

**MINNESOTA ENVIRONMENTAL QUALITY BOARD  
MEETING MINUTES**

**Tuesday, November 14, 2012  
MPCA Room Board Room, 520 Lafayette Road, St. Paul**

**EQB Members Present:** Dave Frederickson, Kristin Duncanson, Brian Napstad, John Saxhaug, Julie Goehring, Erik Tomlinson, Mike Rothman, John Linc Stine, Aggie Leitheiser (for Ed Ehlinger), Katie Clark, Tom Landwehr, Spencer Cronk, Bernie Arseneau

**EQB Members Absent:** Ed Ehlinger

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

**Staff Absent:** Jeff Smyser (EQB)

Chair Dave Frederickson called the meeting to order at 1:07 p.m.

**I. Introductions**

Members of the EQB and those in attendance introduced themselves.

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

A motion to adopt the Consent Agenda and approve the October 30, 2012, meeting minutes was made, seconded, and carried unanimously.

**III. Chair's Report**

Chair Frederickson thanked everyone involved for the great work to this point in carrying out the Governor's Executive Order. Today is the day when resolutions on final recommendations to the Governor's Office will be voted on.

**IV. Executive Director's Report**

- Executive Director Patton summarized the handouts, and also thanked everyone involved in carrying out the Governor's Executive Order.
- There will be an EQB meeting in December. Agenda items will likely include mandatory categories and agency personnel reporting on the frac sand mining issue.
- Doug Benson (Health Department tech rep) is retiring from state service.

**V. Executive Order 11-32: Adoption of Environmental Review Improvement Recommendations**

Presenter: Randall Doneen (DNR)

Mr. Doneen summarized the changes made to the recommendations after receiving input from EQB members and public testimony.

After Board discussion, the following resolution was adopted.

**RESOLUTION OF THE ENVIRONMENTAL QUALITY BOARD**  
*as approved November 14, 2012*

**Recommendations for Environmental Review and Improvement  
as Mandated by Executive Order 11-32**

WHEREAS, Governor Dayton issued Executive Order 11-32 on November 16, 2011 and among other directives, the Executive Order requires that:

*By November 15, 2012, the EQB shall evaluate and make recommendations on how to improve environmental review, given the changes made in Chapter 4, House File 1, and the recommendations contained in the Office of the Legislative Auditor Environmental Review and Permitting Report.;*

WHEREAS, to address this charge, a multidisciplinary team studied the issue and distributed a draft report on September 19, 2012 analyzing stakeholder input, previous efforts to study the issues, processes studied by other states, and included recommendations for improving environmental review;

WHEREAS, the draft report was available for public review and comment from September 19 through October 19, 2012;

WHEREAS, the Environmental Quality Board heard public testimony on the report on October 17, 2012;

WHEREAS, the public comments were considered, the draft report was reviewed and amended, and the revised report dated November 6, 2012 includes recommendations for improving environmental review; and

WHEREAS, the Environmental Quality Board concludes that the report entitled Evaluation and Recommendations for Improving Environmental Review dated November 6, 2012 fulfills the requirements of Executive Order 11-32 regarding recommendations for improving environmental review.

NOW, THEREFORE, BE IT RESOLVED, that the Environmental Quality Board hereby approves the recommendations in the report.

BE IT FURTHER RESOLVED that the report shall be forwarded to the Governor in fulfillment of the requirements of Executive Order 11-32 regarding recommendations for improving environmental review.

BE IT FURTHER RESOLVED that upon concurrence with the Governor, the Environmental Quality Board shall develop a timeline and inventory of needed resources to implement the approved recommendations, and this timeline and inventory shall be reviewed and evaluated annually by the Environmental Quality Board.

**VI. Executive Order 11-32: Adoption of Environmental Governance and Coordination Recommendations**

Presenter: Bob Patton (EQB)

Mr. Patton summarized the final recommendations.

Public testimony was given by Paula Maccabee, Just Change Law Offices and Water Legacy.

After Board discussion, the following resolution was adopted.

**RESOLUTION OF THE ENVIRONMENTAL QUALITY BOARD**  
*as approved November 14, 2012*

**Recommendations for Environmental Governance and Coordination  
as Mandated by Executive Order 11-32**

WHEREAS, Governor Dayton issued Executive Order 11-32 on November 16, 2011. Among other directives, the Executive Order requires that:

*By November 15, 2012, the EQB will evaluate and make recommendations for improved environmental governance and coordination;*

WHEREAS, to address this charge, a multidisciplinary team arrived at the following policy question to guide its work:

*With regard to environmental issues, policies, and programs, how should the state ensure that state agencies operate in an efficient and coordinated manner consistent with the Governor's priorities?;*

WHEREAS, the Minnesota Legislature adopted a provision mandating that this evaluation include a review of the Minnesota Pollution Control Agency Citizens' Board's procedural role in reviewing permits, EAWs, and EISs;

WHEREAS, the team distributed a draft report on September 19, 2012 analyzing various alternatives that considered the structure and functions of the Environmental Quality Board and the role of the MPCA Citizens' Board in reviewing and deciding on permits and environmental review;

WHEREAS, the EQB heard public testimony on the alternatives analysis for the role of the EQB and MPCA Citizens' Board on October 30, 2012;

WHEREAS, the public testimony and comments expressed support for a revitalized and refocused Environmental Quality Board as described in the September 19, 2012 report;

WHEREAS, the public testimony and comments expressed the value of the MPCA Citizens' Board role in reviewing and deciding on permits and environmental review documents; and

WHEREAS, the EQB concludes that:

1. The original drafters of EQB laws wisely pointed out that "problems related to the environment often encompass the responsibilities of several state agencies and that solutions to these environmental problems require the interaction of these agencies." M.S. 116C.01.
2. The Governor and the Executive Branch need a mechanism for interdisciplinary analysis and decision-making to best serve the state of Minnesota. In today's complex world, issues related to air and water quality, energy generation and usage, settlement, land use, climate change, and economic development all cut across state agency jurisdictions and require systems-based analysis. For state agencies to effectively implement the Governor's priorities, they should plan proactively and strategically in cooperation with other agencies.
3. The EQB is a unique forum in state government where Minnesota's citizens can directly address and bring their concerns on a broad spectrum of issues, related to the environment and natural resources, energy, health, infrastructure, and economic development directly to state agency commissioners.

4. The forum for public input provided by the EQB makes for a better state by strengthening the public's connection to government decisions, building trust in government and adding capacity to both citizens and cabinet members by exchanging knowledge and information.
5. Current staff support for EQB activities is inadequate to fulfill the EQB's mission and critical responsibilities.
6. There are some specific changes to the MPCA Citizens' Board process and the environmental review process to improve the current system that are worth evaluating further.

NOW THEREFORE BE IT RESOLVED, that the Minnesota Environmental Quality Board makes the following recommendations to the Governor regarding the Environmental Quality Board:

1. The EQB should continue to exist and should be revitalized and refocused as described below.
2. The EQB should focus on three critical functions that can be effectively performed only by the interagency, cabinet level collaboration delivered by a revitalized, refocused Environmental Quality Board: (a) Strategic planning and interagency coordination on environmental issues; (b) Environmental review oversight and improvement; and (c) Public access to environmental review information.

- a. Strategic planning and interagency coordination. This function is intended to have the following outcome:

*Minnesota state government will have improved environmental governance and coordination with an Environmental Quality Board managing pressing environmental policy questions, analyzing their impact across agency jurisdictions, and creating action-oriented, results-based strategic plans with measurable objectives for guiding state agency work.*

The EQB should perform this function by:

- i. Identifying pressing and emerging environmental problems of interdepartmental concern that transcend individual agency missions and jurisdictions;
  - ii. Objectively analyzing identified problems using a systems-based approach that benefits from the extensive expertise of the many state agencies; and is based upon indicators that are regularly tracked;
  - iii. Developing strategies to address identified problems, and preparing results-based implementation plans including actionable recommendations, consideration of the quality, consistency, efficiency, and fairness of environmental review and environmental permitting practices, measurable objectives and milestones, and evaluation mechanisms; and
  - iv. Meaningfully engaging the public throughout the planning process.
- b. Environmental review oversight and continuous improvement. This function is intended to have the following outcome:

*Project proposers, local governments, environmental advocates, and citizens will be better served with an efficient and accountable environmental review program with the EQB management function continued and strengthened.*

The EQB should perform this function by:

- i. Creating mechanisms to monitor issues related to the implementation of environmental review and continuing to periodically update the rules as necessary so that environmental review rules meet appropriate standards and are well tailored to best serve environmental protection and economic development goals; and
- ii. Continuing to improve program support and guidance to project proposers to enhance the value of environmental review as a project planning tool, to governmental units conducting environmental review, and to the general public, so that members of the public will have a neutral source of information and guidance to navigate complex environmental review processes.

- c. Public portal for environmental review information. This function is intended to have the following outcome:

*The public and all stakeholders will be able to participate in the environmental review process earlier and more easily with a new public information web-based portal. This will make government more transparent and accessible to citizens, reduce costly delays, and improve the quality of decision making.*

The EQB should perform this function by implementing and maintaining a statewide environmental review data storage, retrieval, and access system (public portal) that will ensure the public and governmental agencies have ready electronic access to EAWs, EISs, and related plans and permit documents.

3. Adequately resource the EQB to perform the functions and achieve the outcomes described above; specifically:
  - a. Have a sufficient number of professional staff members devoted exclusively to support of EQB activities. The current staffing level is inadequate to perform the functions described above.
  - b. EQB member agencies need to continue to provide interdisciplinary expertise and staff resources to supplement EQB staff support.
  - c. In addition to professional staff, strong and consistent leadership, and administrative support is needed. We recommend a full-time executive director and clerical support.
  - d. The public portal for environmental review information will require new resources for development costs (one-time costs) and for ongoing information technology services.
  - e. Work plans for EQB activities need to include measurable indicators of performance.
4. As Minnesota changes, so should our governance. The EQB should be open to continually adapt to meet the challenges of the future in a way that reflects all of Minnesota. To that end, the EQB should continually examine its statutory authorities and statutory membership with an eye toward streamlining, consolidating, refocusing, or affirming its authorities and membership to align with the priorities described above.

BE IT FURTHER RESOLVED THAT, that the Minnesota Environmental Quality Board, in consultation with the MPCA, makes the following recommendations to the Governor regarding the Pollution Control Agency:

1. No major changes should be made to the role of the MPCA Commissioner and the MPCA Citizens' Board in bringing permits and environmental review documents to the Citizens' Board for decision; and
2. The MPCA should evaluate and recommend specific changes to the MPCA Citizens' Board process and the environmental review process including  
1) automatic triggers that bring projects before the Board for decision; 2) timeliness of submittal of materials to the Board for inclusion into the record; and 3) review of mandatory category thresholds and environmental review program improvements currently underway.

BE IT FURTHER RESOLVED THAT, upon concurrence by the Governor, the Minnesota Environmental Quality Board and the MPCA shall develop implementation plans for these recommendations, including timelines and needed resources.

**VII. Executive Order 11-32: Adoption of Minnesota Environment and Energy Report Card**

Presenter: Bill Grant (Commerce)

Mr. Grant presented the "all but final" draft of the Minnesota Environment and Energy Report Card. A glossary will be added and possibly some fine-tuning to the graphs and charts.

Public testimony was given by the following people:

- Paula Maccabee, Just Change Law Offices and Water Legacy
- Michelle Rosier, Sierra Club
- Jim Erkel, Minnesota Center for Environmental Advocacy

After Board discussion, the following resolution was adopted.

**RESOLUTION OF THE ENVIRONMENTAL QUALITY BOARD *as  
approved November 14, 2012***

**Minnesota Environment and Energy Report Card as Mandated by  
Executive Order 11-32**

WHEREAS, Governor Dayton issued Executive Order 11-32 on November 16, 2011. Among other directives, the Executive Order requires that:

*By November 15, 2012, the EQB shall prepare an environmental and energy report card that identifies metrics which the State of Minnesota can use to measure its performance and progress protecting Minnesota's valuable air, water and land resources. Once initially established, the environment and energy report card shall be an annual report with renewed priorities, initiatives, and goals and an updated report card;*

WHEREAS, to address this charge, a multidisciplinary team of state agency staff used existing data to develop a report card intended to aid general understanding of the present conditions of Minnesota's environment, and energy production and use;

WHEREAS, the team developed the report card by selecting key indicators, providing graphical and narrative descriptions of the indicators, and providing narrative discussion and questions intended to foster public discourse about environmental policy;

WHEREAS, a draft report card was reviewed by two ad hoc advisory groups of invited participants convened on August 3 and August 21, 2012, and the draft report was subsequently revised and refined; and

WHEREAS, Minnesota Environment and Energy Report Card will be used in future public discussions including the Citizen Forums to be held in November and December 2012 in Rochester, Bloomington, Duluth, Worthington, St. Cloud, and Moorhead, and the Environmental Congress to be held in March 2013 in St. Paul.

NOW THEREFORE BE IT RESOLVED, that the Minnesota Environmental Quality Board approves the Minnesota Environment and Energy Report Card; and

BE IT FURTHER RESOLVED, that the Minnesota Environment and Energy Report Card will be forwarded to the Governor in fulfillment of Executive Order 11-32.

### **VIII. Executive Order 11-32: Environmental Congress Update**

Presenters: Ellen Anderson (Senior Advisor to the Governor) and Todd Biewen (MPCA)

Ms. Anderson reported on the final preparations and ongoing outreach efforts for the upcoming citizens' forums. She informed the Board that many RSVPs have been received from the website already.

### **IX. Adjourn**

The meeting was adjourned at 3:45 p.m.