

**MINNESOTA ENVIRONMENTAL QUALITY BOARD
MEETING MINUTES**

**Thursday, May 15, 2008
PCA Conference Room**

EQB Members Present: Dana Badgerow, Jonathon Bloomberg, Julie Goehring, Mark Holsten, Sanne Magnan, Susan McCarville, Dennis Wenzel, Glenn Wilson

EQB Members Absent: Gene Hugoson, Brad Moore, Randy Kramer, Dan McElroy, Tom Sorel

Others Present: Robert Roche, David Arbeit, Les Everett, Aaron Snyder, David Claypool, Al Kean, Peter Jenkins, Dr. Ed Nater

EQB Staff Present: Mike Sullivan, Gregg Downing, Jon Larsen, Princesa VanBuren, John Wells

In the absence of Chair Hugoson, the meeting was called to order by Jonathon Bloomberg, Vice Chair.

I. Adoption of Consent Agenda and Minutes

McCarville moved and Badgerow seconded approval of the consent agenda and minutes of the February 21, 2008 EQB meeting. The motion was approved.

II. Chair's Report

There was no report.

III. EQB Staff Report

Sullivan gave a short update on pending legislation affecting the EQB budget.

IV. Legal Counsel Report

Roche reported on two items related to the amicus brief in the Mower County matter. The Court of Appeals is questioning its jurisdiction over the injunctive relief being sought in the case. EQB has no position on that issue. An amicus brief from EQB would not be needed if the case does not go forward. The second issue regards the meaning of the word "final" in the EQB rules. In the county's view and in the view of the district court, "final" means the last in a series of permits or approvals. EQB policy is that this is incorrect and ignores the

language of the rule and EQB guidance. If an amicus brief becomes necessary, deadline for its submission to the court is 7 days after the plaintiff's brief is due.

V. Addition of supplemental amendments to Phase 2 Revision of Environmental Review program rules

Gregg Downing, EQB staff, explained that the requested action would authorize four additional revisions to the State Environmental Review Program rules to be added to the Phase 2 amendment process. Rulemaking has not gone forward as EQB staff awaits approval from the Governor's office before it can proceed to hold hearings. The Board was asked to authorize issuance of a Request for Comments and to authorize the Chair to add the additional amendments to the Phase 2 rules with a Supplement to the approved SONAR, assuming that no adverse comments are received. None of the four new amendments is significant and staff does not expect any opposition or comments on any of them. If a Request for Comments is published quickly there is a good chance that the proposed amendments could catch up to the rest of Phase 2 amendments without causing significant delay in the hearings.

Badgerow moved and Wilson seconded the resolution. By roll call, voting aye: Badgerow, Wilson, Magnan, Wenzel, McCarville, Goehring, Holsten, Bloomberg (8 ayes), 0 nays. The motion passed.

VI. Water Availability Work Group update

John Wells, EQB staff, reported that an interagency work group has been formed; that group has held three meetings. Work group members have developed background papers related to: a) water use in Minnesota (DNR lead), b) past efforts to manage water (BWSR lead), c) environmental review and permitting (PCA lead), d) water appropriation permitting (DNR lead), and e) resolution of water use conflicts (DNR lead). Efforts of the work group are on schedule.

VII. Proposal for Statewide High Resolution Digital Elevation Data

Les Everett, University of Minnesota, presented rationale for the state's involvement in high resolution digital elevation data to be gathered through a statewide LiDAR program. Using LiDAR, accurate measurements of the earth's surface elevation are converted into three-dimensional high resolution digital maps, which are an essential component of most GIS-based applications and important to informing the decisions made in many sectors of Minnesota's economy and government. Cost to the state would be approximately \$7 million.

VIII. Minnesota River Basin Watershed Feasibility Study

Aaron Snyder, U.S. Army Corps of Engineers, asked the Board to serve as sponsor of a proposed federal watershed planning project for the Minnesota River Basin. The purpose of the study is to bring local, state and federal entities together to address water-related problems of the basin. The project requires a non-federal match to federally appropriated funds; however, state, academic, nonprofit and local in-kind services and ongoing activities that relate to study efforts can be counted. The projected nonfederal match is about \$4 million over the five-year study period. Cash contributions would be limited to special tasks separately negotiated by the funding agency or the non-federal sponsor. EQB is recommended as the state's non-federal sponsor and the project would require at least a half-time position within EQB.

Staff plans to bring the proposal back to the Board for a decision at a subsequent meeting and, in the meantime, was asked to identify current in-kind projects that could count toward the state's investment in this program and to consider EQB staffing needs related to it.

The meeting was adjourned at 10:30 a.m.