue, Suite 1  
Minneapolis MN 55406-1024

Environmental Justice Advocates  
Attn: Louis Alemayehu  
3700 Bryant Ave Ave  
Minneapolis, MN 55401

The Alliance Advancing Regional Equity  
Attn: Russ Adams



2525 Franklin Ave E, Suite 200  
Minneapolis, MN 55406

Attn: Tom Sluneka  
151 St Andrews Ct #710,  
Mankato, MN 56001

Minnesota Farm Bureau  
Attn: Chris Radatz  
P.O. Box 64370  
St. Paul, MN 55164

Minnesota Pollution Control Agency  
520 Lafayette Rd  
St. Paul, MN 55101

Minnesota Farmers Union  
Attn: Gary Wertish  
305 Roselawn Ave. E. Ste. 200  
St. Paul, MN 55117

Minnesota Industrial Sand Council  
Attn: John Cunningham  
P.O. Box 211542, 2955  
Eagandale Blvd, Eagan 55121

Minnesota Public Utilities Commission  
121 7th PI E #350, St Paul, MN 55101

Minnesota Department of Commerce  
85 7th PI E # 280, St Paul, MN 55101

Minnesota Corn Growers Association  
Attn: Adam Birr  
738 1st Avenue East  
Shakopee, MN, 55379

Minnesota Department of Natural Resources  
500 Lafayette Rd, St Paul, MN 55155

Minnesota Association of Wheat Growers  
Attn: David Torgerson  
2600 Wheat Drive  
Red Lake Falls, MN 56750

MPCA Environmental Justice Advisory Group:  
[ned.brooks@state.mn.us](mailto:ned.brooks@state.mn.us)

MPCA Environmental Justice List Serve ASK  
[ned.brooks@state.mn.us](mailto:ned.brooks@state.mn.us)

Minnesota Land Improvement Contractors  
Association  
Attn: Kevin & Jeanie Bakken  
9600 South Dennison Blvd.  
Northfield, MN

Red River Watershed Management Board  
Attn: Rob Sip  
11 5th Ave E.  
Ada, MN 56510

Minnesota Soybean Growers Association

Bois Forte Band of Chippewa, Bois Forte Tribal Government, Attn. Tara Geshick, 5344 Lakeshore Drive, Nett Lake, MN, 55772

Fond du Lac Band of Lake Superior Chippewa, Attn. Wayne Dupuis, 1720 Big Lake Road, Cloquet, MN, 55720

Grand Portage Band of Ojibwe, Attn. Margaret Watkins, 27 Store Road, P.O. Box 428, Grand Portage, MN, 55605

Leech Lake Band of Ojibwe, Attn. Ben Benoit, 190 Sailstar Drive NW, Cass Lake, MN, 56601

Mille Lacs Band of Ojibwe, Attn. Bradley Harrington, 43408 Oodena Drive, Onamia, MN, 56359-2236

Lower Sioux Indian Community of Minnesota, Attn. Deb Dirlam, P.O. Box 308, 39527 Res. Hwy 1, Morton, MN, 56270

Prairie Island Indian Community, Attn. Leya Charles, 5636 Sturgeon Lake Road, Welch, MN, 55089

Upper Sioux Community, MN USC Office of the Environment, Attn. Barbara Long, P.O. Box 147, 5722 Travers Lane, Granite Falls, MN, 56241

Shakopee Mdewakanton Sioux Community, Attn. Scott Walz, 2330 Sioux Trail NW, Prior Lake, MN, 55372

Minnesota Chippewa Tribe, Attn. Michael Northbird, P.O. Box 217, Cass Lake, MN, 56633

Minnesota Chippewa Tribe, Attn. Gary Frazer, P.O. Box 217, Cass Lake, MN, 56633

Red Lake Band of Chippewa Ojibwe, Attn. John LeBlanc, P.O. Box 279, Red Lake, MN, 56671

White Earth Band of Ojibwe, Attn. Monica Hedstrom Environmental Affairs, PO Box 393, 216 N. Main, Mahanomen, MN, 56557-0393