



MINNESOTA
ENVIRONMENTAL QUALITY BOARD

Minnesota Environmental Quality Board | 520 Lafayette Road North | Saint Paul, MN 55155 May 9, 2022

The Honorable Bill Ingebrigtsen
Chair, Senate Environment and Natural Resources Finance Committee
3207 Minnesota Senate Building
St. Paul, MN 55155

The Honorable Rick Hansen
Chair, House Environment and Natural Resources Finance and Policy Committee
407 State Office Building
St. Paul, MN 55155

May 8, 2022

Dear Senator Ingebrigtsen, Representative Hansen, and members of the conference committee,

Thank for the opportunity to comment on the side-by-side version of Senate File 4062. The Environmental Quality Board (EQB or Board) appreciates the work of Chairs Ingebrigtsen and Hansen, and committee members to assemble this bill. We welcome the opportunity to continue working together during the conference committee process.

EQB provided comment on budget and policy items impacting EQB in prior letters. In this letter, we will focus comments on proposed changes to Minnesota's Environmental Program. The EQB oversees the state's Environmental Review Program, as authorized in Minnesota Statutes 116D and outlined in Minnesota Rules chapter 4410. EQB is responsible for making program improvements, providing technical assistance, and fulfilling administrative functions for the Program. State statutes and rules delegate the authority to other state and local governments to apply the rules to individual projects.

Environmental review petitions

Article II, Section 60 of the Senate version changes the environmental review citizen petition process, limiting petitioners to individuals who reside or own property in the county or the adjoining county of the proposed project. The EQB opposes this change. After reviewing citizen petition addresses over a two year period, EQB staff found that the majority of petition signers reside or own property within, or adjacent to, the county where a proposed project is located. Therefore, the proposed change is unnecessary and creates a potential limitation for Minnesotans wishing to petition their government for environmental review. Second, this provision will prohibit Minnesotans from signing on to a petition when they have cultural or recreational ties to the affected area where the proposed project will be located, but do not reside or own property in that area. Not all Minnesotans own property in the places that matter to them. This should not prevent them from requesting environmental review if they are concerned about potential environmental impacts to those places. Finally, air and water do not respect county boundaries. Proposed projects could have the potential for significant environmental impacts beyond the boundaries of adjacent counties.

Public waters and environmental review

Article II, section 60 of the Senate version adds language to Minn. Stat. 116D.04 describing when environmental review is mandatory for public waters. This language conflicts with the mandatory category for public waters, public water waters wetlands, and wetlands described in Minn. R. 4410.4300 Sub 27. EQB is concerned that there has not been sufficient study and discussion with Minnesotans to fully understand how the statute change would impact environmental review for public waters and wetlands as compared to the current process in rule. EQB recommends more analysis before making changes in statute, and we are happy to work with the conference committee on possible approaches.

Demographic analysis in environmental assessment worksheet

Article II, Section 71 of the House version will add a demographic analysis to an environmental assessment worksheet or an environmental impact statement, when a proposed project has the potential to negatively impact an environmental justice area. The Board has not discussed the specific implications of adding a demographic analysis to environmental review nor engaged with Minnesotans on this change, and therefore does not have a position at this time. EQB staff are happy to work with the legislature on possible ways to improve the Environmental Review Program to better address environmental justice, and work with environmental justice communities to ensure program changes meet their needs.

The EQB looks forward to continuing to work together. Thank you for your consideration.

Sincerely,



Katie Pratt
Executive Director, Environmental Quality Board

CC: Rachel Ganani, Policy Advisor to Governor Tim Walz and Lt. Governor Peggy Flanagan

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