

May 11, 2026

VIA EFILING ONLY

Catherine Neuschler
Environmental Quality Board
520 Lafayette Rd N
Saint Paul, MN 55155
catherine.neuschler@state.mn.us

VIA EFILING ONLY

Anne Kealing
Assistant Attorney General
Attorney General's Office
445 Minnesota St Ste 600
Saint Paul, MN 55101
anne.kealing@ag.state.mn.us

Re: *In the Matter of the Exempt Permanent Rules Relating to Scoping Documents for Environmental Review*
CAH 21-9008-41465
Revisor RD-4978

Dear Catherine Neuschler and Anne Kealing:

Enclosed herewith and served upon you please find the **ORDER ON REVIEW OF RESUBMITTED RULES UNDER MINN. STAT. § 14.386 AND MINN. R. 1400.2400** and the official record in the above-entitled matter. On May 5, 2026, the Court of Administrative Hearings received for review the submissions of the Minnesota Environmental Quality Board as modified pursuant to the March 24, 2026, Report of Administrative Law Judge KIMBERLY MIDDENDORF. The rules, Revisor's Draft RD-4978, are approved as to legality. The Court of Administrative Hearings has closed this file and is returning the rule record so that the Board can maintain the official rulemaking record in this matter as required by Minn. Stat. § 14.365. If the Minnesota Environmental Quality Board has not already done so, please ensure that a signed order adopting the rules is filed with the Court of Administrative Hearings. The Court of Administrative Hearings will request copies of the finalized rules from the Revisor's office following receipt of that order. The Court of Administrative Hearings will file the adopted rules with the Secretary of State, who will forward one copy to the Revisor of Statutes, one copy to the Governor, and one to the Minnesota Environmental Quality Board for its rulemaking record.

The Minnesota Environmental Quality Board's next step is to arrange for publication of the Notice of Adoption in the State Register. Two copies of the Notice of Adoption provided by the Revisor's office should be submitted to the *State Register* for publication. A permanent rule without a hearing does not become effective until five working days after Notice of Adoption is published in the State Register in accordance with Minn. Stat. § 14.27.

Catherine Neuschler, Anne Kealing
May 11, 2026
Page 2

If you have any questions regarding this matter, please contact William Moore at (651) 361-7893, william.t.moore@state.mn.us or via facsimile at (651) 539-0310.

Sincerely,

A handwritten signature in cursive script that reads "Cara Hunter".

CARA HUNTER
Legal Assistant

Enclosure

cc: Legislative Coordinating Commission
Ryan Inman
Senator Tou Xiong
Representative Jim Nash
Representative Ginny Klevorn

STATE OF MINNESOTA
COURT OF ADMINISTRATIVE HEARINGS

In the Matter of the Exempt Permanent
Rules Relating to Scoping Documents for
Environmental Review

**ORDER ON REVIEW
OF RESUBMITTED RULES UNDER
MINN. STAT. § 14.386
AND MINN. R. 1400.2400**

This matter came before Administrative Law Judge Kimberly Middendorf upon the resubmitted rules of the Minnesota Environmental Quality Board (EQB) for a legal review under Minn. Stat. § 14.386 (2024).

On May 5, 2026 the EQB filed documents with the Court of Administrative Hearings seeking review and approval of the above-entitled rules under Minn. Stat. § 14.386 and Minn. R. 1400.2400 (2025).

Based upon a review of the written submissions by the EQB,

IT IS HEREBY DETERMINED THAT:

1. The rules were adopted in compliance with the procedural requirements of Minnesota Statutes, Chapter 14 (2024), and Minnesota Rules, Chapter 1400 (2025).

2. According to 2025 Minn. Laws 1st Spec. Sess. ch. 1, Art. 6, § 5, the EQB has the statutory authority to adopt proposed rules Minn. R. 4410.2100, subp. 2(B), (C), subp. 3(A), (B), and Minn. R. 4410.3100, subp. 4, as resubmitted, using the exempt rulemaking process.

IT IS HEREBY ORDERED THAT:

The adopted rules are **APPROVED**.

Dated: May 11, 2026


KIMBERLY MIDDENDORF
Administrative Law Judge