

# MINNESOTA ENVIRONMENTAL QUALITY BOARD MEETING MINUTES

Wednesday, March 21, 2012  
MPCA Room Board Room, 520 Lafayette Road, St. Paul

**EQB Members Present:** Julie Goehring, Brian Napstad, John Saxhaug, Tom Sorel, Erik Tomlinson, Mike Rothman, Paul Aasen, Ed Ehlinger, Mark Phillips, Dave Schad (for Tom Landwehr)

**EQB Members Absent:** Dave Frederickson (Chair), Jonathon Bloomberg, Kristin Duncanson, Tom Landwehr

**Staff Present:** Bob Patton (EQB), Mary Osborn (MPCA for EQB)

## **I. Election of Presiding Officer**

In the absence of Chair Frederickson and Vice Chair Bloomberg, Brian Napstad was elected the presiding officer for this meeting, with a motion by John Saxhaug and seconded by Erik Tomlinson.

## **II. Adoption of Consent Agenda and Minutes**

The motion to adopt the consent agenda and minutes was made by Spencer Cronk, seconded by Paul Aasen, and carried unanimously.

## **III. Introductions**

Members of the Board and others present introduced themselves.

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

- Executive Director Patton highlighted the handouts that were added to the Board packet.
- Announced that Jonathan Bloomberg has resigned as the Vice Chair of the EQB. The position will be voted on at the next meeting when the Chair returns.
- Announced that Princessa VanBuren Hansen has taken a position at the DNR. There will be an interagency agreement with the DNR to finish the I-94 Corridor Study that Princessa was working on.
- Announced that Bob Roche has taken a position with Ramsey County. Legal counsel to the EQB will be decided at a later date. No legal counsel will be needed for this meeting.

## **V. Executive Order 11-32 Project Work Plan Updates**

Updates on Project Work Plans were presented to the EQB.

### **EQB Discussion/Questions**

Presentations were made by core team members. Questions of EQB members were answered and EQB members provided feedback.

### **Improved Environmental Governance and Coordination – Steve Woods (BWSR)**

A handout was provided to EQB members with the following questions for the EQB:

Question 1: Does the following charge reflect the direction of the EQB?

“Team is to examine the processes for making state environmental policy with particular emphasis on bodies where multiple agencies or interests are involved. Team does not have sufficient time or resources to set or suggest changes to policies, protection levels, standards, or agency reorganizations.”

Question 2: Our approach will examine no more than a dozen alternatives for making environmental policy, most of which include the continued existence of the EQB. Do you have any alternatives you would like us to consider beyond the following?

- EQB with same members with clear role demarcation and reinvigorated funding
- EQB functions as a “board of boards”
- Combine EQB and PCA boards
- Eliminate EQB and re-assign or drop remaining roles

Question 3: We recorded a few guiding principles from our meeting with the subcommittee. Are these indicative of the criteria you would like us to apply to our initial review?

- create a more robust public input mechanism
  - eliminate redundant venues
  - provide a high level coordination role
  - provide a high level strategic thinking role
  - clear demarcation of roles of policy making bodies
- Regarding Question 1, Is the federal role is being considered, as regards policy-making or finance? Can affect whether policy changes are feasible.  
It was pointed out that the second sentence in the proposed charge, “Team does not have sufficient time or resources to set or suggest changes to policies, protection levels, standards, or agency reorganizations” clarifies the issue.
  - Question 3, guiding principle “create a more robust public input mechanism” raises issue of whether multiple forums involve the same people (stakeholders and decision-makers), and whether there are ways to combine forums to make involvement easier for more people.
  - Question 3, guiding principle “provide a high level strategic thinking role” brings up a “grieving” for loss of the state planning agency.
  - Under Question 2, a question whether the options include sufficient direction from the Governor’s Office.
  - There was a request for Board members to see draft work products from the Core Team.
  - Are staffing costs part of consideration?  
It’s a capacity issue for the team, but there may be an ability to provide qualitative information.
  - In first bullet of Question 3, “robust” suggests extensive public input.  
“Effective may be a better choice of words.

#### Environmental Review Improvement – Randall Doneen (DNR)

- How will we get people in the private sector that work with state rules involved in the process?  
Input will come from facilitated meetings. Individuals will be targeted ahead of time and meetings will be scheduled when all will be able to attend. They will receive materials ahead of time as to what will be asked of them.
- What criteria were used when choosing other states to compare with ours?  
Basically, other states that *have* environmental review. Many states do not.
- Does any state jump out as sounding great?  
Some states have a very integrated permitting and ER process, which looks attractive at first glance because of the perception of overlapping between the processes.
- The overlaps, underlaps, and parallels between federal and state level environmental review have to be in this conversation. Not every state has state environmental review, but every state does have federal environmental review. It is important to be aware of the fact that other states claiming to be “more competitive” than Minnesota are subject to the same federal reviews that we are, so those claims are essentially empty.
- How well known is the EO is the community?  
The sense is that it is not very well known. A good communications effort will be essential to get the word out.
- Since we are essentially developing a list of recommendations, we are not controlled under any statutes for public noticing. Timelines are not contingent on any 60-day rule, for example.
- Updating the EAW form will be postponed for now.

- It will take a lot of time to get stakeholders on the schedule. If EQB members come across people “in the field” that wish to take part in the stakeholder process, they can contact Randall or Bob Patton. Also, a “talking points letter” will be developed for members to hand out. It is important to start drafting lists of possible stakeholders and making decisions about where which stakeholders should be placed in the process.
- It would be useful for each project to have some kind of summary document.
- It was suggested that bringing in people that have had negative experiences with the environmental review process might be a good way to identify necessary changes.

#### Environment and Energy Report Card – Bill Grant (Commerce)

- Commissioner Aasen passed out copies of the MPCA’s recently developed “Dashboard.” The committee thought this “scorecard” did a very good job of covering a lot of the top level questions that people have on the state of our environment, and would be a good model to follow. Other agencies would add their pieces of elements as well, and an energy element would need to be added.
- “People” somehow need to be added to the concept (air, water, land, energy, and *people*), sustainability, and quality of life.
- It is important to have health related indicators there, as the environment affects people. Maybe the Department of Health should be a member of the core team.
- According to market research, there is a clear linkage in people’s minds between the environment, education, housing, health, and general quality of life.
- Are all these metrics part of a larger EQB project that will be ongoing, or is this specific to the Governor’s EO?

Commissioner Aasen replied that he believes it to be both, that whatever comes out of this working group will be the first of a recurring event and a recurring collection of this information. We have an obligation to stay in the conversations about what measures make sense to bring in.

#### Environmental Congress – Ellen Anderson (Governor’s Office) for Todd Biewen (MPCA)

- Scheduling the Congress around other major events attractive to our targeted audience may be difficult.
- A venue will need to be chosen soon.
- The budget is not set, but will be driven by many factors – venue, size of event, etc.
- The option of hiring an outside vendor for planning the event was discussed.
- It would be helpful to talk with others that have organized major events, such as Living Green.
- Charging an entrance fee for the Congress was discussed.
- Partnering with others (e.g., University of Minnesota) to put on the event.
- Have smaller, “moving” Congresses across the state.
- Webcast the Congress(es), and use other current technology to help people interact.
- It was suggested that having listening sessions “launch” the Congress in January, culminating in May, might be a good alternative, and would help manage scheduling difficulties.
- The State Capitol as a venue for the Congress was suggested.
- The issues in front of the Congress will not have bearing on the direct functioning of the business transaction with the regulatory structure, with the exception of some of the environmental review topics. Otherwise, we are not bound by the congress or this process from making appropriate changes to that structure; we all work on that on an ongoing basis.
- A suggestion was made that the first listening session be held in conjunction with the DNR Roundtable in January.

It was decided that, given suggestions made by the Board, further work needs to be done in subcommittee meetings before decisions are made on the Congress. Results of those meetings will be brought forth at the April EQB meeting for a final decision.

**VI. Approval of Request for Comments on Environmental Review Rulemaking Pertaining to the Timeframe for Alternative Areawide Review Updates**

Executive Director Patton explained the bills introduced by Representative Dettmer and Senator Vandever, and the position that EQB staff has taken, as described in the Annotated Agenda.

Commissioner Phillips moved and Commissioner Sorel seconded the following resolution.

**RESOLUTION OF THE  
MINNESOTA ENVIRONMENTAL QUALITY BOARD**

**Authorization to Publish a Request for Comments on Amendment to Rules Governing the  
Environmental Review Program on the Alternative Urban Areawide Review Process with Respect  
to the Requirement to Update the Review Every Five Years**

WHEREAS, pursuant to Minnesota Rules, part 4410.0400, subpart 1, the EQB has an ongoing responsibility to monitor the effectiveness of the environmental review program rules and to take appropriate measures to improve their effectiveness; and

WHEREAS, concerns have been raised regarding the requirement to update alternative urban areawide review documents every five years, with concerns including the burden on local government because of the frequency of the update, and mismatch with the mandatory comprehensive plan update requirement for cities in the Twin Cities Metropolitan Area;

NOW THEREFORE BE IT RESOLVED, that the EQB hereby authorizes the Chair to publish a Request for Comments on possible amendment of Minnesota Rules, chapter 4410, part 4410.3610, subpart 7, Updating the Review to amend item A with respect to the requirement to update the review every five years.

Discussion on the Motion

A discussion took place on what the timeframe should be. There may be conditions under which a ten-year timeframe makes sense, and others where a two-year timeframe would make sense. Conditions may trigger an earlier review. The system as a whole needs to be looked at.

The language in the resolution does not indicate specific timeframes.

The motion was voted on and carried unanimously.

**VII. Adjourn**

The meeting was adjourned at 3:40.