

Proposed changes from EQB staff draft are highlighted.
Paula G. Maccabee, Just Change Law Offices (8-22-12)

EQB Alternative 3: Revitalize and Refocus the EQB

In this alternative, the structure of the EQB remains as it has been in recent years, and there is a renewed focus on providing citizens with access to environmental decisions and ensuring that environmental review standards and public participation are safeguarded. Staffing levels increase. The EQB's responsibilities and functions that are less specific and well-defined are reduced in order to more efficiently focus on core functions, somewhat, though not as much as in Alternative 2. The assumptions for this alternative is are that additional resources are made available, on a consistent basis, and that priority activities are identified and those of minimal importance are eliminated. This allows the organization to focus and achieve consistent and successful results. This alternative includes functional changes and changes in size of the organization, but no structural changes.

Duties/Authority: The 2007 EQB Subcommittee report recommended that the EQB focus on three key functions: strategic planning; a forum for discussion and resolution of complex issues; and environmental review process oversight.

Based on those recommendations, the wide array of specific statutory activities and functions would be focused. Examples of the core activities outlined in Minn. Stat. §116C.04 to be eliminated are shown below with strikethrough:

- Study environmental problems of interagency concern
- Review and coordinate environmental programs that are interdepartmental in nature and ensure Coordinate agency compliance with state environmental policy
- Review environmental permit criteria and resolve interagency conflicts
- Review environmental legislative proposals

Examples of responsibilities established by other statutes to be eliminated are shown below with strikethrough:

- Oversee the statewide environmental review program (M.S. 116D.04-.06). The board writes the rules for conducting environmental reviews and provides guidance to the governmental units responsible for conducting environmental review. The board is also responsible for ordering and preparing generic environmental impact statements.
- Coordinate the state water planning activities and development of a state water plan and periodic policy reports to the Governor and Legislature (M.S. 103A.204, 103A.43 and 103B.151).
- Coordinate state and federal regulatory activities related to genetically engineered organisms (M.S. 116C.91-.98)
- Recommend designation of state critical areas and review plans in the areas (M.S. 116G)
- Coordinate development of an energy and environment strategy report (M.S. 116D.10-.11)

Staffing Resources: Staff would increase to fulfill the focused EQB responsibilities and functions. This likely would require six full time staff and an Executive Director. The EQB would continue to draw upon the agency Tech Reps and, on an ad hoc/project basis, upon other agency staff resources. However, with an EQB staff supported by consistent funding, the demand on other agencies would be significantly reduced. It has been suggested that there could be rotating staff from other agencies or entities on mobility assignments. This may be a possible option if the assignment to the EQB work is clearly established rather than “in your spare time”.

Membership: A governor’s representative (currently, the Chair, MDA Commissioner Frederickson), nine five agency commissioners (MPCA, MDNR, MDH, MDA, BWSR), and five citizen members.

Location: Several options might be considered. For example: an independent staff and budget housed in Governor’s Office; a small independent agency housed in a “neutral” state agency (such as MMB or Administration); or a small independent agency housed in one of the EQB member agencies.

Authority needed for making change: Several statutes should be amended to eliminate specific duties.