EQB Policy | 2025
Mandatory Category Report

Background (HF 1362)

Minn. Stat. 116D.4, Subd. 5b requires EQB, MPCA, DNR, and MnDOT to evaluate environmental review mandatory categories every three years and submit a report. Mandatory categories (Minn. R. 4410.4300 and 4410.4400) define what project types require environmental review when they reach certain size thresholds. Reports were issued in 2013, 2018, 2021, and 2024.

The report includes a review of the intended historical purposes of each category and whether the projects are also subject to permits. This is followed by an analysis and recommendations for whether each category should be modified, eliminated, or not changed. Many of the recommendations are very high-level, with additional evaluation needed to move them forward.

In 2023, the Board approved a continuous improvement process to evaluate program effectiveness and help the environmental review program adapt to current and future environmental challenges, technical advances, and scientific knowledge.

The continuous improvement process is better equipped to evaluate the effectiveness and efficiency of all parts of the environmental review program.

Policy proposal

HF1362 proposes deletion of this reporting requirement to support efficiency.

The length of time between the reports does not allow sufficient time for recommendations to be implemented, leading to repetition. Additionally, information about the historical purposes of the mandatory categories and any needed permits is required in every report but does not significantly change between reports.

Evaluating mandatory categories can be better accomplished through the EQB's continuous improvement process for environmental review.

That process covers all aspects of the effectiveness of the environmental review program, including looking at the mandatory categories to ensure that the state's environmental review process evaluates the right projects, of the right sizes, at the right times.

Why this matters

Eliminating this reporting requirement:

- supports government efficiency,
- eliminates duplication in processes,
- saves staff time and resources, and
- includes public comment.

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