



# Environmental Review

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- General environmental review
- Minnesota's Environmental Review Program



# Federal and State Environmental Policy Acts



National Environmental Policy Act  
of 1970 (NEPA)

Minnesota Environmental Policy Act  
of 1973 (MEPA)



# Environmental Review

- Regulatory program that implements federal and/or state policy
- Applies to some future projects
- Public disclosure of all potential environmental effects in one document
- Informs government approvals



# General environmental review characteristics

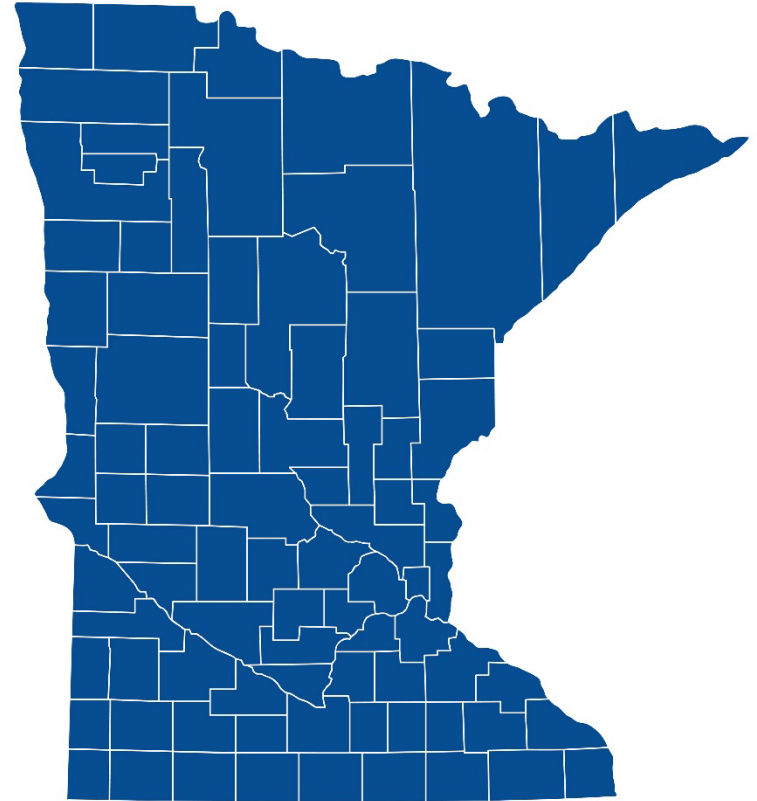
- Required public process
- Broader in scope than permitting (includes all potential environmental effects in one document)
- Moratorium on final approvals and construction
- Projects do not pass or fail environmental review – not an approval process

# Examples of benefits

- Provides information during project design phase
- Provides information beyond individual permit compliance
- Provides information for public participation in project approvals



# Who implements environmental review



# Federal Environmental Review Program

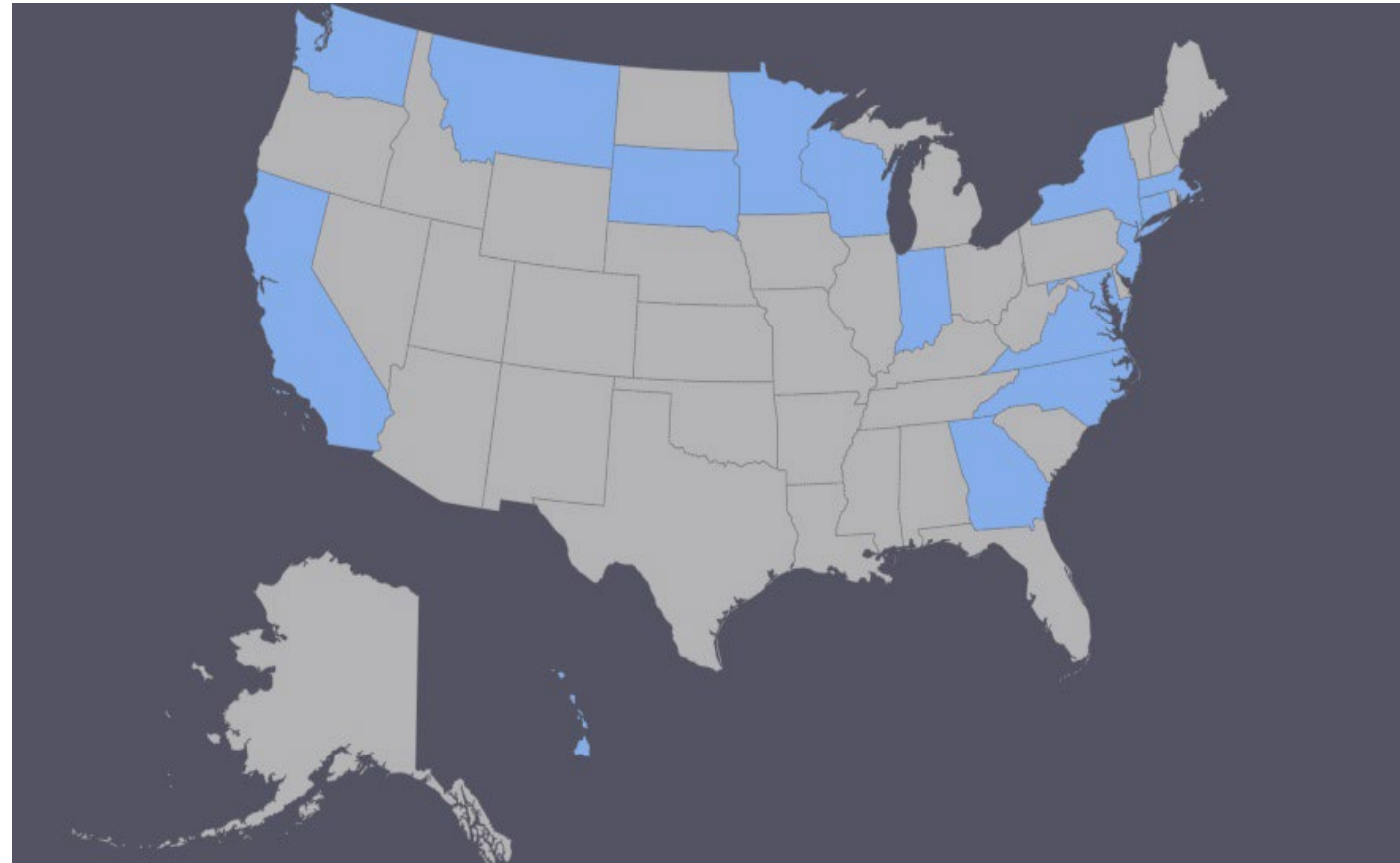
- Oversight by the Council on Environmental Quality
- Review major actions of federal governmental agencies that may significantly affect the environment
- Each agency develops implementing procedures
- “Rule of Reason” decision criteria





# State Environmental Review Programs

- 16 state environmental review programs
- Limited to state approval decisions
- Similar outcomes
- Different procedures



# Minnesota's Environmental Review Program

Minnesota Statute 116C	<ul style="list-style-type: none"><li>• Created the Environmental Quality Board</li></ul>
Minnesota Statute 116D	<ul style="list-style-type: none"><li>• Minnesota Environmental Policy Act</li><li>• Gives the Board authority to adopt rules</li></ul>
Minnesota Rules Chapter 4410	<ul style="list-style-type: none"><li>• Implements the Environmental Review (ER) Program established by statute</li></ul>

# Historic Environmental Review Program framework

## 1973-1977

- Procedures for review established through rules
- All decision-making authority was centralized under the EQB.
- EQB decided on a case-by-case basis which projects required review

## 1977 Amendments

- Delegated authority to include other government agencies to decide which projects required review
- Decisions were subject to review and reversal by the EQB

# Current Environmental Review Program framework (1982 Amendments)

- Delegated authority for implementing procedures to other state and local government agencies
- Established mandatory categories of project types and thresholds; exemptions
- Alternative review option
- Appeals directly to courts (not EQB)





# EQB authorities



- Pass rules to improve Program effectiveness
- Approve administrative requests
- Approve forms
- Approve alternative types of review
- Publish required notices in the *EQB Monitor*

# Minnesota Rules chapter 4410

- Defined purpose and objectives
- When review is required
- Exemptions
- Types of review
- Procedures for review
- Decision criteria



## EQB



- Monitor Program effectiveness
- Provide assistance for understanding the rules
- Create guidance

## Responsible Governmental Unit



- Implement procedures
- Prepare environmental documents
- Decision maker

## Project Proposer



- Provide project details

## Public



- Review environmental documents
- Provide comments

# When is review required?



Mandatory Category

Discretionary Review



# Public request for review: Petition process

- Formalized process to request preparation of an Environmental Assessment Worksheet
  - Requires material evidence of potential environmental effects
  - Must be signed by at least 100 individuals who live or own property in Minnesota
- Petition submitted to EQB
- EQB designates RGU





# When is review exempt?

Environmental Review does not apply when:

- **No** government decisions are required
- All government decisions have **been made**
- Any required government approval has **been denied**
- A substantial portion of the project is **complete**
- The environmental review process has **been completed**

# Types of review

Environmental Assessment Worksheet (EAW)

Environmental Impact Statement (EIS)

Alternative Urban Areawide Review (AUAR)

## Content:

- 6-page worksheet
- 20 standardized questions
- Discloses information necessary to decide if an EIS is needed

<https://www.eqb.state.mn.us/content/eaw-process>

July 2013 version

### ENVIRONMENTAL ASSESSMENT WORKSHEET

This Environmental Assessment Worksheet (EAW) form and EAW Guidelines are available at the Environmental Quality Board's website at: <http://www.eqb.state.mn.us/EnvRevGuidanceDocuments.htm>. The EAW form provides information about a project that may have the potential for significant environmental effects. The EAW Guidelines provide additional detail and resources for completing the EAW form.

**Cumulative potential effects** can either be addressed under each applicable EAW Item, or can be addresses collectively under EAW Item 19.

**Note to reviewers:** Comments must be submitted to the RGU during the 30-day comment period following notice of the EAW in the *EQB Monitor*. Comments should address the accuracy and completeness of information, potential impacts that warrant further investigation and the need for an EIS.

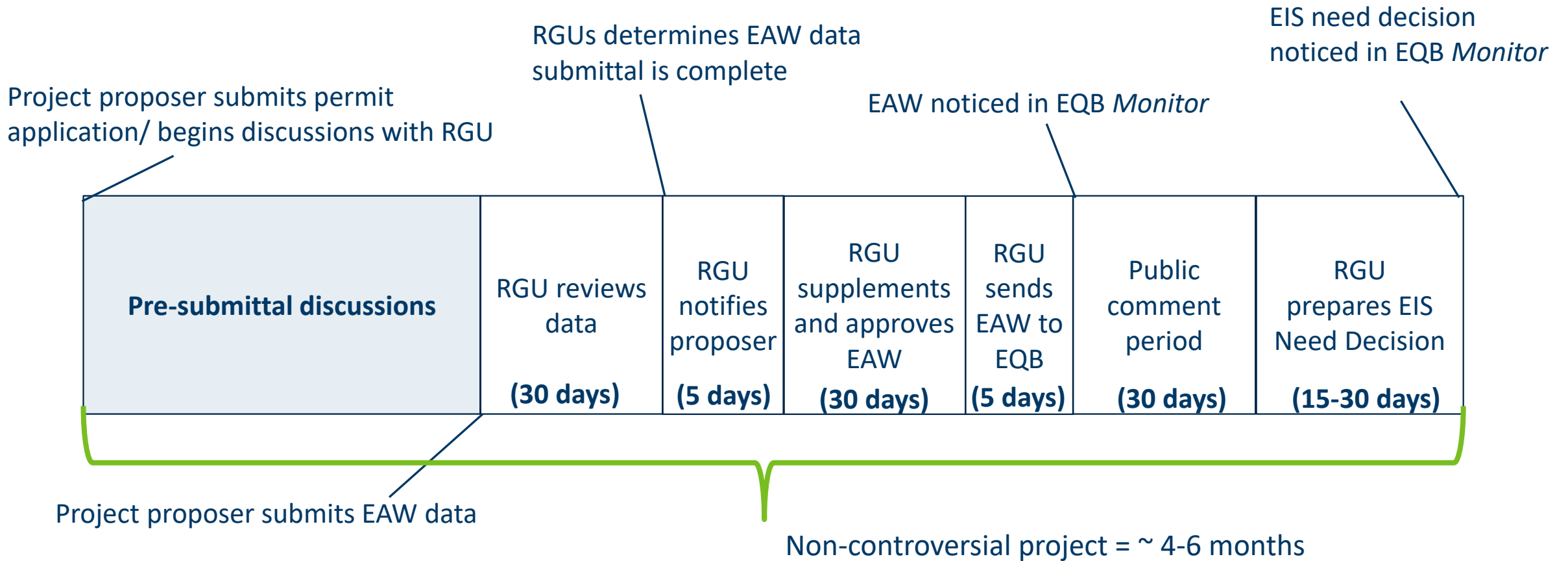
- Project title:**
- Proposer:**  
Contact person:  
Title:  
Address:  
City, State, ZIP:  
Phone:  
Fax:  
Email:
- RGU:**  
Contact person:  
Title:  
Address:  
City, State, ZIP:  
Phone:  
Fax:  
Email:
- Reason for EAW Preparation:** (check one)  
Required:  
☐ EIS Scoping  
☐ Mandatory EAW  
Discretionary:  
☐ Citizen petition  
☐ RGU discretion  
☐ Proposer initiated

If EAW or EIS is mandatory give EQB rule category subpart number(s) and name(s):

- Project Location:**  
County:  
City/Township:  
PLS Location (1/4, 1/4, Section, Township, Range):  
Watershed (81 major watershed scale):  
GPS Coordinates:  
Tax Parcel Number:

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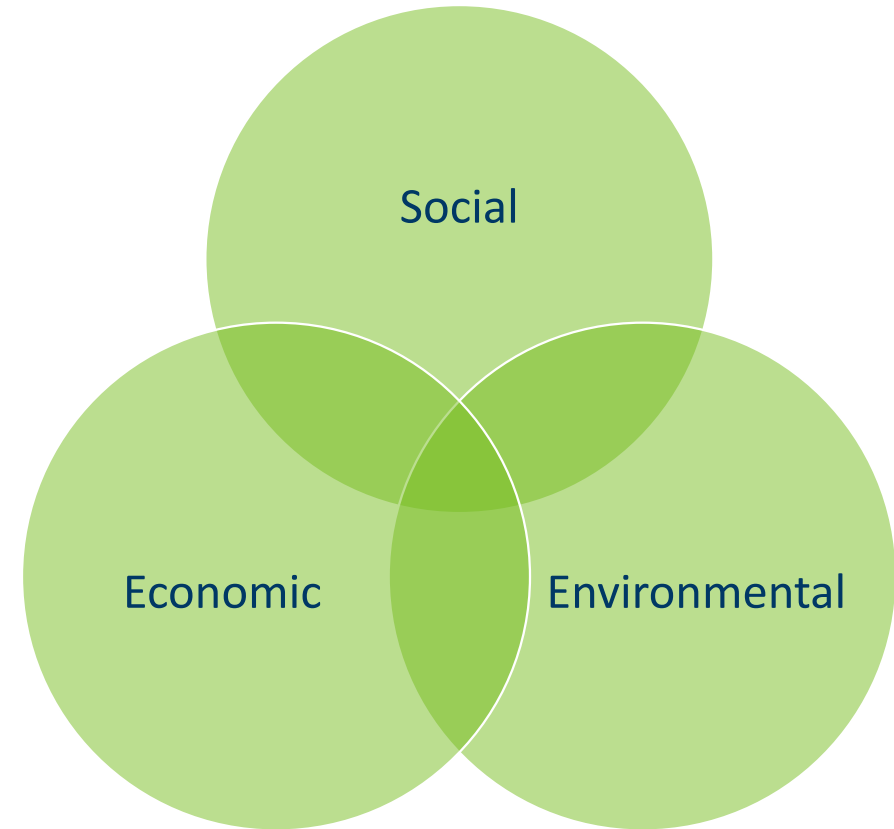
# EAW process timeline

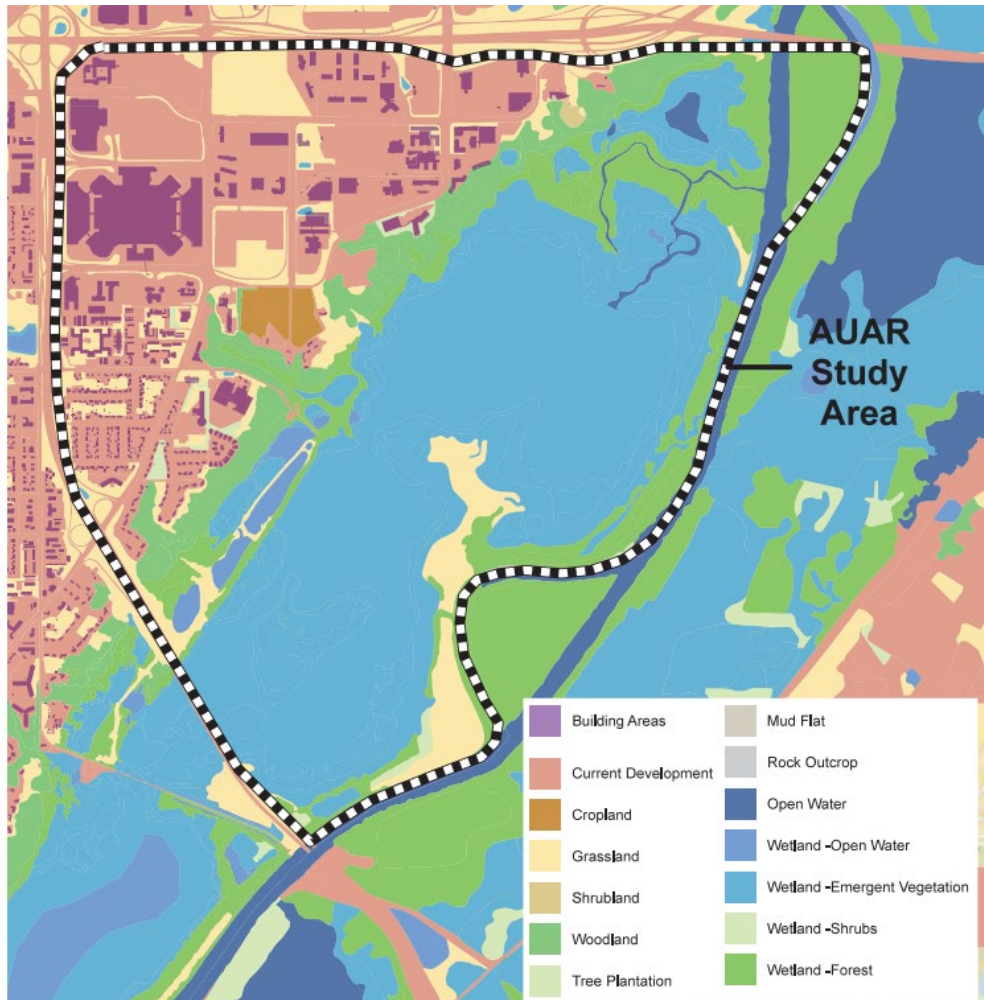


- Type, extent, and reversibility
- Cumulative potential effects
- The extent to which the environmental effects are subject to mitigation
- The extent to which environmental effects can be anticipated and controlled



- More in-depth
- Alternatives
- Environmental, economic & social
- Mitigation of impacts



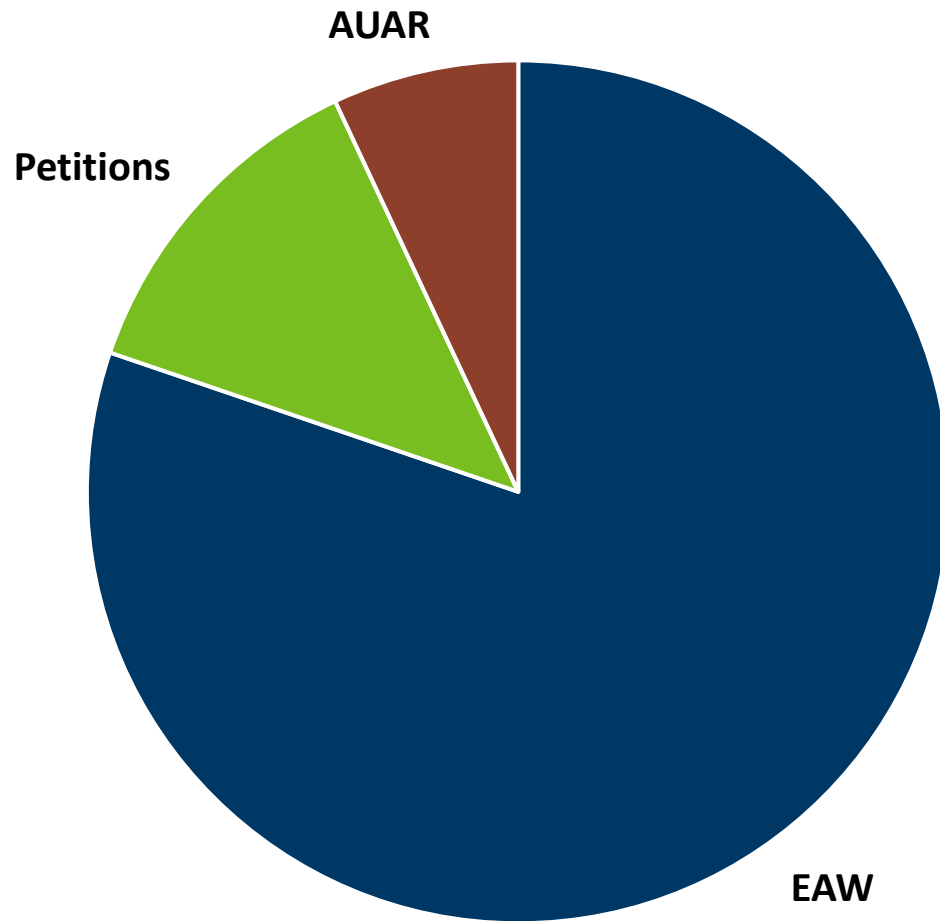


## Alternative review process

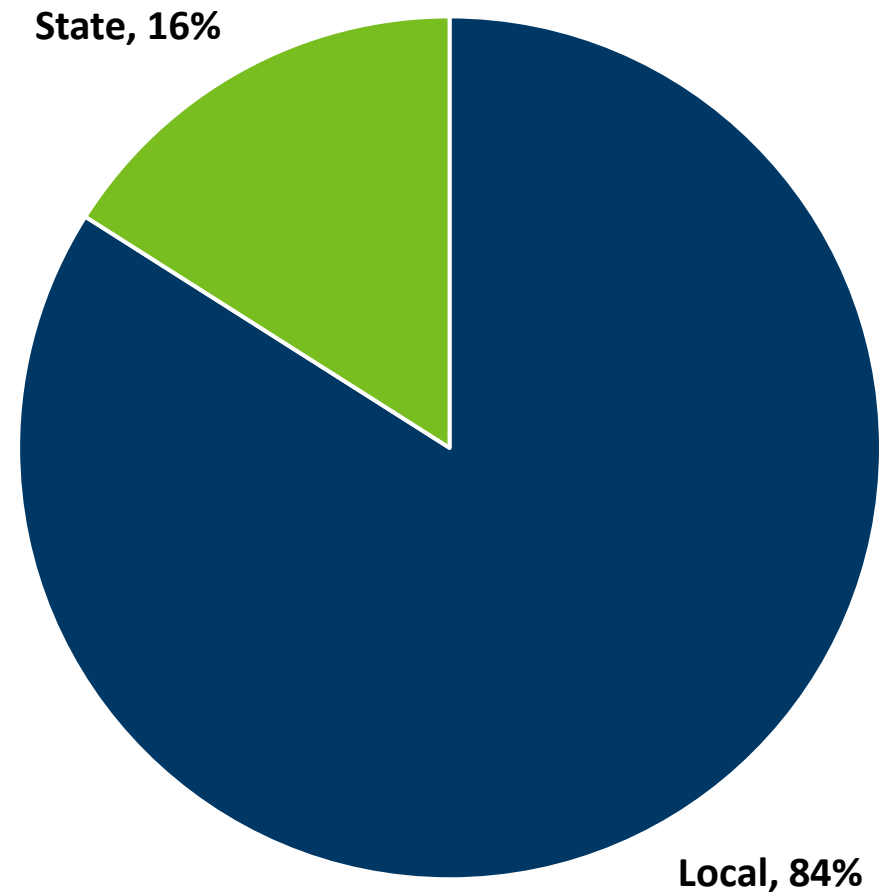
- Used instead of an individual project EAW or EIS
- Defined geographic area
- 5-year expiration/Can be updated
- Limited to residential, commercial, warehousing, and light industrial development and associated infrastructure

# Environmental Review Program data

## Environmental Review Processes by Type

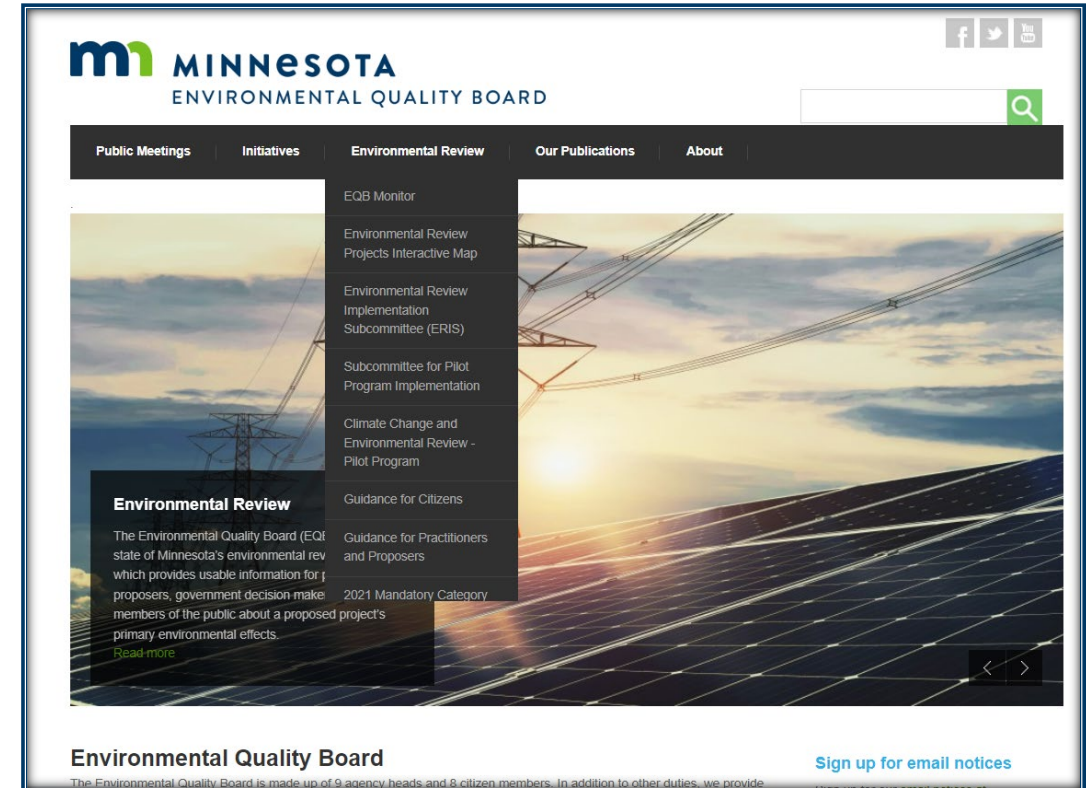


## Types of Responsible Government Units for EAWs



# 2022 Program Updates

- Updates to the EAW form – climate
- Creation of a process to update the ER Program
- Web-based access to environmental documents



# Active Environmental Review Projects

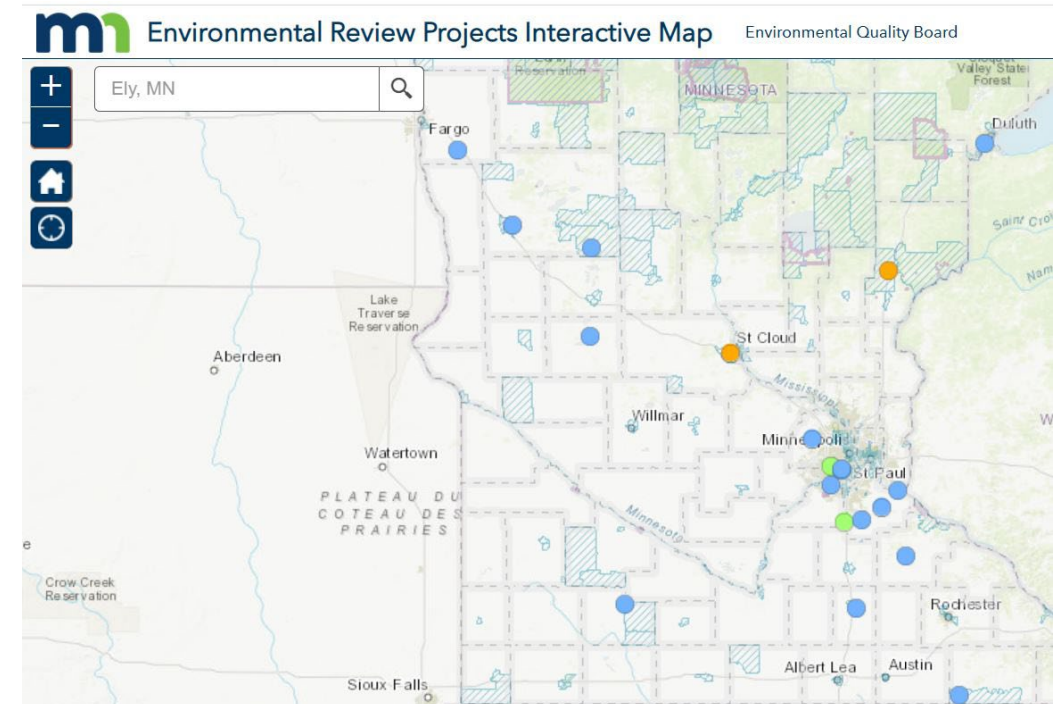
## *EQB Monitor*

- Environmental review notices
- Public comment periods
- Public meetings
- Records of decisions

To sign up:



<https://bit.ly/3efNF1p>



<https://www.eqb.state.mn.us/content/env-rev-projects-interactive-map>



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Minnesota Environmental  
Quality Board



# Thank You!

**Katrina Hapka**

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