

SAMPLE

**RESOLUTION OF THE
MINNESOTA ENVIRONMENTAL QUALITY BOARD**

Authorization to Publish a Request for Comments

**On Additions to “Phase 2” Revisions to the Environmental Review Program Rules
and to Add the Additions to the Phase 2 Hearing Process Provided that No Adverse
Comments Are Received**

WHEREAS, the Environmental Policy Act, Minnesota Statutes, secs. 116D.04 and 116D.045 authorize the Environmental Quality Board to adopt rules governing the Environmental Review program; and

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, Minnesota Statutes, section 14.101 requires that prior to proposing to amend rules an agency must publish a Request for Comments notice soliciting public comments on the subject matter of the amendments under consideration; and

WHEREAS, the EQB authorized rulemaking for a set of draft rule amendments referred to as the “Phase 2” amendments and also approved an associated Statement of Need and Reasonableness on July 19, 2007, but has not yet published a Notice of Hearing; and

WHEREAS, the need to clarify four other rule provisions has come to light since authorization of the Phase 2 rulemaking, namely the provisions of parts 4410.0400, subpart 4; 4410.1000, subpart 5; 4410.1700, subpart 5; and 4410.4600, subpart 7; and

WHEREAS, it is anticipated that there will be no adverse public comments on any of these four additional rule amendments due to their noncontroversial nature;

NOW THEREFORE BE IT RESOLVED, that the Chair is authorized to publish a Request for Comments notice in accordance with Minn. Stat. section 14.101, seeking public comments on the proposed amendment of the four sections of the chapter 4410 identified;

AND BE IT FURTHER RESOLVED, provided no adverse comments are received in response to the Request for Comments, that the Chair is hereby granted the authority to include these four proposed amendments as part of the Phase 2 hearing process as authorized on July 19, 2007, and directed to sign and add a Supplement to the Statement of Need and Reasonableness explaining the need for and reasonableness of these four amendments, and to perform any and all acts incidental thereto.