

Minnesota Attorney General: Administrative Rules Proceedings

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MINNESOTA STATE REGULATIONS

Notice of filing by the Commissioner of Administration

4/2

We have received on this date, stamped and filed 2 copies of Rules and Regulations pertaining to the State Planning Agency - Minnesota Environmental Quality Council
(Agency or Board)

Regulation No. MEQC 21 thru 36 (new)

Subject: Environmental Impact Statements

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ARTICLE I. (MEQC 101) AUTHORITY

The regulations contained herein are prescribed by the Environmental Quality Council, pursuant to authority granted in Minnesota Laws, 1973, Chapter 412, Section 4, Subdivision 2 to be followed by state agencies, boards, and commissions, redevelopment agencies, and other political subdivisions of the State, and private persons in the implementation of Minnesota Laws, 1973, Chapter 412, herein referred to as the Environmental Policy Act of 1973. This Act deals with environmental quality, the evaluation of actions and programs for environmental effects and the preparation and evaluation of environmental impact statements.

ARTICLE II. (MEQC 102) PURPOSE

The purpose of these regulations and guidelines is to provide public agencies and private persons with principles, objectives, criteria and definitions of statewide application to be used in the implementation of Minnesota Laws, 1973, Chapter 412, Section 4. Implementation of the Act includes the evaluation of programs and proposed actions and the preparation and review of environmental impact statements.

ARTICLE III. (MEQC 103) POLICY

A. State Policy.

It is the continuing policy of the state government, in cooperation with federal and local governments, and other concerned public and private organizations, to use all practicable means and measures, including financial and technical assistance, in a manner calculated to foster and promote the general welfare, to create and maintain conditions under which man and nature can exist in productive harmony, and fulfill the social, economic, and other requirements of present and future generations of the State's people. Minnesota Laws, 1973, Chapter 412, Section 2, Subdivision 1.

B. Legislative Declaration.

1. The Legislature has declared that:

It is the continuing responsibility of the state government to use all practicable means consistent with other essential considerations of state policy, to improve and coordinate state plans, functions, programs, and resources to the end that the State may:

a. Fulfill the responsibilities of each generation as trustee of the environment for succeeding generations;

b. Assure for all people of the state safe, healthful, productive, and aesthetically and culturally pleasing surroundings;

c. Discourage ecologically unsound aspects of population, economic and technological growth, and develop and implement a policy such that growth occurs only in an environmentally acceptable manner;

d. Preserve important historic, cultural, and natural aspects of our national heritage, and maintain, wherever practicable, an environment that supports diversity, and variety of individual choice;

e. Encourage, through education, a better understanding of natural resources management principles that will develop attitudes and styles of living that minimize environmental degradation;

f. Develop and implement land use and environmental policies, plans, and standards for the state as a whole and for major regions thereof through a coordinated program of planning and land use control;

g. Define, designate, and protect environmentally sensitive areas;

h. Establish and maintain statewide environmental information systems sufficient to gauge environmental conditions;

i. Practice thrift in the use of energy and maximize the use of energy efficient systems for the utilization of energy, and minimize the environmental impact from energy production and use;

j. Preserve important existing natural habitats of rare and endangered species of plants, wildlife, and fish, and provide for the wise use of our remaining areas of natural habitation, including necessary protective measures where appropriate;

k. Reduce wasteful practices which generate solid wastes;

l. Minimize wasteful and unnecessary depletion of nonrenewable resources;

m. Conserve natural resources and minimize environmental impact by encouraging extension of product lifetime, by reducing the number of unnecessary and wasteful materials practices, and by recycling materials to conserve both materials and energy;

n. Improve management of renewable resources in a manner compatible with environmental protection;

o. Provide for reclamation of mined lands and assure that any mining is accomplished in a manner compatible with environmental protection;

p. Reduce the deleterious impact on air and water quality from all sources, including the deleterious environmental impact due to operation of vehicles with internal combustion engines in urbanized areas;

q. Minimize noise, particularly in urban areas;

r. Prohibit, where appropriate, flood plain development in urban and rural areas; and

s. Encourage advanced waste treatment in abating water pollution.

Minnesota Laws, 1973, Chapter 412, Section 2, Subdivision 2.

2. No state action significantly affecting the quality of the environment shall be allowed, nor shall any permit for natural resources management and development be granted, where such action or permit has caused or is likely to cause pollution, impairment, or destruction of the air, water, land or other natural resources located within the state, so long as there is a feasible and prudent alternative consistent with the reasonable requirements of the public health, safety, and welfare and the state's paramount concern for the protection of its air, water, land and other natural resources alone shall not justify such conduct.

Minnesota Laws, 1973, Chapter 412, Section 4, Subdivision 6.

C. Environmental Impact Statement.

1. An EIS is an informational document that, when prepared in accordance with the Environmental Policy Act and these Regulations, shall inform public decision-makers, private individuals, and the general public of the environmental effects of actions that have been proposed. The EIS process is intended to enable public agencies and private individuals to evaluate an action to determine if it has the potential

for significant environmental effects, to examine and institute methods of reducing adverse impacts, and to consider alternatives to the proposed action.

2. An EIS is not intended to be used as an instrument to rationalize approval of a project, nor shall indications of adverse impact necessarily require that an action be disapproved.

3. An EIS is a useful informational planning tool that enables environmental constraints and opportunities to be considered before actions are finalized. An EIS shall be prepared as early as possible in the development of an action.

D. Program Review.

An important element of the total state environmental review process is Program Review. It is intended to enable public agencies and private persons to identify and evaluate the policies and environmental effects of governmental programs that involve a large number of actions that may not be individually significant but taken as a whole may have the potential for significant environmental effects.

ARTICLE IV. (MEQC 104) DEFINITIONS

A. General.

Whenever the following terms are used in these Regulations, unless otherwise defined, they shall have the meaning ascribed to them in this section.

B. Specific Definitions.

1. Act. "Act" means the Minnesota Environmental Policy Act, Minnesota Laws, 1973, Chapter 412.

2. Action.

a. "Action" means any activity, resulting in any direct or indirect physical impact on or alteration of the environment.

b. Action does not include:

(1) Anything specifically exempted by law.

(2) Legislative proposals and enactments of the State Legislature.

(3) Continuing internal operations or maintenance activities

(4) An addition of a pollution abatement device to a facility.

(5) Emergency repairs to public service facilities.

(6) Rules, regulations, Commissioner's orders and procedure-making subject to Program Review, pursuant to Article VII of these Regulations or that govern only internal agency operations.

(7) Submissions of proposals to a vote of the people of the State.

3. Applicant. "Applicant" means the private person or public agency who has proposed the action that is the subject of an EIS.

4. Council. "Council" means the Minnesota Environmental Quality Council.

5. Days. In computing any period of time prescribed or allowed in these Regulations, the day of the act or the event from which the designated period of time begins to run shall not be included. The last day of the period so computed shall be included, unless it is a Saturday, a Sunday, or a legal holiday, in which event the period runs until the end of the next day which is not a Saturday, a Sunday, or a legal holiday. When the period of time prescribed or allowed is less than 15 days, intermediate Saturdays, Sundays, and legal holidays shall be excluded in the computation.

6. Draft EIS. "Draft EIS" means the basic document for review and comment on the environmental effects of a particular action. It contains the information specified in Article VIII of these Regulations.

7. Environment. "Environment" means the totality of man's surroundings; both social and physical, both natural and man-made. It includes human, plant, and animal communities, and the forces that act on them.

8. Environmental Assessment. "Environmental Assessment" means the initial study to determine if a major action may have potential for significant environmental effects.

9. Environmental Effects. "Environmental Effects" means an appreciable and significant impact, whether immediate or delayed, on any component of the environment.

10. EIS. "EIS" means Environmental Impact Statement, an analysis of a proposed major action and written report based thereon.

11. EIS Preparation Notice. "EIS Preparation Notice" means a brief written statement that an action may have potential for significant environmental effects, and that an EIS shall be prepared. It shall include: a Description of the Proposed Action (See Article VIII. B,1 of these Regulations); the Responsible Agency or the Responsible Person; and a listing of all agencies that must make a final decision on the action.

12. Existing Action. "Existing Action" means an action that was commenced, but not completed, before the effective date of these Regulations.

13. Final Decision. "Final Decision" means the decision by a public agency that commits the agency to a definite course of action in regard to a proposed action intended to be carried out by that agency, another agency, or any person. The exact date of a final decision is a matter determined by an agency according to its rules, regulations, and ordinances.

    In connection with private activities, a final decision occurs upon the commitment to issue or the issuance by the public agency of a discretionary contract, grant, subsidy, loan, or other form of financial assistance, lease, permit, license, certificate, or other entitlement of use.

    For a particular action, there may be several different final decisions by public agencies. Each decision committing an agency constitutes a final decision, not merely the ultimate approval of the entire proposed action.

14. Final EIS. "Final EIS" means an EIS containing the information specified in Article XI of these Regulations.

15. Governmental Action. "Governmental Action" means an action proposed by a public agency, or the final decision of a public agency on an action proposed by a private person.

16. Inadequate EIS. "Inadequate EIS" means an EIS that fails to adequately consider potential environmental effects, alternatives, desirable modifications, procedural requirements, and other factors required of an EIS by the Environmental Policy Act and these Regulations.

17. Local Agency. "Local Agency" means a public agency other than a state agency, board or commission. Local agency includes, but is not limited to, cities, villages, townships, counties, special districts, redevelopment agencies, and board, commission, or organizational subdivision of a local agency when so designated by order, resolution or ordinance of the governing legislative body of the local agency.

18. Major governmental action or major private action or more than local significance with the potential for significant environmental effects. "Major governmental action or major private action of more than local significance with the potential for significant environmental effects" means an action that is likely to have significant environmental effects. Judgment on if an action is a major action must be based on the totality of the action. A major action need not be large or costly. Factors to be considered include size, cost, type of action, location, nature of the surrounding area, and type of potential environmental effects. The term major action shall be construed in relation to the overall cumulative environmental impact of the action proposed and of further actions contemplated.

19. Notice of Completion. "Notice of Completion" means a form filed with the Council as soon as a Responsible Agency or Responsible Person has completed a Draft or Final EIS and is prepared to send out copies for review.

20. Person. "Person" means a human being, firm, association, organization, partnership, business, trust, corporation, or company.

21. Potential. "Potential" means existing in possibility but not in fact.

22. Program. "Program" means a combination of actions by a public agency or private person directed toward a unified purpose, such as forest or wildlife management, health programs, permit programs, and continuing actions managed as a unit.

23. Program Report. "Program Report" means a report prepared by a public agency that identifies and reviews the policies and environmental effects of a particular program of the agency, pursuant to Article VII of these Regulations.

24. Program Review List. "Program Review list" means a list of those programs and subprograms that a public agency proposes to examine under Program Review. The list shall include a brief description of each listed program or subprogram.

25. Public Agency. "Public Agency" includes, but is not limited to, state, regional, or local agency, board, commission, or unit of government. It does not include the courts in this State.

26. Regulations. "Regulations" means the Environmental Quality Council's Environmental Impact Statement Regulations.

27. Responsible Agency. "Responsible Agency" means the public agency that is responsible for the preparation of an EIS.

28. Responsible Person. "Responsible Person" means the person who proposes to undertake an action that does not require a final decision by a public agency and is responsible for the preparation of an EIS.

29. Reviewing Agencies. "Reviewing Agencies" means all public agencies who have jurisdiction by law or special expertise with regard to the environmental effects of an action or project that is the topic of a Draft EIS.

30. Significant. "Significant" means a substantial impact. Significance shall be determined according to the magnitude of an effect and its probability of occurring. Small effects may have a cumulative effect that is significant. Irreversibility, effect on man, degree of change, duration of impact, and scope and stability of affected ecosystems are factors that are relevant in determining significance.

31. State Action. "State action" means a final decision by a public agency.

32. State Project. "State project" means an action proposed by a public agency.

33. Substantial. "Substantial" means considerable and important.

ARTICLE V. (MEQC 105) GENERAL RESPONSIBILITIES

A. Environmental Quality Council.

1. The Council shall have responsibility for the overall functioning of the EIS program. The responsibilities of the Council shall include the following:

   a. The Council shall prescribe regulations and guidelines for when EIS's are to be prepared for new and existing actions, the time and manner of preparation, review, and action upon such statements.

   b. The Council shall require the preparation of an EIS for a major action, including actions not specifically referred to in these Regulations, when it determines that an EIS is needed to insure that there is an adequate evaluation of the potential significant environmental effects of the action.

   c. The Council may require revision of an EIS that is found to be inadequate in meeting the requirements of these Regulations for an EIS.

2. The Council shall have the authority to delay implementation of any state project or action significantly affecting the environment or for which an EIS is required. Thereafter, it may reverse or modify the decisions or proposals when it finds, upon notice and hearing, that the action or project is inconsistent with the policy and standards of the Act, pursuant to Minnesota Laws, 1973, Chapter 412, Section 4, Subdivision 9.

3. The Council shall be responsible for the coordination of the processing of EIS's among state, local, and federal agencies.

4. Before July 1, 1975, the Council shall review the EIS program and these Regulations to determine their adequacy in meeting the requirements of the Environmental Policy Act and, if necessary, shall revise these Regulations.

B. Public Agencies.

1. General Rules.

   a. All public agencies are responsible for complying with the requirements of the Environmental Policy Act and these Regulations.

   b. A public agency retains its existing statutory authority subject to the substantive policies in the Act and the authority of the Council to reverse or modify decisions or proposals when it finds, upon notice and hearing, that the action or project is inconsistent with the policy and standards of the Act or these Regulations.

   c. A public agency possessing the power, at the time of the effective date of these Regulations, to request or demand an environmental impact statement or environmental review from a private person proposing an action that may effect the environment shall

continue to have and possess that power provided that an exercise of that authority shall not be used to circumvent or evade these Regulations.

d. A public agency shall provide, upon the request of the Responsible Agency, any data that it may have concerning the particular action. In addition, it shall at the request of the Responsible Agency assist in the preparation of any parts of the EIS on which it has special expertise or access to information.

e. When an EIS has been prepared for an action, a public agency shall consider the Final EIS before granting a final decision on that action.

2. Preparation of an Environmental Assessment or EIS.

When a major action may have the potential for significant environmental effects, a public agency may be responsible for the preparation of an Environmental Assessment or EIS:

a. If the major action is planned or proposed by a public agency;

b. If the major action involves the use or disbursement of state, federal, or other funds under the control and discretion of a public agency;

c. If the major action is proposed by a private person subject to a final decision of a public agency.

3. Responsible Agency.

a. When the action that requires an EIS is proposed by a public agency, that agency shall be the Responsible Agency.

b. When an action is to be proposed by more than one public agency or is proposed by a private person subject to final decisions of public agencies, the Responsible Agency shall be designated based on the following guidelines:

(1) The public agency with the greatest responsibility for supervising or approving the action as a whole.

(2) The public agency that can most adequately fulfill the requirements of the Act and these Regulations.

(3) The public agency that is to act first on the action in question, following the principle that environmental effects shall be assessed as early as possible.

c. If the designation of a Responsible Agency is in dispute among public agencies, a public agency may submit the question to the Council, who shall designate an agency to coordinate the preparation of an EIS.

d. The Responsible Agency shall consult with all public agencies that must make a final decision on the action or a part of the action to insure that the EIS reflects the concerns of all the

public agencies involved. This consultation shall be done at an early stage in the development of the EIS. The Responsible Agency may consult with public agencies that have special expertise with respect to the potential for environmental effects.

4. Internal Guidelines.

a. Public agencies shall, when appropriate or required, develop internal guidelines to serve as notice to other agencies and persons of the criteria, standards, and the procedures that the agency shall use in identifying and evaluating the significant environmental effects of a major action and in developing its program review.

b. A public agency shall include in its internal guidelines threshold criteria that identify in terms of size, scope or environmental effect particular actions that shall require an environmental assessment, pursuant to Article VI, D of these Regulations. An environmental assessment shall be prepared before a final decision is made on an identified action to assist in the determination of the need for an EIS.

c. Internal guidelines shall be consistent with the Act and these Regulations. Preliminary internal guidelines shall be prepared by the Agency within 120 days of the effective date of these Regulations.

d. When prepared, these preliminary internal guidelines shall be forwarded to the Council, who shall require revision if inconsistencies exist between agencies and Council regulations and guidelines. The Council shall then establish the time schedule for the submission of final internal guidelines.

e. The Council may require additions to or revisions of internal guidelines.

f. The following public agencies shall develop internal guidelines for those programs for which they have responsibility:

(1) Department of Natural Resources

(2) Pollution Control Agency

(3) Department of Health

(4) Department of Agriculture

(5) Department of Highways

(6) Department of Aeronautics

(7) Department of Economic Development

(8) Water Resources Board

All public agencies shall prepare internal guidelines when required by the Council, (see definition of public agency, Article IV, B, 25 of these Regulations).

5. Program Review.

A public agency shall prepare a Program Review Report for each governmental program that is composed of actions that individually may be insignificant, but when taken as a whole may have the potential for significant environmental effects, pursuant to Article VII of these Regulations.

C. Private Persons.

1. Major private actions with the potential for significant environmental effects may require an EIS:

a. When the major private action is of more than local significance and is not subject to final decisions of public agencies;

b. When the proposed major private action is subject to a final decision of a public agency.

2. Responsibilities of Private Persons:

a. When the major private action that requires an EIS is not subject to a final decision by a public agency, the private person who is proposing the action shall be the Responsible Person for the purposes of the fulfillment of these Regulations. In that case, the private party shall comply with the appropriate sections of these Regulations.

b. When the private action that requires an EIS is subject to a final decision of a public agency, the Responsible Agency shall be responsible for the preparation of the EIS. However, the private person undertaking the action shall supply in the manner prescribed any data or information requested by the Responsible Agency in the preparation of the EIS that that person has in his possession or to which he has reasonable access.

D. Fees.

Agencies shall endeavor to provide officially filed EIS materials free of charge, to the fullest extent practicable, or at a fee that is not more than the agency's actual reproduction costs.

ARTICLE VI. (MEQC 106) DETERMINATION OF NEED TO PREPARE AN EIS

A. General Principles.

1. When a major governmental action or a major private action of more than local significance that has the potential for significant environmental effects is identified by the Council, Responsible Agency or Responsible Person, as provided in these Regulations, an EIS shall be prepared.

2. When an EIS is required, the provisions of the Environmental Policy Act and these Regulations shall be followed. However, even when an EIS is not required, the intent and the environmental factors included in the Act shall be taken into consideration.

3. When an imminent and substantial danger to the health, safety, and welfare of the people of the State, or any part thereof, makes it necessary to take immediate action, the provisions of these Regulations need not be followed.

B. Identification of major actions that may have the potential for significant environmental effects.

1. Mandatory Actions.

The Council has determined that an action having one or more of the following characteristics represents a major action with the potential for significant environmental effects. Preparation of an EIS by the Responsible Agency or Responsible Person in the following cases is mandatory:

a. Construction of electric generating plants and associated facilities at a single site designed for, or capable of, operation at a capacity of 200 or more megawatts (electrical);

b. Construction of electric transmission lines and associated facilities designed for, or capable of, operation at a nominal voltage of 200 kilovolts AC or more, or operation at a nominal voltage of ± 200 kilovolts DC or more, and are 100 miles or more in length;

c. Construction of a facility with at least 500,000 square feet of commercial or retail floor space or 350,000 square feet of industrial floor space;

d. Construction of a new oil refinery;

e. Construction of a new metallic mineral processing or smelting facility;

f. A new appropriation of more than ten million gallons of water per day;

g. Construction of a facility if the cumulative emissions of particulate matter and sulphur oxides exceed 100 tons per day;

h. Construction of a new airport that is within the key system, pursuant to Minnesota Statutes, Chapter 360.305, Subdivision 3;

i. Construction of an industrial park of over 350 acres in size;

j. Construction of a new residential development that includes 250 or more units in an unsewered area of 1,500 or more units in a sewered area;

k. Construction of a new paper and pulp processing mill;

l. The spraying of restricted use pesticides over more than 1,500 contiguous acres;

m. Construction of an underground storage facility for gases and liquids that requires a permit, pursuant to Minnesota Statutes, Section 84.57;

n. Construction of a facility that generates more than a maximum of 5,000 vehicle trips per hour or a maximum of 250,000 vehicle trips per day;

o. Main roadway grading construction of a four-or-more lane, divided highway with at least partial control of access of ten route miles or more in length or carrying 10,000 vehicles ADT (Average Daily Traffic);

p. Construction of a pipeline greater than six inches in diameter and 50 miles long used for the transportation of crude petroleum or petroleum fuels or oil or derivatives thereof, or a pipeline for transporting synthetic and natural gas at pressures in excess of 200 pounds per square inch;

q. Construction of facilities on a single site that are designed for, or capable of, storing a total of one million or more gallongs of liquid natural gas or liquid petroleum gas;

r. Any new impoundment of water creating a new or additional water surface in excess of 500 acres;

s. A drainage project that will alter or eliminate 100 or more acres of Type 3, 4, or 5 wetlands, singly or in combination, as defined in U. S. Department of Interior, Fish and Wildlife Service, Circular 39, "Wetlands of the U.S.", 1956.

t. The construction or opening of a new non-metallic mining operation involving in excess of 40 acres for excavation or tailings' disposal.

2. Other actions that may require an EIS.

The Council has recognized that the actions identified in Article VI, B, 1 are mandatory, but not exclusive, and that there may be other major actions with the potential for significant environmental effects that shall require an EIS.

a. The identification of other major actions with potential for significant environmental effects shall be made by the Council, public agencies, and private persons against the background of their particular operations. The terms "major" and "significant" are intended to imply thresholds of importance and impact that

shall be met before an EIS is required. Factors that shall be considered in determining when an EIS is required are:

(1) Type of action,

(2) Location,

(3) Scope of action (both area and costs),

(4) Nature of the surrounding area,

(5) Type and extent of environmental effects anticipated,

(6) Cumulative effects,

(7) Influence on growth and development, and

(8) Amount of public controversy.

b. The decision regarding the preparation of an EIS shall consider the occurrence of the following consequences:

(1) Conflict with reasonable environmental plans and goals that have been adopted by the state, region, or local agency where the action is located;

(2) Substantial and demonstrable negative aesthetic effects;

(3) Substantial adverse effects on populations of rare or endangered species of animal or plant life, or on the habitat of the species;

(4) Substantial adverse effects on fish and wildlife populations or their habitats;

(5) Substantial detrimental effects on air or water quality or on the ambient noise level of adjoining areas;

(6) Substantial possibility of contaminating a public water supply system or of adversely affecting groundwaters;

(7) Substantial possibility of flooding, erosion, or siltation;

(8) Substantial possibility of major geologic hazards;

(9) Substantial adverse effects on human beings, either directly or indirectly;

(10) Breach of published national, state, or local standards relating to solid waste or litter control;

(11) Encroachment upon an area designated as an area of critical concern, pursuant to Minnesota Laws, 1973, Chapter 752; or

(12) Significant alteration of the use of energy.

c. The need to prepare an EIS, pursuant to the provisions of Article VI, B, 2 shall apply to actions that singly do not qualify, but that are part of a larger action, or plan of future decisions or actions that do qualify. No person or agency shall evade or circumvent the need for an EIS by causing or allowing a pattern of development to occur that except for the pattern of development would require an EIS. The term, "major action" shall be construed in relation to the overall cumulative environmental impact of the action proposed and of further actions contemplated. It shall be recognized that the effect of many decisions on an action may be individually limited but cumulatively considerable. In the following circumstances, the need for an EIS shall be examined:

(1) When a single action is a necessary precedent for a larger action, or commits a public agency or private individual to a larger action;

(2) When individual actions compose a multiple action or a phased action;

(3) When one decision involves a limited action that represents a decision in principle about a future major course of action;

(4) When several public agencies individually make decisions that are parts of a major action; or

(5) When one or more agencies or private persons over a period of years put into an action individually minor but collectively major resources.

d. An action may be identified as a major action that has the potential for significant environmental effects that may require the preparation of an EIS in accordance with the following:

(1) Upon the preparation of an environmental assessment, pursuant to Article VI, D of these Regulations.

(2) Upon the review of a petition of more than 500 persons, pursuant to Article IX of these Regulations.

(3) Upon the review of a Program Review Report, pursuant to Article VII of these Regulations.

(4) Upon a decision by a Responsible Agency or Responsible Person to prepare an EIS, pursuant to these Regulations.

(5) Upon a motion of the Council for an action or project not referred to in its guidelines and regulations, pursuant to Minnesota Laws, 1973, Chapter 412, Section 4, Subdivision 2.

3. Federal Actions.

When these Regulations require the preparation of a state EIS on an action, and a federal EIS is required for the same action, pursuant to the requirements of the National Environmental Policy Act of 1969

(NEPA) and the implementing regulations thereto, all or any part of the statement may be submitted in lieu of all or any part of a state EIS. However, when the federal EIS is used, additions to the federal EIS shall be made to provide for the elements that are required by the Minnesota Environmental Policy Act but are not required by NEPA. When these Regulations require the preparation of a state EIS on a proposed federal action and a federal EIS is not required, the preparation by a rederal agency of a state EIS may be requested.

C. Decision to prepare an EIS.

1. The decision to require an EIS may be made by:

   a. The Council; or

   b. A public agency that elects to prepare an EIS when that agency has proposed the action or is required to make a final decision on the action; or

   c. A private person that has proposed an action that does not require a final decision by a public agency.

2. An EIS may be required on a proposed action at any time before:

   a. The last final decision is made by a public agency on that action; or

   b. The commencement of physical construction if it is an action proposed by a private person that does not require a final decision by a public agency.

3. Existing Actions.

   a. An existing action that was initially proposed by a public agency shall require an EIS only if it is a major action with the potential for significant environmental effects and at the time of the consideration of the need for an EIS:

      (1) A substantial portion of public funds allocated for the action have not been spent; or

      (2) It is feasible and practical to modify the action to minimize potentially adverse environmental effects; or

      (3) It is possible to choose feasible alternatives to the action; or

      (4) A modification of the action is proposed by the Responsible Agency that may have the potential for significant environmental effects that have not been adequately considered; or

      (5) Basic decisions that have the potential for significant environmental effects have not been made.

b. (1) An existing major action proposed by a private person that may have the potential for significant environmental effects may require an EIS if there are basic decisions that have not been made on the action that may have the potential for significant environmental effects. Factors to be considered are:

(a) If a substantial portion of the action has been completed; or

(b) If modifications to minimize potentially adverse effects are feasible; or

(c) If there would be an undue burden on the private person if an EIS were to be required.

(2) In the following instances, the Council has determined that an EIS shall not be required:

(a) When physical construction on an action is commenced before the effective date of these Regulations; or

(b) When land is purchased or leased after approval of a change in zoning before the effective date of these Regulations, and physical construction is commenced within 12 months of the effective date of these Regulations; or

(c) When construction plans or installation permits have been approved by the appropriate public agencies before the effective date of these Regulations, and physical construction is commenced within 12 months of the effective date of these Regulations; or

(d) When a substantial number of final decisions on an action have been made by the public agencies before the effective date of these Regulations, and physical construction or implementation of the action is commenced within 12 months of the effective date of these Regulations. On the question of whether a substantial number of final decisions on an action have been made, a determining factor shall be whether the remaining final decisions of public agencies involve a greater degree of responsibility and control over the total action than has been exercised before the effective date of these Regulations and that might be granted subject to requirements of modification or mitigation.

c. When an action is in operation before the effective date of these Regulations and remaining unmodified thereafter, an EIS shall not be required.

4. Subsequent EIS.

When an EIS has been prepared and accepted as adequate by the Council, the action shall be re-examined for environmental effects:

a. If substantial changes are proposed in the action, that may involve significant new environmental effects not considered in the original EIS; or

b. If substantial changes have occurred in the environment surrounding the area of the action, that were not considered in the original EIS and that may significantly alter the environmental effects of the action.

D. Preparation of an Environmental Assessment.

1. Purpose of environmental assessment.

An environmental assessment may be written to assist the Council, an agency or a person in determining if an action is a major action that may have the potential for significant environmental effects. The environmental assessment shall be prepared as early as possible to assist in the determination of the need to prepare an EIS.

2. An environmental assessment shall be prepared:

a. When the agency proposing the action so determines; or

b. When an agency that must grant a final decision on the action so determines; or

c. When an agency is directed by the Council.

3. Requests for an environmental assessment.

a. A private person who proposes a major action that he believes has the potential for significant environmental effects may make a written request for an environmental assessment of the action to an agency that shall make a final decision on the action or to the Council.

b. The Council may request a public agency to prepare an environmental assessment. It shall designate a public agency for the preparation of the environmental assessment.

c. In either case, the agency shall have 45 days from the date of the environmental assessment request to prepare the assessment.

4. Contents of an environmental assessment.

An environmental assessment shall contain the following information in writing:

a. Name and address of person or agency proposing the action;

b. Type and scope of action proposed;

c. Location of action;

d. Proposed timetable of development;

e. Status of all final decisions to be made by governmental agencies on the action;

f. Name of person or agency submitting the action;

g. Probable effects of the action on the environment;

h. Recommended mitigation of the environmental effects when applicable;

i. A conclusion of the potential of the action for significant environmental effects, that may include a recommendation that an EIS be prepared.

5. Submittal of environmental assessment.

Within five days of the completion of the environmental assessment, the agency preparing the assessment shall submit it to the Council and to officially designated Council distribution points, reviewing agencies, the applicant and, to the extent practicable, to requesting persons.

6. Council review of an environmental assessment.

The Council shall have the authority to review an environmental assessment and require the preparation of an EIS on the action. If the Council does not act within 45 days of submittal on the assessment, it shall have the effect of acceptance of the assessment, including the determination to prepare or not to prepare an EIS on the action.

ARTICLE VII. (MEQC 107) PROGRAM REVIEW

A. General.

An important element of the total state environmental review process is Program Review. Programs that involve a large number of governmental actions that may not be individually significant but taken as a total program may have the potential for significant environmental effects shall be examined for environmental effects in Program Review rather than in the preparation of an EIS for each single action. The Program Review process shall enable public agencies and persons to review the policies and environmental effects of the total program.

B. Application of Program Review.

1. The following public agencies shall utilize program review to evaluate the environmental effects of their various functions and responsibilities:

   a. Department of Natural Resources
   b. Pollution Control Agency
   c. Department of Agriculture
   d. Department of Health
   e. Department of Highways
   f. Department of Aeronautics
   g. Department of Economic Development
   h. Water Resources Board

2. All public agencies shall follow program review requirements for part or all of their functions or responsibilities, when required by the Council, (see definition of public agency, Article IV, B, 25 of these Regulations).

C. Determinations by each agency of the programs that shall be examined in Program Review.

1. Within sixty days after the promulgation of these Regulations, and thereafter, annually, an agency, specified in Article VII, B, 1 of these Regulations or when required by the Council, shall file three copies of its Program Review list and filing schedule with the Council and distribute copies to all officially designated Council distribution points and, to the extent practicable, to requesting persons.

2. The Council shall review each Program Review list and filing schedule and notify the appropriate public agency of approval or necessary revisions. In addition, the Council may require Program Review of programs not listed.

D. Preparation and Review of Program Review Reports.

1. A public agency shall prepare a Program Review Report for a program approved for Program Review. The Report shall contain the following:

   a. A description of the program that includes:

      (1) The statutory or other authority for the program;

(2) The purpose and function of the program;

(3) The type, scope, and number of administrative and regulatory actions involved in the program; and

(4) The budget allotted for the program.

b. A detailed definition and statement of agency policy with regard to the program that includes the steps taken and the considerations examined in arriving at a decision for a particular action.

c. An overall assessment of the program that includes:

(1) The environmental impact or effects of the entire program;

(2) Modifications or alternatives that may reduce the adverse environmental effects of the program;

(3) Impact of the program on other governmental actions;

(4) Consequences of a significant reduction or cessation of the program;

(5) Proposals for necessary changes in the program to achieve greater consistency with the Environmental Policy Act;

(6) Evaluation of irreversible and irretrievable commitments of resources that may be involved in the initial or continued phases of the program; and

(7) Whenever possible, the relationship between local short term uses of the environment and the maintenance and enhancement of long term productivity including the environmental impact of predictable future increased development of an area that may result from the program under review.

d. The recommended intervals for subsequent preparations of a Program Review Report for the program, e.g. annually or biennially.

e. Anticipated or recommended major changes in the program and particular actions within the program that are recommended to the Council for identification as major actions that require an EIS.

2. Upon the completion of a Program Review Report prepared in accordance with the program filing schedule, the appropriate agency shall file with the Council three copies of the Program Review Report and distribute copies to all officially designated Council distribution points and, to the extent practicable, to requesting persons.

3. The Council shall review a Program Review Report and may request additional information if necessary.

4. Based on its review of a particular program, the Council may determine that an EIS shall be prepared for the total program or any part thereof, or that a specific action within a program shall require an EIS, or that an EIS is not required.

ARTICLE VIII. (MEQC 108) CONTENT OF ENVIRONMENTAL IMPACT STATEMENTS

A. General.

1. An EIS shall contain the information outlined in this Article with sufficient relevant details to provide the basis for a sound evaluation of the potential environmental effects of the action.

2. When the Council has officially approved a resource classification system, that system shall be used, when appropriate, in the preparation of the EIS.

B. Description of the Action and Environmental Setting.

1. The description of the action shall contain the following information:

a. A general description of the action, including type, scope, and location;

b. The names and addresses of the persons or agencies that have proposed the action;

c. A statement of the objectives of the action;

d. The precise location and boundaries of the proposed action on a detailed map, preferably topographic and on a regional map, that properly and accurately reflects the surrounding area.

2. Description of the Environmental Setting.

An EIS shall include a description of the environment in the vicinity of the action, as it exists before the commencement of the action, from both a local and regional perspective, including technical data, maps, and diagrams when relevant. Special emphasis shall be placed on environmental resources that are rare or unique to that region or that possess important historic, cultural, natural, ecological, or aesthetic values.

C. Environmental Impact of the Proposed Action.

All phases of an action shall be considered when evaluating its potential effects on the environment: planning, acquisition, construction, implementation, development, and operation. The following subjects shall be discussed in the EIS in separate sections or paragraphs:

1. The environmental impact of the proposed action.

This discussion shall include specifics of the area involved; resources involved; physical changes proposed; land use pattern changes proposed; alterations to ecological systems; and the time frame that changes will occur in; changes induced in population distribution and concentration; impact on important historic, cultural, and natural resources; and other consequences contrary to the environmental goals set out in Minnesota Laws, 1973, Chapter 412, Section 2, Subdivision 2.

This section also requires a description of the environmental interrelationship of the direct area of the action and the total affected area.

Special consideration shall be given to pollution, impairment, or destruction of the air, water, land or other natural resources located within the State resulting from the proposed action.

Mitigation measures written into the EIS to reduce significant adverse environmental impacts to insignificant levels and the basis for considering these levels acceptable shall be described. When a particular mitigation measure has been chosen from among several alternatives, the alternatives and the reasons for the choice shall be discussed.

2. Any direct or indirect adverse environmental, economic, and employment effects that cannot be avoided should the proposal be implemented.

Adverse environmental, economic, and employment effects of the proposed action, including those that can be reduced to an acceptable level but not eliminated, shall be discussed. This discussion shall include the effects that shall result directly from the action, as well as the effect that may be reasonably expected or speculated to follow the action. Many major actions stimulate or induce secondary social or economic effects. These effects shall be discussed in relation to existing community facilities, pressure for new facilities, and changes in natural conditions.

3. Any irreversible and irretrievable commitments of resources which would be involved in the proposed action should it be implemented.

Irreversible and irretrievable commitments of resources shall be evaluated.

Uses of non-renewable resources during the initial and continued phases of the action may be irreversible when a large commitment of resources makes removal or non-use thereafter unlikely. Primary impacts and, particularly, secondary impacts generally commit future generations to similar uses. In addition, irreversible and irretrievable damage may result from environmental accidents associated with the action.

4. Relationship between local short term uses of the environment and the maintenance and enhancement of long term productivity, including the environmental impact of predictable increased future development of an area due to the existence of a proposal, if approved.

This discussion shall include the extent that the proposed action involves trade-offs between short term environmental gains at the expense of long term losses or vice versa, and the extent that the proposed action forecloses future options. In this context, short term and long term do not refer to any fixed time periods but shall be viewed in terms of the environmentally significant consequences of the proposed action. Special attention shall be given to impacts that narrow the range of beneficial uses of the environment or pose long-term risks to health or safety. In addition, the

reasons why the proposed project is believed by the sponsor to be justified now, rather than reserving an option for further alternatives, shall be explained.

The impact of predictable increased future development in the area that may be stimulated, directly or indirectly, by the proposed action shall be discussed. Population and development effects that may be fostered by the proposed action shall be estimated, and an assessment made of the effect of any possible changes in population patterns or development upon the resource base, including land use, water, and public services.

5. Alternatives to the Proposed Action.

Known alternatives to the action or the location of the action, that could feasibly attain the basic objectives of the action and why they were rejected in favor of the ultimate choice, shall be discussed. A rigorous exploration and objective evaluation of the environmental impacts of all reasonable alternative actions, particularly those that may enhance environmental quality or avoid some or all of the adverse environmental effects, is essential. Sufficient analysis of these alternatives and their environmental benefits, costs, and risks shall accompany the proposed action through the review process in order not to prematurely foreclose options that may enhance environmental quality or have less detrimental effects. Examples of such alternatives include: the alternative of taking no action or of postponing action pending further study. These alternatives shall be examined in light of the requirement contained in Minnesota Laws, 1973, Chapter 412, Section 4, Subdivision 6, that is also found in Article III. B. 2 of these Regulations.

An EIS shall describe the alternatives in a manner that reviewers can independently judge if the environmental effects result from trying to gain maximum economic return or are inherent to the whole action.

Modifications of the basic proposal that may avoid or reduce adverse environmental effects shall be discussed, including the expected benefits, costs, and effects on the basic goal. Analysis shall focus on modifications, such as change of location, change of design, techniques, and the scope of the action, that may reduce the environmental impact of the proposed action without requiring selection of another alternative.

6. The impact on state government of any federal controls associated with the proposed action.

7. The multi-state responsibilities associated with the proposed action.

Impacts of the proposed action upon multi-state responsibilities shall be discussed, including the environmental effects of the action upon adjacent states. Concern for environmental quality and environmental effects of proposed actions shall not be restricted to resources and effects located solely within the State. Also, responsibilities under any multi-state or regional compacts or agreements shall be discussed, as appropriate.

8. Organizations and persons consulted.

All federal, state, or local agencies, other organizations, and private individuals consulted in preparing the EIS shall be identified.

ARTICLE IX. (MEQC 109) PUBLIC PARTICIPATION IN THE EIS PROCESS

A. General Policy.

The EIS preparation and review process is designed to allow the public to participate in public and private decision-making that significantly effects the environment.

B. Petition for an EIS.

1. Upon the filing with the Council of a petition of not less than 500 persons requesting an EIS on a particular action, the Council shall review the petition. When it determines that there is material evidence of the need for environmental review, the Council shall require the preparation of an EIS. Minnesota Laws, 1973, Chapter 412, Section 4, Subdivision 3.

2. The petition of 500 or more persons shall be filed at the Council offices. The petitioners shall substantiate their petition with the following attached written information:

   a. A description of the action, including the type, location, scope, and status of the action;

   b. The names and addresses of the private persons and/or public agencies responsible for the action, if known;

   c. A description of the potential significant environmental effects of the action;

   d. A statement of the provisions of the Environmental Policy Act that may be violated by the action; and

   e. Additional information that may assist the Council in its determination of the need for an EIS.

3. Within 60 days of the receipt of the petition, the Council shall determine if there is material evidence of the need for an environmental review. To assist its determination, the Council may:

   a. Request the Responsible Person or Agency to prepare an environmental assessment of the action; or

   b. Order a public hearing or a public meeting to examine the action. At a hearing or meeting, the Council shall provide the appropriate persons with the opportunity to present their respective positions.

4. If the Council determines that there is material evidence of the need for an environmental review, it shall require the preparation of an EIS in accordance with the provisions of these Regulations.

C. Public Review of Draft EIS.

1. Public meetings shall be held as part of the Draft EIS review process, pursuant to Article X, C of these Regulations.

2. Requests for public hearings may be made by members of the public to the Responsible Agency or Responsible Person, pursuant to Article X, C of these Regulations.

3. Members of the public may review and comment on all Draft EIS's, pursuant to Article X, B of these Regulations.

D. Preparation of Final EIS.

In the preparation of the Final EIS, the Responsible Agency or Responsible Person shall evaluate and give due consideration to comments received from members of the public who reviewed or commented on the Draft EIS, pursuant to Article X, B of these Regulations.

E. Availability of EIS.

When these Regulations require the filing of an EIS document with the Council, it is also provided that copies shall be distributed to officially designated Council distribution points, and, to the extent practicable, to requesting persons.

ARTICLE X. (MEQC 110) PREPARATION AND REVIEW OF DRAFT EIS

A. Preparation of Draft EIS.

1. Determination to Prepare Draft EIS.

The determination to prepare an EIS shall be made by the Council, or by the Responsible Agency or Responsible Person in conformity with the principles and criteria in these Regulations.

2. Progress on Project.

When an EIS is required on an action, all physical construction on the action shall be stopped from the time the EIS Preparation Notice is served until ten days after the Notice of Final Decision and Finding of Environmental Effect are filed with the Council.

3. Filing Requirement.

When a determination has been made to prepare an EIS, the Responsible Agency or the Responsible Person shall file with the Council three copies of the EIS Preparation Notice. The Responsible Agency or the Responsible Person shall also distribute copies to all officially designated Council distribution points, reviewing agencies, the applicant and, to the extent practicable, to requesting persons.

4. Time Period.

The Responsible Agency or the Responsible Person shall have 120 days from the date of the mailing of the EIS Preparation Notice to the Council to prepare the Draft EIS. The Council may grant an extension of time upon written request and upon the showing of good cause by the Responsible Agency or the Responsible Person.

5. Content of Draft EIS.

The required contents of a Draft EIS are described in Article VIII of these Regulations. The Draft EIS must fulfill and satisfy to the fullest extent possible these requirements.

B. Review of Draft EIS.

1. Filing Requirement.

When the Draft EIS has been completed, the Responsible Agency or Responsible Person shall file with the Council three copies of the Notice of Completion and the Draft EIS. The Responsible Agency or Responsible Person shall also distribute copies of the Draft EIS and Notice of Completion to all officially designated Council distribution points, reviewing agencies, applicant, and, to the extent practicable, to requesting persons.

2. Review Process.

a. Reviewing Agencies.

The Responsible Agency or Responsible Person shall consult with and request the comments of every governmental office that has jurisdiction by law or special expertise with respect to any environmental effects involved.

b. Public.

The Responsible Agency or Responsible Person may consult with any person who has special expertise regarding any environmental effects involved and with members of the public. However, the Responsible Agency or Responsible Person shall receive and include as part of the record any written responses to a Draft EIS.

c. Meetings, Hearings.

(1) Public meetings shall be held by the Responsible Agency or Responsible Person as part of the Draft EIS review process. This requirement may be met by the incorporation of the discussion of the Draft EIS into another public meeting or hearing that is already scheduled as part of that action, provided that notice is properly given of the incorporation, e.g. a permit hearing.

(2) Requests for public hearings or meetings may be made by members of the public to the Responsible Agency or Responsible Person. Public hearings shall be held when deemed necessary by the Responsible Agency or Responsible Person.

(3) Notice of public meetings or hearings shall comply with all existing statutory requirements and shall be filed with the Council and distributed to all officially designated Council distribution points, reviewing agencies, applicant, and, to the extent practicable, requesting persons.

d. Time Period.

The record shall remain open for comment by the reviewing agencies or the general public for at least 45 days from the date the Draft EIS is filed with the Council or such additional time as the Responsible Agency or Responsible Person determines. In no event shall the Responsible Agency or Responsible Person be required to keep the record open for more than 90 days. The time period that the record will remain open shall be included in the Notice of Completion of the Draft EIS.

ARTICLE XI. (MEQC 111) PREPARATION OF FINAL EIS

A. Final EIS.

The Responsible Agency or Responsible Person shall evaluate and give due consideration to comments from persons or agencies who reviewed or commented on the Draft EIS. The Responsible Agency or Responsible Person shall then prepare the Final EIS.

B. Contents of the Final EIS.

1. The final EIS shall consist of the Draft EIS, the comments received through consultation and public comment, the major points raised at public meetings or hearings held on the action, and the response of the Responsible Agency or Responsible Person to the significant environmental issues raised in the consultation, comment, and review process. When necessary, additional study and evaluation shall be made to adequately consider the comments, criticisms, or recommendations received.

2. The response of the Responsible Agency or Responsible Person to constructive comments received may take the form of a revision of the Draft EIS or may be an attachment to the Draft EIS. The response shall describe the disposition of all significant environmental issues raised. Additional information or studies shall be offered when needed to respond to valid and relevant points raised in the comments.

3. Agencies and private persons shall make every effort to discover and discuss the major points of view on the environmental effects of the proposed action and its alternatives in the Draft EIS itself. However, when opposing professional views and responsible opinion are overlooked in the Draft EIS and are brought to attention through the commenting process, the environmental impacts shall be reviewed in light of those views. A meaningful reference shall be made in the Final EIS to the existence of any responsible opposing views that were not adequately discussed in the Draft EIS, indicating that agency or private individual's response to the issues raised. All substantive comments received on the draft (or summaries thereof when the response has been exceptionally voluminous) shall be attached to the Final EIS whether or not the comment is thought to merit individual discussion by the agency or person in the text of the statement.

C. Time Period.

The Responsible Agency or Responsible Person shall have 30 days from the date that the Draft EIS record closes to prepare the Final EIS. The Council may grant an extension of time upon written request and the showing of good cause by the Responsible Agency or Responsible Person.

ARTICLE XII. (MEQC 112) REVIEW OF FINAL EIS

A. Filing Requirement.

When the Final EIS has been completed, the Responsible Agency or Responsible Person shall file with the Council three copies of the Final EIS and three copies of the Notice of Completion of the Final EIS. The Responsible Agency or Responsible Person shall also distribute copies of the Final EIS and Notice of Completion to all officially designated Council distribution points, reviewing agencies, applicant and, to the extent practicable, to requesting persons and public agencies or persons that have commented on the Draft EIS.

B. Council Review Authority.

1. The Council has the authority, pursuant to Minnesota Laws, 1973, Chapter 412, Section 4, Subdivision 2, to review all Final EIS's and to require the revision of an EIS that is found to be inadequate. The Council may hold public meetings or public hearings to aid in its review of a Final EIS.

2. The Council shall, within 45 days of receipt of the Final EIS, notify the Responsible Agency or Responsible Person and any other interested persons if the Council shall review the Final EIS. Failure to notify within the 45-day time period shall constitute acceptance of the Final EIS by the Council.

   The Council shall post notice of its decision to review a Final EIS at its offices and may provide for notice by mail to requesting persons. In all cases, the Council shall complete review of a Final EIS within 45 days of the date the Council officially notifies the Responsible Agency or Responsible Person of its decision to review.

3. When the Council determines that a Final EIS is inadequate and orders revision, a final decision on the action or proposal requiring an EIS shall not be taken by the Responsible Agency or Responsible Person until the revised Final EIS has been refiled with the Council. All requirements of this Article and these Regulations with respect to a Final EIS shall apply to all required revisions of the Final EIS.

C. Administrative Review Process.

The Final EIS shall precede final decisions on actions requiring an EIS. The Final EIS shall be considered in making the final decision on the action. No final decision on an action that requires an EIS may be made sooner than 30 days after the Final EIS is accepted by the Council.

ARTICLE XIII. (MEQC 113) FINAL DECISION ON PROPOSALS OR ACTIONS REQUIRING THE PREPARATION OF AN EIS

A. Final Decision and Finding of Environmental Effect.

1. When a final decision on an action requiring an EIS has been made by a public agency or person, that public agency or person shall prepare a Notice of Final Decision and written Finding of Environmental Effect.

2. The written Finding of Environmental Effect shall include:

   a. The environmental impact of the action;

   b. Mitigation measures proposed to minimize the impact;

   c. Alternatives to the action;

   d. Brief summary of why the particular action was selected;

   e. A general disclaimer that the action does not violate Minnesota Laws, 1973, Chapter 412, Sections 1 to 6, and a specific disclaimer that any state action does not violate Minnesota Laws, 1973, Chapter 412, Section 4, Subdivision 6.

B. Filing Requirements.

The public agency or person shall file with the Council three copies of the Notice of Final Decision and three copies of the Finding of Environmental Effect. The public agency or person shall also distribute copies to all officially designated Council distribution points, reviewing agencies, applicant and, to the extent practicable, to requesting persons.

C. Council Review Authority.

1. The Council shall have ten days from the date of receipt of the Notice of Final Decision and Finding of Environmental Effect to notify the public agency or person and interested parties that the Council shall delay implementation of the action and review the final decision.

2. The Council shall have 45 days from date of notice of delay to reverse or modify the decisions when it finds that the action or project is inconsistent with the policy and standards of Minnesota Laws, 1973, Chapter 412, Sections 1 to 6.

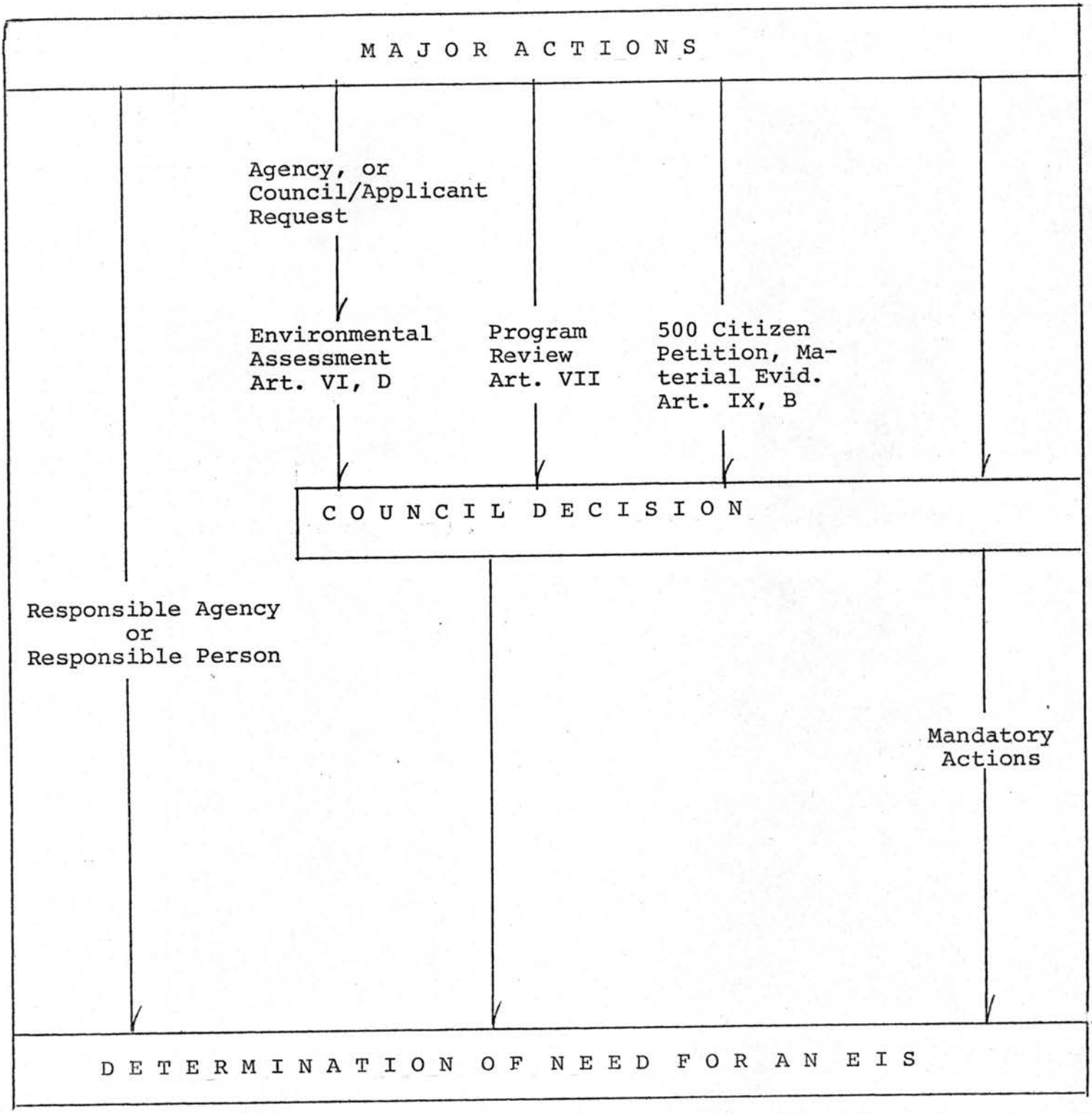
3. Council action to reverse or modify a final decision shall be made pursuant to its Operating Procedures concerning the holding of public hearings.

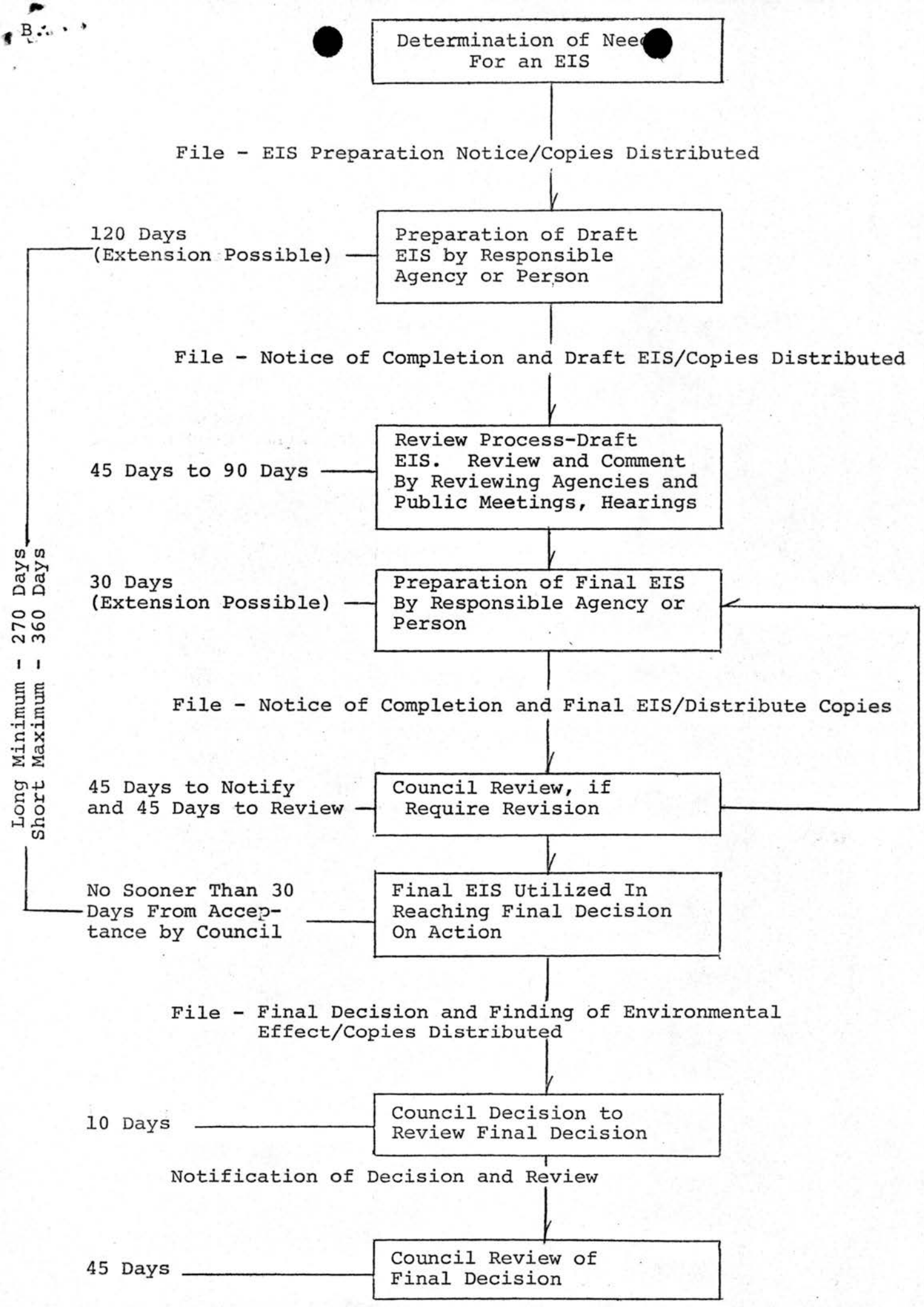
APPENDIX I - OFFICIALLY DESIGNATED COUNCIL DISTRIBUTION POINTS

1. Environmental Quality Council - (3 copies)
2. Regional Development Commissions - (3 copies to each)
3. Environmental Conservation Library - (1 copy)
4. Environmental Quality Council Members - (1 copy to each)
5. Minnesota Historical Society - (4 copies)
6. University of Minnesota Wilson Library - (1 copy)
7. Minnesota State Library - (2 copies)
8. Minneapolis Public Library - (1 copy)
9. St. Paul Public Library - (1 copy)
10. Duluth Public Library - (1 copy)
11. Winona State College Library - (1 copy)
12. Mankato State College Library - (1 copy)
13. St. Cloud State College Library - (1 copy)
14. Moorhead State College Library - (1 copy)
15. Bemidji State College Library - (1 copy)
16. Southwest State College Library - (1 copy)

A.

APPENDIX II - FLOW CHART EIS PROCESS




Determination of Need For an EIS
File - EIS Preparation Notice/Copies Distributed
120 Days (Extension Possible)
Preparation of Draft EIS by Responsible Agency or Person
File - Notice of Completion and Draft EIS/Copies Distributed
45 Days to 90 Days
Review Process-Draft EIS. Review and Comment By Reviewing Agencies and Public Meetings, Hearings
30 Days (Extension Possible)
Preparation of Final EIS By Responsible Agency or Person
File - Notice of Completion and Final EIS/Distribute Copies
45 Days to Notify and 45 Days to Review
Council Review, if Require Revision
Long Minimum - 270 Days
Short Maximum - 360 Days
No Sooner Than 30 Days From Acceptance by Council
Final EIS Utilized In Reaching Final Decision On Action
File - Final Decision and Finding of Environmental Effect/Copies Distributed
10 Days
Council Decision to Review Final Decision
Notification of Decision and Review
45 Days
Council Review of Final Decision

ADMIN 1000A (2/66)

STATE OF MINNESOTA

DEPARTMENT Attorney General - SPA

Office Memorandum

TO : Arlen I. Erdahl
Secretary of State

DATE: August 8, 1974

FROM : Jean E. Heilman
Special Assistant
Attorney General

SUBJECT:

Please find enclosed an Affidavit regarding the Order Correcting the Rules which was submitted to the Office of the Secretary of State August 6, 1974. If you have any further questions, please call me.

/bk

cc: Mike Miller

Encl.

STATE OF MINNESOTA

COUNTY OF RAMSEY

MINNESOTA ENVIRONMENTAL QUALITY COUNCIL

In the Matter of the Correction of Rules of the Minnesota Environmental Quality Council Governing Critical Areas

AFFIDAVIT OF GERALD W. CHRISTENSON

GERALD W. CHRISTENSON, being first duly sworn on oath, deposes and says:

1. I am the Chairman of the Minnesota Environmental Quality Council and Director of the State Planning Agency.

2. On May 14, 1974, the Minnesota Environmental Quality Council adopted Minn. Reg. MEQC 51-57, Rules Governing Critical Areas, pursuant to Minn. Stat. Sect. 116G.04 (Supp. 1973).

3. On May 28, 1974, Minn. Reg. MEQC 51-57, were filed with the Secretary of State.

4. Upon examination of Minn. Reg. MEQC 51-57, I have found that certain corrections are necessary.

5. In Minn. Reg. MEQC 55(a)(3) and (4) the term "plans" was erroneously and inadvertently omitted. In order to be consistent throughout the Rules, Minn. Reg. MEQC 55(a)(3) and (4) should be corrected to read:

   (3) The portions of plans and regulations for the designated critical area that are implemented by local units of government shall conform to the powers and procedures authorized or required by appropriate state law.

   (4) The portions of plans and regulations for the designated critical area that are implemented by state agencies shall conform to the powers and procedures authorized or required by appropriate state laws or regulations.

6. Minn. Reg. MEQC 55(c)(1)(aa) and (bb) were inadvertently and erroneously drafted so as to be inconsistent with Minn. Reg. MEQC 55(b)(3) and contrary to Minn. Stat. Sect. 116G.07 Subd. (1)(b)(Supp. 1973), with regard to the time period for the preparation of plans and regulations. In order to correct this oversight and to clarify the time provided for the submission of plans and regulations, Minn. Reg. MEQC 55(c)(1) should be corrected to read:

   (aa) A local unit of government that has existing plans and regulations for the critical area shall submit the plans and regulations to the appropriate Regional Development Commission, and when no Regional Development Commission exists, to the Council for review, within 30 days of the order of designation.

(bb) A local unit of government that prepares plans and regulations for the critical area, after the order of designation, shall submit the plans and regulations to the appropriate Regional Development Commission and when no Regional Development Commission exists, to the Council for review within six months of notice of the order of designation.

(cc) A Regional Development Commission that has prepared plans and regulations for the critical area at the request of a local unit of government, shall submit the plans and regulations to the Council for review within six months of the request from the local unit of government.

7. I have read the foregoing affidavit, know the contents thereof, and the same is true of my own knowledge.

FURTHER AFFIANT SAYETH NOT.

Dated: August 6, 1974

Gerald W. Christenson

GERALD W. CHRISTENSON
Chairman
Minnesota Environmental Quality Council

Subscribed and sworn to before me
this 6th day of August, 1974.

Evelyn M Routier

Notary Public

EVELYN ROUTIER
Notary Public, Ramsey County, Minn.
My Commission Expires Oct. 18, 1974

ADMIN 1000

STATE OF MINNESOTA

DEPARTMENT State Planning Agency - Att. Gen. **Office Memorandum**

TO : Arlen Erdahl
Secretary of State

DATE: August 6, 1974

FROM : Jean E. Heilman
Special Assistant
Attorney General

SUBJECT: CRITICAL AREAS REGULATIONS

Enclosed please find an "Order Correcting Rules", governing Critical Areas. These Regulations were adopted on May 14, 1974 pursuant to Minn. Stat. Sect. §116G.04 (Supp. 1973).

Please file this Order with the original rules and documentation that were filed with your office on May 28, 1974.

If you have any questions, please call me.

/mt

cc: Mike Miller
Special Assistant
Attorney General

STATE OF MINNESOTA

COUNTY OF RAMSEY

BEFORE THE MINNESOTA
ENVIRONMENTAL QUALITY COUNCIL

In the Matter of the Correction
of Rules of the Minnesota
Environmental Quality Council
Governing Critical Areas

ORDER CORRECTING
RULES

The above-entitled rules were adopted by the Environmental Quality Council of the State of Minnesota on May 14, 1974 and filed with the Secretary of State on May 28, 1974.

Upon examination of the rules, the following corrections are necessary before publication:

1) In MEQC 55 (a)(3) and (4) the term "plans" was erroneously omitted and must be included; and

2) MEQC 55 (c)(1) must be rewritten to clarify the time provided for the submission of plans and regulations for review.

NOW, THEREFORE, IT IS ORDERED that the following corrections in the rules identified as Minnesota Regulations MEQC 51-57 are made this 6th day of August 1974, pursuant to authority vested in the Minnesota Environmental Quality Council by Minn. Stat. Sect. 116G.04 (Supp. 1973):

1) MEQC 55 (a)(3) is changed to read as follows:

The portions of plans and regulations for the designated critical area that are implemented by local units of government shall conform to the powers and procedures authorized or required by appropriate state law.

2) MEQC 55 (a)(4) is changed to read as follows:

The portions of plans and regulations for the designated critical area that are implemented by state agencies shall conform to the powers and procedures authorized or required by appropriate state laws or regulations.

3) MEQC 55 (c)(1) is changed to read as follows:

(aa) A local unit of government that has existing plans and regulations for the critical area shall submit the plans and regulations to the appropriate Regional Development Commission, and when no Regional Development Commission exists, to the Council for review, within 30 days of the order of designation.

(bb) A local unit of government that prepares plans and regulations for the critical area after the order of designation shall submit the plans and regulations to the appropriate Regional Development Commission, and when no Regional Development Commission exists, to the Council for review within six months of notice of the order of designation.

(cc) A Regional Development Commission that prepares plans and regulations for the critical area at the request of a local unit of government shall submit the plans and regulations to the Council for review within six months of the request from the local unit of government.

STATE OF MINNESOTA
ENVIRONMENTAL QUALITY COUNCIL

By Gerald W. Christenson
Gerald W. Christenson
Chairman

Subscribed and sworn to before
me this 6 day of August, 1974

Evelyn M. Routier
Notary Public

EVELYN ROUTIER
Notary Public, Ramsey County, Minn.
My Commission Expires Oct. 18, 1974

EQC EXH 2
11-15-73 J.T.K.

STATE OF MINNESOTA

COUNTY OF RAMSEY

In the Matter of the Adoption
of Proposed Rules of the Minnesota
Environmental Quality Council
Relating to Environmental Impact Statements

ORDER FOR HEARING

To effectively implement Minnesota Statutes, 1973, Section 116D.04, Subdivision 2, the Minnesota Environmental Quality Council deems it necessary to consider adoption of the proposed rules captioned above pursuant to the authority vested in the Council by Minnesota Statutes, 1973, Section 116D.04, Subdivision 2.

NOW THEREFORE, IT IS ORDERED this 12th day of October, 1973, that a public hearing on the proposed rules captioned above be held in the City of Saint Paul, Minnesota, in the Auditorium of the Saint Paul Vocational/Technical Institute, 235 Marshall Avenue, on November 15, 1973, commencing at 9:00 A.M.; in the City of Bemidji, Minnesota, in the Auditorium of the J. W. Smith School, 17th and Irvin, on November 19, 1973, commencing at 9:00 A.M.; in the City of Duluth, Minnesota, in the Central Lecture Hall of the Duluth Area Technical Institute, 2101 Trinity Road, on November 20, 1973, commencing at 9:00 A.M.; in the City of Mankato, Minnesota, in the South Ballroom of the Centennial Student Union, Upper Campus, Mankato State College, on November 21, 1973, commencing at 9:00 A.M. and continuing until all persons, representatives, organizations or other interested parties have had an opportunity to be heard.

IT IS FURTHER ORDERED, that notice of said hearing be given to all representatives of associations or other interested groups or persons who have registered their names with the Secretary of State for that purpose.

Dated this 12th day of October, 1973.

STATE OF MINNESOTA
MINNESOTA ENVIRONMENTAL QUALITY COUNCIL

By Gerald W. Christenson
Gerald W. Christenson
Chairman

STATE OF MINNESOTA

ENVIRONMENTAL QUALITY COUNCIL
CAPITOL SQUARE BUILDING
550 CEDAR STREET
ST. PAUL, 55101

ENVIRONMENTAL IMPACT STATEMENT

AUTHORIZING

RESOLUTION

RESOLVED, that Gerald W. Christenson, the Chairman of the Environmental Quality Council be, and hereby is granted the authority and directed to call a hearing for the purpose of promulgating rules of the Environmental Quality Council for Environmental Impact Statements, pursuant to Minnesota Laws, 1973, Chapter 412, Section 4, as well as perform any and all acts incidental thereto, including but without being limited thereto, signing an order for hearing and notice of hearing and designating officers.

CERTIFICATE OF COUNCIL'S

AUTHORIZING RESOLUTION

I, Robert L. Herbst, do hereby certify that I am the Vice Chairman of the Minnesota Environmental Quality Council, a Council duly authorized under the laws of the State of Minnesota, and that the following is a true, complete, and correct copy of a resolution adopted at a meeting of the Minnesota Environmental Quality Council duly and properly called and held on the 9th day of October, 1973; that a quorum was present at said meeting; that a majority of the members of the Council voted for the resolution; that said resolution is set forth in the minutes of said meeting and has not been rescinded or modified.

"RESOLVED, that the rules relating to the Environmental Impact Statements be and they hereby are approved and adopted, pursuant to authority vested in us by Minn. Stat. 1973, Sect. 116D.04, Subd. 2 and that Gerald W. Christenson the Chairman of Minnesota Environmental Quality Council, be and hereby is authorized to sign an order adopting those rules."

IN WITNESS WHEREOF, I have hereunto subscribed my name this 13th day of March, 1974.

Robert L. Herbst
Vice Chairman

EQC EXH 1
11-15-73 J.T.K.

CERTIFICATE OF COUNCIL'S

AUTHORIZING RESOLUTION

I, Gerald W. Christenson, do hereby certify that I am the Chairman of the Minnesota Environmental Quality Council, an agency duly authorized under the laws of the State of Minnesota, and that a resolution was adopted at the meeting of the Council duly and properly called and held on the 9th day of October, 1973; that a quorum was present at said meeting; that the resolution was passed unanimously by those present; that the resolution is set forth in the minutes of said meeting and has not been rescinded or modified; that the resolution authorized the Minnesota Environmental Council Chairman to call a public hearing for the purpose of promulgating rules regarding environmental impact statements and to perform all acts necessary to the holding of said hearing.

IN WITNESS WHEREOF, I have hereunto subscribed my name this 12 day of October, 1973.

Gerald W. Christenson

Gerald W. Christenson, Chairman
Environmental Quality Council

State of Minnesota) ss
County of Ramsey)

Subscribed and sworn to before me this 12 day of October, 1973.

Evelyn Routier

Evelyn Routier
Notary Public

EVELYN ROUTIER
Notary Public, Ramsey County, Minn.
My Commission Expires Oct. 18, 1974

STATE OF MINNESOTA

COUNTY OF RAMSEY

In the Matter of the Adoption of Proposed Rules of the Minnesota Environmental Quality Council Relating to Environmental Impact Statements

APPOINTMENT OF HEARING OFFICER

Ralph Godin is hereby appointed hearing officer in the matter of the Adoption of Proposed Rules of the Minnesota Environmental Quality Council relating to Environmental Impact Statements.

Said hearing officer is authorized and empowered to conduct the hearing and to perform any and all acts necessary and proper thereto.

Dated this 8th day of November, 1973

STATE OF MINNESOTA
ENVIRONMENTAL QUALITY COUNCIL

By Gerald W. Christenson
Gerald W. Christenson
Chairman

STATE OF MINNESOTA

ENVIRONMENTAL QUALITY COUNCIL

EQC EXH 3

COUNTY OF RAMSEY

11-15-73 J.T.K.

In the Matter of the Adoption of Proposed Rules of the Minnesota Environmental Quality Council Relating to Environmental Impact Statements

NOTICE OF HEARING

NOTICE IS HEREBY GIVEN that a public hearing will be held pursuant to Minnesota Statutes 1973, Section 116D.04, Subdivision 2, in the above-entitled matter in the City of Saint Paul, Minnesota, in the Auditorium of the Saint Paul Vocational/Technical Institute, 235 Marshall Avenue, on November 15, 1973, commencing at 9:00 A.M.; in the City of Bemidji, Minnesota, in the Auditorium of the J. W. Smith School, 17th and Irvin, on November 19, 1973, commencing at 9:00 A.M.; in the City of Duluth, Minnesota, in the Central Lecture Hall of the Duluth Area Technical Institute, 2101 Trinity Road, on November 20, 1973, commencing at 9:00 A.M.; in the City of Mankato, Minnesota, in the South Ballroom of the Centennial Student Union, Upper Campus, Mankato State College, on November 21, 1973, commencing at 9:00 A.M. and continuing until all interested persons, representatives, and organizations have had an opportunity to be heard concerning the adoption of the proposed rules relating to Environmental Impact Statements of the Minnesota Environmental Quality Council, by submitting oral or written data, statements, comment or argument. Statements or briefs may be submitted in writing without the necessity for appearance at the hearing. The record shall remain open for receipt of written statements for a minimum of twenty (20) days after the close of the hearing. A definite closing date will be set at the hearing.

A copy of the proposed rules is attached hereto. The rules are proposed rules only and are subject to alterations or modifications as the Council deems necessary and appropriate from its consideration of all the evidence adduced at the public hearing and all statements entered into the record.

Dated this 12th day of October, 1973.

STATE OF MINNESOTA
ENVIRONMENTAL QUALITY COUNCIL

By Gerald W. Christenson
Gerald W. Christenson
Chairman

STATE OF MINNESOTA

COUNTY OF RAMSEY

In the Matter of the Proposed Adoption of Rules of the Environmental Quality Council Governing Environmental Impact Statements

CERTIFICATE

I hereby certify that the attached 289 Labels 4 sheets constitute the complete list of persons, associations, and other interested groups who as of 3:15 o'clock P .M., this 11th day of October, 1973, have requested pursuant to M.S. 1971, Section 15.0412, Subd. 4, that their names be placed on file with the Secretary of State for the purpose of receiving notice of public hearing on proposed rules on the subject captioned above.

Secretary of State

Arlen I. Erdahl

By Neil Dion

STATE OF MINNESOTA
COUNTY OF RAMSEY

ENVIRONMENTAL QUALITY COUNCIL

EQC EXH 5
11-15-73 J.T.K.

In the Matter of the Adoption of Proposed Rules of the Minnesota Environmental Quality Council Relating to Environmental Impact Statements

AFFIDAVIT

Barbara A. Kochevar, first being duly sworn on oath, deposes and says that:

1. I am an employee of the State Planning Agency.

2. On October 11, 1973, I went to the Secretary of State's Office in the City of Saint Paul and requested a current list of all associations and individuals who had registered their names with the Secretary of State for the purpose of obtaining Notices of public hearings. I also requested a current list of all associations and individuals who had registered their names with the Secretary of State for the purpose of obtaining Notices of public hearings relating to the promulgation of rules by the Minnesota Environmental Quality Council, the Pollution Control Agency, the Department of Natural Resources, and the State Planning Agency.

3. On October 11, 1973, in response to the above request, the Secretary of State's Office provided me with the lists.

Barbara A Kochevar
Barbara A. Kochevar

Subscribed and sworn to before
me this 12 day of October, 1973.

Evelyn M Routier
Notary Public

EVELYN ROUTIER
Notary Public, Ramsey County, Minn.
My Commission Expires Oct. 18, 1974

ALBERT, AA CALDER CORP
[illegible] JACKSON ST
[illegible] MN
55101

AM CAMPING ASSN MRS LEACOCK
1259 BRIGHTON SQ
NEW BRIGHTON MN
55112

AM INST PROF GEOLOGISTS
2201 PRINCETON AVE
ST PAUL MN
55105

ANDERSON JAMES
7703 NORMANDALE RD
MPLS MN
55435

ANTHONY R.S. E.L.P.
1222 FOURTH ST. S.E.
MINNEAPOLIS MN
55414

ASMUSSEN, DENNIS, MPIRG
3036 UNIV AVE SE
MPLS MN
55414

ASSOCIATED INDUST OF MPLS
NATIONAL BLDG
MPLS MN
55402

BARKER KENT
8100 34TH AVE SO.
MPLS MN 55420

BADALICH JOHN P
2025 THOMPSON AVE
SO ST PAUL MN
55075

BECKLIN ROBERT C
447 N W 4TH
CAMBRIDGE MN
55008

BEECHER EVERETT
10 10 1ST ST SO
HOPKINS MN

BERGERUD ALF
300 ROANOKE BLDG
MPLS MN
55402

BEST FLANAGAN ET AL
1ST NATL BANK BLDG
MPLS MN
55402

BROEKER JOHN M
2850 METRO DR SUITE 513
BLOOMINGTON MN
55420

BROOKS WILLIAM F JR
854 MIDLAND BK BLDG
MPLS MN
55401

BRUNING C.R. DEPT. CLINIC. EXP.
BURTON HALL
MPLS. MN
55455

BURGER ALBERT
600 DEGREE OF HONOR BLD
ST PAUL MN
55101

BRIGGS & MORGAN
B P FRIEL
2200 W 1ST NATL BK BLDG
ST PAUL MN 55101

CARLSON CARL L
7516 80TH ST S
COTTAGE GROVE MN
55016

CENTRAL BUSINESS DATA
BENSON RADIO ARCADE BLD
BENSON MN
56215

CHAMBER OF COMMERCE
30 SO 1ST AVE EAST
ELY MN
55731

CHERCHES CHRIS CITY MGR
[illegible] ALTA BLVD
ST LOUIS PARK MN
55416

CHRISTIAN SCI COMP CN PUB
1621 UNIV AVE SUITE 271
ST PAUL MN
55104

ALLEN CLAUDE H
1200 NW BK BLDG
ST PAUL MN
55101

ALTMAN MILTON H
707 LEAGUE OF HOUSE BLD
ST PAUL MN
55101

ANCHOR BLOCK COMPANY
PO BOX 3360
ST PAUL MN
55165

ANDERSON HERBERT
418 6TH ST. SO.
VIRGINIA MN
55792

ARMOUR AND COMPANY
UNION STOCK YARDS
SO ST PAUL MN
55075

ARVER JOHN A
2467 CHANCY
ST PAUL MN
55113

ASSN OF MINN COUNTIES
55 SHERBURNE AVE #203
ST PAUL MN
55103

AUTOMOBILE MFRS ASSN INC
55 SHERBURNE AVE
ST PAUL MN
55103

BARRETT FRED
ST LOUIS CO COURT HOUSE
DULUTH MN

BARTHOLOW HAROLD E FIRE C
1327 COON RAPIDS BLVD
COON RAPIDS MN
55433

BEMIDJI STATE COLLEGE
PLACEMENT BUR.J.C.BRADY
BEMIDJI MN
56601

BENSON PETER USW OF AM
609 PROVIDENCE BLDG.
DULUTH MN

BEUTEL ROBERT
BOX 1205
ST CLOUD MN
56301

BREHL JAMES W
332 HAMM BLDG
ST PAUL MN
55102

BROWN D M GOODRIDGE PUB SCH
IND DIST #561
GOODRIDGE MN
56725

BRUBACHER RICHARD COMM AD
208 ADM BLDG
ST PAUL MN
55101

BUR.ENGR.IND.DIV. MR.KIBIGER
219 N. 2ND ST.
MPLS. MN

BUR NATL AFFAIRS INC
1231 25TH ST NW
WASHINGTON DC
20037

CARPENTER MRS MARY LEE
DOW CHEMICAL 47 BLDG
MIDLAND MICH.
48640

CARRISON DALE K
MANKATO STATE COLLEGE
MANKATO MN
56001

CHAMBERLAIN JOHN L
PO BOX 241
MPLS MN
55440

CHAMBERLAIN WARREN D
887 SW 4TH AVE
FARIBAULT MN
55021

CITY CLERK
386 CITY HALL
ST PAUL MN
55102

CLARKSON J.B.
2350 I.D.S. CENTER
MINNEAPOLIS MN
55402

COLEMAN NICHOLAS C
700 LINWOOD AVE
ST PAUL MN
55105

COLLIN LAURENCE
RT 2
ISANTI MN
55040

COX AND KING
600 BUILDERS EXCH
MPLS MN
55402

CROW WING CO PLANNING & ADV
COURT HOUSE
BRAINERD MN
56401

DANFORTH & ALLEN
731 NW BANK BLDG
MPLS MN
55402

DARKERS, KENNETH
1200 WEST FOURTH STREET
RED WING MN
55066

DAYTON CHAS SIERRA CLUB
400 ROANOKE
MPLS MN
55402

DIEHL JOHN
1100 1ST NATL BK BLDG
MPLS MN
55402

DOUGLASS BELL
525 OSBORN BLDG
ST PAUL MN
55102

DOYTCN MAURICE, MET SEWER BD
350 METRO SQ BLDG
ST PAUL MN
55101

EBELING EDWARD H.
161 W. MAIN
PERHAM MN
56573

ELDRED R A ARMOUR & CO
UNION STOCK YARDS
SO ST PAUL MN
55075

ELMER EDWIN W
2901 PLEASANT AVE
MPLS MN
55408

ERNEST K LEHMANN & ASSOC.
1409 WILLOW ST.
MPLS MN
55403

ESSE KENNETH
4801 W 50TH ST
EDINA MN
55424

EWALD DOUGLAS MINN HOSP ASSN
2333 UNIV AVE SE
MPLS MN
55414

EWING MRS WM
42 ASTAR RD
BABBITT MN
55706

FLEHABER R S
W 1ST NATL BANK BLDG
ST PAUL MN
55101

FINLEY JAMES F
920 MINN BLDG
ST PAUL MN
55101

FLETCHER ARNALD
7900 XERXES AVE S
MPLS MN
55431

FITZGERALD DR BOB
3007 LYNDALE AVE SO
MPLS MN
55408

FRANKLIN ROBERT B MPLS TRIB
426 PORTLAND
MPLS MN
55415

FUGLSNG DR JOHN
RT 1
LUVEY MN
55709

CONCORDIA COLLEGE
DEAN
MOORHEAD MN
56560

CONSUMER SERVICES DEPT CO
230 STATE OFF BLDG
ST PAUL MN
55101

CUSHMAN J S DAYTON HUDSON
700 NICOLLET MALL
MPLS MN
55402

DANIELSON RODNEY L
418 AUDITORIUM
ST PAUL MN
55102

DAVIS HENRY
6301 SHINGLE CREEK
BROOKLYN CTR MN
55429

DISPATCH PIONEER PRESS
PRESS RM STATE CAPITOL
ST PAUL MN
55101

DORSEY MARQUART
2400 1ST NATL BANK BLDG
MPLS MN
55402

DUDLEY E H
RT 7 BOX 122
EXCELSIOR MN
55331

DUNN OLIVER PLUMBERS LOC
708 SO 10TH ST
MPLS MN
5540+

EDINA FIRE D JAMES MCNELLIS
4801 W 50TH ST
EDINA MN
55424

ELDER DR JAMES B
11140 WASHBURN AVE SO
BLOOMINGTON MN
55431

EMERICK RICHARD A
1908 IDS CENTER
MPLS. MN
55402

EMP HANDICAPPED PERSONS C
527 JACKSON RM 227
ST PAUL MN
55101

EVANS CHAS.L. PRENTICE-HALL
ENGELWOOD CLIFFS
NEW JERSEY

EVERETT JERRY NW PETRO AS
512 NICOLLET MALL RM917
MPLS MN
55402

FAEGRE & BENSON ATTN LIBR
1260 NW BANK BLDG
MPLS MN
55402

FINNEGAN J.R.
55 E. 4TH
ST.PAUL MN
55101

FLEMING FREDERICK A
1860 HIGHLAND PARKWAY
ST PAUL MN
55116

FORBES GORDON MINN FRS ASSN
207 UNION DEPOT
ST PAUL MN
55101

FOX W.C. LINDQUIST & VENN
4200 IDSCTR 80 S.8TH ST
MINNEAPOLIS MN
55402

F W WOOLWORTH CO
3316 W 66TH ST
EDINA MN
55424

GALVIN M J JR
[illegible] 1ST NATL BK BLDG
ST PAUL MN
55101

GAS HU[illegible]INC
[illegible] VIKING DR
MINNEAPOLIS MN
55435

GODIN RALPH J
3824 47TH AVE SO
MPLS MN
55406

GRANATH MARVIN -HONEYWELL
2701 4TH AVE SO
MPLS MN
55408

GUSTAFSON WALLACE
BOX 567
WILLMAR MN
56201

HAYES,THOMAS W
700 SELLWOOD BLG
DULUTH MN
55812

HESS DONALD MIDWEST PLANNING
2101 HENN BLDG
MPLS MN
55405

HENN CO WELFARE BRD RM 26
COURT HOUSE
MPLS MN
55415

HILL JIM ASSOC.MILK PROD.
7850 METRO PARKWAY
MINNEAPOLIS MN
55420

HOUSE APPROPRIATIONS COMM
RM 109 STATE CAPITOL
ST PAUL MN
55101

HOUSE ED STANDING SUB COMM
RM 109 STATE CAPITOL
ST PAUL MN
55101

HUNT MRS CHAS L MECCA
26 E EXCH CENTRAL MANOR
ST PAUL MN
55101

HUNT JAMES P JR
11470 GALTIER DR
BURNSVILLE MN
55378

INGEBRIGTSEN DR K H
25 SE 4TH ST
MPLS MN
55414

INGVALSON VERN MN.FARM BUR.
3110 WOODDALE DR PO 337
CST PAUL MN
55165

IVERSON DR JOS DEPT ED
ST OLAF COLLEGE
NORTHFIELD MN
55057

JENSEN CARL A
127 E MAIN ST
SLEEPY EYE MN
56085

JOHNSON M.D. FRUNDT & FRUNDT
BLUE EARTH MN
56013

KANE ANTHONY
170 E FIFTH ST
ST PAUL MN
55101

KING,TIMOTHY
3333 OAKLAND AVE S
MPLS MN
55407

KNUTSON DR KEITH,BIOLOGY DPT
ST CLOUD STATE
ST CLOUD MN
56301

KOLLER MR & MRS ERWIN A
1568 DULUTH ST
ST PAUL MN
55108

GIEL DAVID
SR 8-25 STATE CAPITOL
ST PAUL MN
55155

GLEN. HILLS HOSP.R.VAN HA
3501 GOLDEN VALLEY RD.
MPLS. MN
55422

GREEN DEL CITY MGR
BLOOMINGTON CITY HALL
BLOOMINGTON MN
55431

GUSTAFSON MRS D MINN VET
24 S 6TH ST
MPLS MN
55402

HARVEY MICHAEL
1390 W M HAHA PKWY
MPLS MN
55409

HALLBERG LEE & MCCABE
4927 34TH AVE S
MPLS MN
55417

HARTFELDT WILL
415 HAMM BLDG 6TH ST
ST PAUL MN
55102

HEAD & TRUHN
1007 SOO LINE BLDG
MPLS MN
55402

HOPKINS WM.B. DIR.MISCCA
3915 GOLDEN VALLEY ROAD
GOLDEN VALLEY MN
55422

HOULE MELVIN
681 W HWY 96
SHOREVIEW MN
55112

HULSTRAND ANDERSON & LARSON
PO BOX 130
WILLMAR MN
56201

HUMAN RIGHTS DEPT
60 STATE OFF BLDG
ST PAUL MN
55101

HUTCHISON R.M. ANOKA CO.COMP
COURT HOUSE
ANOKA MN
55303

INS FED OF MINN
902 SOO LINE BLDG
MPLS MN
55402

IUOE LOC 49 CHAS SWENSON
2580 UNIV AVE
ST PAUL MN
55101

JACKMAN DONALD G
4023 E LAKE ST
MPLS MN
55406

JENGS INC
525 LAKE AVE SO
DULUTH MN
55801

KIMBALL ROBERT
647 CAPITOL SQ BLDG
ST PAUL MN 55101

KABLE RICHARD W

BETHEL MN
55006

KLUZ STEVEN J
1910 1ST NATL BK BLDG
MPLS MN
55402

KNOWLES, LARRY D
8025 33RD AVE N
CRYSTAL MN
55427

KOPP MRS VERNON
2050 65TH ST E
INVER GR HGHT MN
55075

LAKE SUPERIOR INDUSTRIAL BUR
828 FIRST AM. BK. BLDG.
DULUTH MN
55802

LAPP LAZAR LAURIE ET AL
1200 BOTTLERS EXCHANGE
MINNEAPOLIS MN
55402

LAUNDERERS&DRY CLEANERS ASSN
W 1ST NATL BK BLDG
ST PAUL MN
55101

LEAGUE MINN MUNICIPALITIES
314 SOC SCIENCES BLDG
MPLS MN
55455

LOSS CALVIN J
6809 LYNDALE AVE SO
MPLS MN
55423

MALONE E J COMM LABOR & INDU
444 LAFAYETTE RD 5TH FL
ST PAUL MN
55101

MASTOR MATTSON HART ET AL
414 ROANOKE BLDG
MPLS MN
55402

NAUL WARREN E
320 S 4TH ST
MPLS MN
55415

MERRITT GRANT POLLUTION CONT
OAK & DELAWARE
MPLS MN
55440

MET OPEN SPACE INFOR PROJ
111 E FRANKLIN AVE SO
MPLS MN
55404

MPLS STAR PRESS ROOM
STATE CAPITOL
ST PAUL MN
55101

MPLS TRIBUNE CITY DESK
425 PORTLAND AVE
MPLS MN
55415

MINN AFL-CIO, L G LA SHOMB
414 AUDITORIUM ST
ST PAUL MN
55102

MINN ASSN COOPERATIVES
55 SHERBURNE AVE
ST PAUL MN
55103

MINN AUTOMOBILE DEALERS ASSN
GRIGGS MIDWAY BLDG
ST PAUL MN
55104

MINN BD PODIATRY EXAM & REG.
1111 N 2ND ST.
CROOKSTON MN
56716

MINN DENTAL HYGIENISTS
5041 YVONNE TERRACE
MPLS MN
55436

MINN ELECTRICAL ASSN INC
525 SO 7TH
MPLS MN
55415

MINN FARMERS UNION PRES OFF
1275 UNIV AVE
ST PAUL MN
55104

MINN FOOD RETAILERS ASSN
555 WABASHA
ST PAUL MN
55101

MINN HOUSING INST N T CARTER
7801 METRO PKWY
MPLS MN
55420

MINN LP GAS ASSN
7515 WAYZATA BLVD 106
MPLS MN
55426

LARSON C L
3800 MINNEHAHA AVE SO
MPLS MN
55406

LARSON HANS P LIV HOSP SE
717 DELAWARE ST SE
MPLS MN
55440

LINDALL & JONATHAN DEVELOP.
VILLAGE ONE CENTER
CHASKA MN
55318

LOCKNER GARY
R R 1 BOX 23
BAUDETTE MN
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11 EVERGREEN LN
BABBITT MN
55706

MCLELLAN LARKIN
215 ADM BLDG ST CAPITOL
ST PAUL MN
55101

MANKATO STAT STUDENT SENATE
CENTENNIAL STUDENT UN
MANKATO MN
56001

MANTHEY T J PICKANDS MATH
2000 UNION COMM BLDG
CLEVELAND OH
44115

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55104

MILLER TOM
2311 PILLSBURY AVE S
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MINN APT ASSN
GRIGGS-MIDWAY BLDG
ST PAUL MN
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MN. ASN.C&IND H.D.PETERSO
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MINN COUNCIL STATE EMP NO 6
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55103

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MINN ENV CONTROL CITIZEN ASN
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MINN HWYS MANAGEMENT SERV
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55403

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55101

MINN ASSN WATERSHED DIST'S
ADA MN
56510

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BLOOMINGTON MN
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MINN RETAIL HARDWARE ASSN
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104

MINN SCH BUS OPERATORS ASSN
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ST PAUL MN
55101

MINN ST BD PHAR P G GROSSING
1965 FORD PKWY
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55116

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55101

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55114

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600 2ND ST
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54016

MOFFITT R.C. DIR.ENV.CONT
MPLS.CITY HALL RM 301M
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55411

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PAYNE COL ALVIN
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1260 NW NATL BK BLDG
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U.S. Dept.of Interior, Field Solicitor, 686 Fed.Bldg.,Fort Snelling,Mpls.5545(

EQC EXH 6
11-15-73 J.T.K.

STATE OF MINNESOTA

ENVIRONMENTAL QUALITY COUNCIL

COUNTY OF RAMSEY

In the Matter of the Adoption
of Proposed Rules of the Minnesota
Environmental Quality Council Relating
to Environmental Impact Statements

AFFIDAVIT
OF MAILING

BARBARA A. KOCHEVAR, first being duly sworn on oath, deposes and says that:

1. I am an employee of the State Planning Agency.

2. On October 12, 1973, I served the attached Notice of Hearing upon each of the individuals and organizations named in the Secretary of State's mailing lists that existed at that time and upon each of the individuals and organizations named in the general mailing list of the Minnesota Environmental Quality Council that existed at that time, by depositing in the United States mail, with postage prepaid, envelopes containing a true and correct copy of the said Notice addressed to each of the names and addresses contained in the lists.

Barbara A Kochevar
BARBARA A. KOCHEVAR

Subscribed and sworn to before
me this 12 day of October, 1973,
at Saint Paul, Minnesota.

Evelyn M Routier
Notary Public

EVELYN ROUTIER
Notary Public, Ramsey County, Minn.
My Commission Expires Oct. 18, 1974

STATE OF MINNESOTA

COUNTY OF RAMSEY

BEFORE THE MINNESOTA
ENVIRONMENTAL QUALITY COUNCIL

In the Matter of Proposed
Rules of the Minnesota
Environmental Quality Council
Relating to Environmental
Impact Statements.

STATEMENT OF NEED

The above captioned rules are new rules and regulations and are not amendments to any existing rule or regulation.

The need to adopt these rules and regulations arises from the enactment in 1973 of the Minnesota Environmental Policy Act, Minn. Stat., Section 116D.01 et seq., which charged the Environmental Quality Council with the duty to prescribe rules and regulations governing the Environmental Impact Statement process.

The establishment of an Environmental Impact Statement process is a recognition that there has been insufficient knowledge of and concern with the impact of man's activity on the environment. For too long, the status of man's environment has been taken for granted; it has been assumed that man need not alter his activities to protect or preserve the environment.

Past decisions on the development of natural resources were based largely on economic and technological considerations. Environmental concerns were normally external to the market place, and were not taken into account when public or private development decisions were made.

The environmental impact statement process is based on the premise that a sound relationship between human activities and the environment requires adequate information on the environmental effects of man's actions. Environmental impact statements are designed to provide specific information on the environmental effects of a project and to help ensure that environmental factors receive adequate consideration in the planning and decision-making process.

STATE OF MINNESOTA
ENVIRONMENTAL QUALITY COUNCIL

By: Gerald W. Christenson
Gerald W. Christenson
Chairman

STATE OF MINNESOTA

COUNTY OF RAMSEY

BEFORE THE MINNESOTA
ENVIRONMENTAL QUALITY COUNCIL

In the Matter of the Proposed
Adoption of Rules of the
Minnesota Environmental Quality
Council Governing Environmental
Impact Statements.

FINDINGS OF FACT

The above-entitled matter came on for hearing before the Environmental Quality Council of the State of Minnesota in the City of Saint Paul, Minnesota, in the Auditorium of the Saint Paul Vocational/Technical Institute, 235 Marshall Avenue, on November 15, 1973, commencing at 9:00 A.M.; in the City of Bemidji, Minnesota, in the Auditorium of the J. W. Smith School, 17th and Irvin, on November 19, 1973, commencing at 9:00 A.M.; in the City of Duluth, Minnesota, in the Central Lecture Hall of the Duluth Area Technical Institute, 2101 Trinity Road, on November 20, 1973, commencing at 9:00 A.M.; in the City of Mankato, Minnesota, in the South Ballroom of the Centennial Student Union, Upper Campus, Mankato State College, on November 21, 1973, commencing at 9:00 A.M. after proper notice required by Minn. Stat. 1973, Section 15.0412 was served upon all persons, associations and other interested groups registered with the Secretary of State for that purpose.

After affording interested persons an opportunity to present written and oral data, statements and arguments, having heard all of the testimony, having considered all of the evidence adduced and upon the records, files and proceedings herein, I find the following:

1. These Regulations relating to Environmental Impact Statements (EIS's) are proposed in the context of the overall philosphy of the Environmental Quality Council as expressed in the Purpose of these Regulations, p. 1, MEQC 11, B.:

> The purpose of these Regulations is to provide public agencies and private persons with principles, objectives, criteria and definitions of statewide application to be used in the implementation of the Minnesota Environmental Impact Statement program; implementation includes the evaluation of proposed actions and the preparation and review of environmental impact statements.
>
> It is intended that an EIS shall be an informational document that enables environmental constraints and opportunities to be considered in

the development of an action. It shall inform public and private decision-makers and the public of the environmental effects of actions that have been proposed.

An EIS is not intended as an instrument to justify an action, nor shall indications of adverse environmental effects necessarily require that an action be disapproved.

2. For too long, there has been insufficient knowledge and concern with the impact of man's activity on the environment. An EIS can be a useful instrument in the development of information on the environmental effects of major human actions within Minnesota, thereby enhancing the prospects for environmentally sound decision-making throughout the State.

3. There is potential for a significant disruption of the orderly process of development in the State of Minnesota during the initial implementation period of the EIS process. For this reason, certain actions will be exempt from the requirements of an EIS.

   If an EIS is required on a private action that was commenced before January 1, 1974, it is likely to cause a severe hardship on the proposer, because it may jeopardize financial investments, employment and other commitments of the proposer. In addition, there is an element of unfairness when rules are changed in the midst of the development of an action. Thus, under the proposed Regulations, private actions commenced before January 1, 1974 that meet certain requirements will be exempt from the preparation of an EIS.

   In contrast to the financial arrangements for private actions, public actions that were commenced before January 1, 1974 are less likely to be jeopardized by the requirement of an EIS. Consequently, these Regulations allow the Council to require an EIS on such actions if the action is still modifiable.

4. To require the preparation of both a federal EIS and a state EIS on the same action is an unnecessary duplication of time and expenses. Consequently, under the proposed Regulations, the requirement of a state EIS will be satisfied by the preparation of a federal EIS and the addition of the supplemental state requirements.

5. If all construction is automatically halted with the requirement of an EIS, there is the potential for serious economic harm, including the disruption of employment and financial commitments. Consequently, under the proposed Regulations to enable the Council

to balance the potential harm to the environment if construction continued while an EIS is prepared with the harm to the proposer of the action if construction is halted, the Council will determine whether construction will be allowed during the preparation of an EIS.

6. To insure that the Environmental Impact Statement process is consistently implemented, under the proposed Regulations, the Environmental Quality Council is the only agency with the authority to require an Environmental Impact Statement.

7. The automatic requirement of the preparation of an EIS for certain actions identified as "mandatory EIS actions" would result in the unnecessary expenditure of considerable time and money on behalf of the proposer of the action and agencies involved in preparation or review of an EIS, where a particular action did not have the potential for significant environmental effects. The requirement of an EIS should not necessarily be based on the size or type of action but rather on the potential for environmental effects that are related to the particular site and setting of the action.

   Instead of an automatic requirement of an EIS on a particular action, the proposed Regulations provide that for certain actions an environmental assessment must be prepared to determine whether the action meets the statutory requirements for an EIS.

8. There is concern that the determination of need for, and the preparation of, an EIS on a given action may cause a significant and costly delay in progress on the action. On the other hand, valid and adequate review of an action, including preparation of an EIS, necessarily requires a considerable period of time. To insure adequate, but yet expeditious environmental review, time requirements for each of the elements of the EIS process have been built into proposed rules. Time extensions have been limited to those instances where the Council determines there are unusual circumstances and there is a showing of good cause by the person or agency requesting the extension.

9. It is anticipated that on projects of significant magnitude, lenders will require a private developer to obtain a binding determination of whether the action meets the statutory requirements for an EIS prior to the guarantee of a mortgage. Therefore, it is crucial that there be a point in time at which the Council informs the proposed developer whether an EIS will be required.

   Although the proposed Regulations provide that an EIS on a private action may be required at any time before

the last governmental permit is issued, a private person proposing an action may request the determination of the need for an EIS on the action at any time in the development of the action. An environmental assessment will then be prepared and a determination made by the Council at that time regarding the need for an EIS, all within prescribed time periods.

10. The EIS process will place a substantial burden upon public agencies because of the lack of staff and funding to prepare an EIS.

To overcome these problems, the cooperation of private persons whose actions are subject to an EIS is requested, to the extent that they have available information or access to needed information.

STATE OF MINNESOTA
ENVIRONMENTAL QUALITY COUNCIL

By Gerald W. Christenson
Gerald W. Christenson
Chairman

STATE OF MINNESOTA

ENVIRONMENTAL QUALITY COUNCIL
CAPITOL SQUARE BUILDING
550 CEDAR STREET
ST. PAUL, 55101

ADOPTION OF ENVIRONMENTAL

IMPACT STATEMENT RULES

RESOLUTION

RESOLVED, that the rules relating to Environmental Impact Statements be and they hereby are approved and adopted, pursuant to authority vested in us by Minn. Stat., Section 116D.04 and that Gerald W. Christenson, the Chairman of the Minnesota Environmental Quality Council, be and hereby is authorized to sign an order adopting those rules.

CERTIFICATE OF COUNCIL'S

ADOPTION OF RULES RESOLUTION

I, Robert L. Herbst, do hereby certify that I am Vice Chairman of the Minnesota Environmental Quality Council, a Council duly authorized under the laws of the State of Minnesota, and that the following is true, complete, and correct copy of a resolution adopted at a meeting of the Minnesota Environmental Quality Council duly and properly called and held on the 12th day of March, 1974; that a quorum was present at said meeting; that a majority of the members of the Council voted for the resolution; that said resolution is set forth in the minutes of said meeting and has not been rescinded or modified.

"RESOLVED, that the rules relating to the Environmental Impact Statements be and they hereby are approved and adopted, pursuant to authority vested in us by Minn. Stat. 1973, Sect. 116D.04, Subd. 2 and that Gerald W. Christenson the Chairman of Minnesota Environmental Quality Council, be and hereby is authorized to sign an order adopting those rules."

IN WITNESS WHEREOF, I have hereunto subscribed my name this 13th day of March, 1974.

Robert L. Herbst
Vice Chairman

STATE OF MINNESOTA

COUNTY OF RAMSEY

BEFORE THE MINNESOTA
ENVIRONMENTAL QUALITY COUNCIL

In the Matter of the Proposed
Adoption of Rules of the
Minnesota Environmental Quality
Council Governing Environmental
Impact Statements.

ORDER ADOPTING
RULES

The above-entitled matter came on for hearing before the Environmental Quality Council in the State of Minnesota in the City of Saint Paul, Minnesota, in the Auditorium of the Saint Paul Vocational/Technical Institute, 235 Marshall Avenue, on November 15, 1973, commencing at 9:00 A.M.; in the City of Bemidji, Minnesota, in the Auditorium of the J. W. Smith School, 17th and Irvin, on November 19, 1973, commencing at 9:00 A.M.; in the City of Duluth, Minnesota, in the Central Lecture Hall of the Duluth Area Technical Institute, 2101 Trinity Road, on November 20, 1973, commencing at 9:00 A.M.; in the City of Mankato, Minnesota, in the South Ballroom of the Centennial Student Union, Upper Campus, Mankato State College, on November 21, 1973, commencing at 9:00 A.M. after proper notice required by Minn. Stat. 1973, Section 15.0412 was served upon all persons, associations and other interested groups registered with the Secretary of State for that purpose.

After affording interested persons an opportunity to present written and oral data, statements and arguments, having heard all of the testimony, having considered all of the evidence adduced and upon the records, files, and proceedings herein, and applicable statutory standards or criteria, and having confirmed the need for the above captioned rules.

NOW, THEREFORE, IT IS ORDERED that these rules identified as Minnesota Regulations MEQC 11-14 are adopted this 13 day of March, 1974, pursuant to authority vested in the Minnesota Environmental Quality Council by Minn. Stat. 1973, Sect. 116D.04, Subd. 2.

STATE OF MINNESOTA
ENVIRONMENTAL QUALITY COUNCIL

By Gerald W. Christenson
Gerald W. Christenson
Chairman

STATEMENT OF COMPLIANCE WITH

MANUAL OF RULE MAKING PROCEDURES

I, Special Assistant Attorney General Jean E. Heilman, do hereby declare that I have examined the proposed rules and all related documents and that, based on them and my personal familiarity with the applicable procedures, the Manual of Rule Making Procedures has been followed. Any exceptions are noted below.

Jean E. Heilman

Special Assistant Attorney General

Dated: March 15, 1977

RULES AND REGULATIONS
FOR
ENVIRONMENTAL IMPACT STATEMENTS

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CHAPTER ELEVEN
AUTHORITY, PURPOSE, DEFINITIONS, GENERAL PROVISIONS

MEQC 21 AUTHORITY

The Regulations contained herein are prescribed by the Minnesota Environmental Quality Council, pursuant to authority granted in Minnesota Statutes, Section 116D.04, Subdivision 2. These Regulations shall be followed by public agencies and private persons in the implementation of Minnesota Statutes, Section 116D.01 et seq., herein referred to as the Environmental Policy Act of 1973.

MEQC 22 PURPOSE

(a) The purpose of these Regulations is to provide public agencies and private persons with principles, objectives, criteria and definitions of statewide application to be used in the implementation of the Minnesota Environmental Impact Statement program; implementation includes the evaluation of proposed actions and the preparation and review of environmental impact statements.

(b) It is intended that an EIS shall be an informational document that enables environmental constraints and opportunities to be considered in the development of an action. It shall inform public and private decision-makers and the public of the environmental effects of actions that have been proposed.

(c) An EIS is not intended as an instrument to justify an action, nor shall indications of adverse environmental effects necessarily require that an action be disapproved.

MEQC 23 DEFINITIONS

The following terms as used in these Regulations shall have the following meanings:

(a) "Act" means the Minnesota Environmental Policy Act, Minnesota Statutes, Section 116D.01 et seq.

(b) "Action" means any activity with the exception of the following:

(1) An action specifically exempted from these Regulations by law.

(2) Legislative proposals and enactments of the State Legislature.

(3) Continuing internal operations or maintenance activities.

(4) Emergency repairs to public service facilities.

(5) Rules, regulations, and commissioners' orders.

(6) Submissions of proposals to a vote of the people of the State.

(c) "Council" means the Minnesota Environmental Quality Council.

(d) "Days." In computing any period of time prescribed or allowed in these Regulations, the day of the act or the event from which the designated period of time begins to run shall not be included. The last day of the period so computed shall be included, unless it is a Saturday, a Sunday, or a legal holiday, in which event the period runs until the end of the next day which is not a Saturday, a Sunday, or a legal holiday. When the period of time prescribed or allowed is less than 15 days, intermediate Saturdays, Sundays, and legal holidays shall be excluded in the computation.

(e) "Draft EIS" means the basic document for review and comment on the environmental effects of a particular action.

(f) "Environment" means the totality of man's surroundings; both social and physical, both natural and man-made, including human, plant, and animal communities, and the forces that act on them.

(g) "Environmental Assessment" means the study to determine if an action is a major governmental action or a major private action of more than local significance and if it may have the potential for significant environmental effects.

(h) "Environmental Effect" means an impact, whether immediate or delayed, on any component of the environment.

(i) "EIS" means Environmental Impact Statement, an analysis of a proposed major action and written report based thereon.

(j) "EIS Completion Notice" means a form filed with the Council by a Responsible Agency or Responsible Person immediately upon the completion of a Draft or Final EIS.

(k) "EIS Preparation Notice" means a brief written statement that a major action has the potential for significant environmental effects, and that an EIS shall be prepared.

(l) "Existing Action" means an action that was commenced before January 1, 1974.

(m) "Governmental Action" means an action proposed by a public agency.

(n) "Governmental Permit" means a lease, permit, license, certificate, variance, or other entitlement of use, or the commitment to issue or the issuance of a discretionary contract, grant, subsidy, loan or other form of financial assistance, by a public agency to another public agency or to a private person.

(o) "Inadequate EIS" means an EIS that fails to sufficiently examine potential environmental effects, alternatives, desirable modifications, procedural requirements, and other factors required of an EIS by the Act and these Regulations.

(p) "Material Evidence" means evidence that is important and relevant to the determination of whether an action is a major governmental action or major private action of more than local significance and has the potential for significant environmental effects.

(q) "New Action" means an action that was commenced after January 1, 1974.

(r) "Person" means a human being, firm, association, organization, partnership, business, trust, corporation, or company.

(s) "Petition" means a document that contains at least 500 signatures and requests the preparation of an EIS.

(t) "Potential" means existing in possibility, but not proven in fact.

(u) "Proposer" means the private person or public agency that proposed the action that may be subject to an EIS.

(v) "Private Action" means an action proposed by a private person.

(w) "Public Agency" means, but is not limited to, state, regional, or local agency, board, commission, or unit of government. It does not include the courts of this State.

(x) "Regulations" means the Environmental Quality Council's Environmental Impact Statement Regulations.

(y) "Responsible Agency" means the public agency that is responsible for the preparation of an EIS or Environmental Assessment.

(z) "Responsible Person" means the person who proposed an action that does not require a governmental permit and is responsible for the preparation of an EIS.

(aa) "Reviewing Agencies" means all public agencies which have jurisdiction by law or special expertise with regard to the environmental effects of an action for which an EIS is prepared.

(bb) "Significant" means considerable and important.

MEQC 24 GENERAL RESPONSIBILITIES

(a) Environmental Quality Council.

(1) The Council shall be responsible for the function and coordination of the EIS program.

(2) Before July 1, 1975, the Council shall review the EIS program and these Regulations to determine their adequacy in meeting the requirements of the Act and, if necessary, shall revise these Regulations.

(b) Public Agencies.

(1) All public agencies shall comply with the requirements of the Act and these Regulations.

(2) All public agencies shall retain their existing statutory authority subject to the substantive policies in the Act and the authority of the Council to reverse or modify decisions or proposals.

(3) These Regulations shall not affect the specific statutory obligations of any state agency to perform the following:

(aa) to comply with criteria or standards of environmental quality;

(bb) to coordinate or consult with any federal or state agency; or

(cc) to act or refrain from acting contingent upon the recommendations or certification of any other agency or federal agency.

(4) A public agency, at the request of a Responsible Agency, shall provide any data that it may have concerning the particular action and shall assist in the preparation of any parts of an EIS on which it has special expertise or access to information.

(5) All public agencies shall endeavor to make available, upon request, officially filed EIS materials free of charge, to the fullest extent practicable, or at a fee that is not more than the agency's actual reproduction cost.

(c) Private Persons.

When an Environmental Assessment or an EIS is required on a private action that is subject to a governmental permit, the proposer shall supply in the prescribed manner any data or information requested by the Responsible Agency in the preparation of the environmental assessment or EIS that that person has in his possession or to which he has reasonable access.

CHAPTER TWELVE
PROCEDURAL ASPECTS OF THE PREPARATION
OF AN ENVIRONMENTAL IMPACT STATEMENT

MEQC 25 ENVIRONMENTAL ASSESSMENT

(a) Purpose. The purpose of an environmental assessment is to assist the Council in determining the need to prepare an EIS. It shall be prepared as early as possible in the development of an action and before an EIS shall be required .

(b) Requirement of an Environmental Assessment. An Environmental Assessment shall be prepared in the following instances:

(1) When a proposer decides to prepare an Environmental Assessment;

(2) When the proposed new action falls within any of the following categories:

(aa) Construction of electric generating plants at a single site designed for, or capable of, operation at a capacity of 200 or more megawatts (electrical);

(bb) Construction of electric transmission lines and associated facilities designed for, or capable of, operation at a nominal voltage of 200 kilovolts AC or more, or operation at a nominal voltage of ±200 kilovolts DC or more, and are 50 miles or more in length;

(cc) Construction of a facility or integral group of facilities with at least 500,000 square feet of commercial or retail floor space or 350,000 square feet of industrial floor space, unless located in an industrial park for which an EIS or Environmental Assessment has already been prepared;

(dd) Construction of a new oil refinery, or an expansion of an existing refinery that shall increase capacity by 10,000 barrels per day or more;

(ee) Construction of a new metallic mineral processing or metal extraction facility, including, but not limited to, smelting and hydrometallurgical operations;

(ff) A new appropriation for commercial or industrial purposes of either surface water or ground water averaging 30 million gallons per month, or exceeding 2 million gallons in any day during the period of use; or a new appropriation of either ground water or surface water for irrigation of 640 acres or more in one continuous parcel from one source of water;

(gg) Construction of a facility if the cumulative emissions of particulate matter and sulphur oxides exceed 50 tons per day;

(hh) Construction of a new airport that is within the key system, pursuant to Minnesota Statutes, Section 360.305, Subdivision 3;

(ii) Establishment of a new industrial park of over 320 acres in size;

(jj) Construction of a new or additional residential development outside any Standard Metropolitan Statistical Area that includes 100 or more units in an unsewered area or 500 or more units in a sewered area; or construction of a new or additional residential development within a Standard Metropolitan Statistical Area that includes 200 or more units in an unsewered area or 1000 or more units in a sewered area. SMSA's as defined by the most recent official U.S. Census;

(kk) Construction of a new paper and pulp processing mill;

(ll) The application of restricted use pesticides over more than 1500 contiguous acres;

(mm) Construction of an underground storage facility for gases and liquids that requires a permit, pursuant to Minnesota Statutes, Section 84.57;

(nn) Construction of a facility that generates more than a maximum of 5,000 vehicle trips per hour or a maximum of 25,000 vehicle trips per eight-hour period;

(oo) Main roadway grading construction of a four-or-more lane, divided highway with at least partial control of access of ten route miles or more in length and carrying 10,000 vehicles ADT (Average Daily Traffic);

(pp) Construction of a pipeline greater than six inches in diameter and 50 miles in length used for the transportation of crude petroleum or petroleum fuels or oil or derivatives thereof, or for the transportation of synthetic or natural gas under pressure;

(qq) Construction of facilities on a single site that are designed for, or capable of, storing a total of one million or more gallons of liquid natural gas, liquid petroleum gas, or other liquid fuels;

(rr) Any new or additional impoundment of water creating a water surface in excess of 200 acres;

(ss) An action that will eliminate or significantly alter a wetland of Type 3, 4, or 5 (as defined in U.S. Department of Interior, Fish and Wildlife Service, Circular 39, "Wetlands of the U.S., 1956") of five or more acres in the seven-county metropolitan area, or of 50 or more acres outside the seven-county metropolitan area, either singly or in a complex of two or more wetlands;

(tt) Any marina and harbor project of more than 20,000 square feet water surface area that:

(i) is not located within an existing district zoned specifically for commercial development; or

(ii) is located on a lake, reservoir, or river pool that has a water surface area of less than 10,500 acres; or

(iii) is part of a Planned Unit Development or special development district.

(uu) Harvesting of timber within the Boundary Waters Canoe Area Portal Zone or in a State Park or Historical Area, that is not included in an annual timber management plan filed with the Council;

(vv) Permanent removal of 640 or more contiguous acres of forest cover for purposes other than reforestation;

(ww) Construction of a sanitary landfill for an excess of 100,000 cubic yards per year of waste fill, or any sanitary landfill located in an area characterized by soluble bedrock, where leachates may significantly change groundwater quality;

(xx) Any industrial, commercial or residential development of 40 or more acres within a floodplain area, as defined by the Statewide Standards and Criteria for Management of Floodplain Areas of Minnesota;

(yy) Construction or opening of a facility for mining gravel or other non-metallic minerals involving more than 320 acres;

(zz) Construction of a residential development within a shoreland area (as defined by Minnesota Statutes, Section 105.485) consisting of 50 or more residential units;

(aaa) Construction of a commercial or industrial development within a shoreland area (as defined by Minnesota Statutes, Section 105.485) covering 20,000 or more square feet of ground space, not including access roads or parking areas, and located on a parcel of land having 1,500 feet or more of shoreline frontage.

(3) When the action is the subject of a petition filed under Chapter 14, and there is material evidence that the action is a major private action of more than local significance or a major governmental action and that the action has the potential for significant environmental effects, provided that the action is not exempt from an EIS under these Regulations;

(4) When the proposer requests a determination of the need for an EIS on the action;

(5) When the Council determines that an environmental assessment shall be prepared.

(c) Preparation of an Environmental Assessment. The Environmental Assessment shall be prepared by one of the following:

(1) The proposer upon his own decision;

(2) The Responsible Agency or Responsible Person at the direction of the Council;

(3) The Council staff upon the direction of the Council;

(4) A public agency that is required to issue a governmental permit on the action, upon its own decision or at the direction of the Council.

(d) Time.

(1) Within 45 days of the receipt of a petition that the Council has determined presents material evidence, pursuant to Chapter 14, or a request by the proposer to determine the need for an EIS, the Council shall direct the preparation of an Environmental Assessment.

(2) The Environmental Assessment shall be submitted to the Council within 45 days after the Council directs its preparation or within 45 days after notice to the Council of a decision to prepare an assessment by a public agency or private person. The Council may grant a single time extension of 15 days. The preparer shall also distribute the assessment to appropriate Council-designated distribution points, reviewing agencies, the proposer, and, to the extent practicable, requesting persons.

(3) Within 45 days of the receipt of the Environmental Assessment, the Council shall review and act on it. The Council shall return an inadequate assessment to the preparer for revision and request that it be resubmitted to the Council within 30 days. Failure of the Council to act on an assessment within the prescribed period of time shall constitute acceptance by the Council of the recommendation of the preparer of the assessment, to either require or not to require an EIS.

MEQC 26 ENVIRONMENTAL IMPACT STATEMENT

(a) Authority. Only the Council shall require the preparation of an EIS.

(b) EIS Required.

(1) New Actions. An EIS shall be required on a new action when, after review of an Environmental Assessment, the Council determines that for:

(aa) Private Actions:

(i) The action is a major private action;

(ii) The action is of more than local significance; and

(iii) The action has the potential for significant environmental effects; or

(bb) Governmental Actions:

(i) The action is a major governmental action; and

(ii) The action has the potential for significant environmental effects.

(2) Existing Actions. An EIS shall be prepared on an existing action that is not exempt from an EIS under these Regulations, when, after the review of an Environmental Assessment, the Council determines that for:

(aa) Private Actions:

(i) The action is a major private action;

(ii) The action is of more than local significance;

(iii) The action has the potential for significant environmental effects; and

(iv) A substantial portion of the action remains to be completed or implemented, and an EIS on the action may be able to influence remaining implementation or construction of the action to minimize adverse environmental consequences; or

(bb) Governmental Actions:

(i) The action is a major governmental action;

(ii) The action has the potential for significant environmental effects; and

(iii) A substantial portion of the action remains to be completed or implemented, and an EIS on the action may be able to influence remaining implementation or construction of the action to minimize adverse environmental consequences.

(c) EIS Not Required. An EIS shall not be required in the following instances:

(1) When the action was completed before January 1, 1974;

(2) When the Council determines that an EIS shall not be prepared on an action;

(3) When the Council fails to act on an Environmental Assessment in which the preparer recommended that an EIS not be prepared;

(4) When the proposer is a private person, and the existing action meets one of the following exemption requirements:

(aa) Physical construction of the action is commenced before January 1, 1974; or

(bb) Land on which the action is located is purchased or leased and any necessary zoning change is approved before January 1, 1974, and physical construction is commenced before January 1, 1975; or

(cc) Construction plans or installation permits for an action have been approved by the appropriate public agencies before January 1, 1974, and physical construction is commenced before January 1, 1975; or

(dd) The proposer has received the necessary governmental permits before January 1, 1974, to commence construction or implementation of the action before January 1, 1975.

(5) When an imminent and substantial danger to the health or welfare of the people of the State, or any part thereof, makes it necessary to undertake a major action that has the potential for significant environmental effects, the proposer shall consult with the Chairman of the Council to arrange an alternate means of environmental review. In an emergency, the proposer shall, as soon as practicable, but not less than 30 days thereafter, notify the Council of the action taken and its environmental consequences.

(6) When a new action meets one of the following:

(aa) The last governmental permit has been issued by a public agency on the private action; or

(bb) Physical construction on a private action that does not require any governmental permits has continued for 90 days;

(cc) A substantial portion of the action proposed by a public agency has been completed or implemented and an EIS on the action would not be able to influence remaining implementation or construction of the action to minimize adverse environmental consequences.

(d) Responsible Agency or Responsible Person. Upon a decision by the Council that an EIS shall be prepared, the Council shall select a Responsible Agency or Responsible Person.

(e) Progress on Action.

(1) New Actions. When an EIS is required on a new action, any physical construction on the action shall be halted from the time the EIS Preparation Notice is mailed to the proposer until the Final EIS is accepted by the Council, unless the Council determines that construction may begin or continue. In that case, the Council shall specify the extent to which construction shall be allowed.

(2) Existing Actions. When an EIS is required on an existing action, physical construction shall be permitted to continue unless the Council orders the construction halted. Construction that the Council has ordered discontinued shall not be resumed until the Council so orders or until the Final EIS is accepted by the Council, whichever occurs first.

(f) EIS Preparation Notice. When the Council determines that an EIS shall be prepared, it shall mail the EIS Preparation Notice to the Responsible Agency or Responsible Person, the proposer, all appropriate Council-designated distribution points, reviewing agencies, and, to the extent practicable, to requesting persons.

(g) Preparation of Draft EIS. In the preparation of the Draft EIS:

(1) The Responsible Agency shall consult with all public agencies that must issue a governmental permit on the action to insure that the EIS reflects the concerns of all the public agencies involved. This consultation shall be done at an early stage in the preparation of an EIS. The Responsible Agency or Responsible Person may consult with public agencies that have special expertise with regard to the potential environmental effects.

(2) The Responsible Agency may require the proposer to submit any relevant data or information that the proposer has in his possession or to which he has reasonable access.

(3) The Responsible Agency or Responsible Person shall have 120 days from the date of the mailing of the EIS Preparation Notice to prepare the Draft EIS. The Council may grant an extension of time upon written request and the showing of good cause by the Responsible Agency or Responsible Person; however, such extension shall be the minimum considered essential to meet the requirements of these Regulations and shall be considered an exception to normal operating procedure.

(h) Review of Draft EIS.

(1) Filing Requirement. When the Draft EIS has been completed, the Responsible Agency or Responsible Person shall file the EIS Completion Notice and the Draft EIS with the Council and shall distribute copies of the Draft EIS and EIS Completion Notice to all appropriate Council-designated distribution points, reviewing agencies, the proposer and, to the extent practicable, requesting persons and the general public.

(2) Review Process.

(aa) Reviewing Agencies. The Responsible Agency or Responsible Person shall consult with and request the comments of public agencies that have jurisdiction by law or special expertise with respect to any environmental effects involved.

(bb) Public. The Responsible Agency or Responsible Person may consult with any person who has special expertise regarding any environmental effects involved and with members of the public. The Responsible Agency or Responsible Person shall receive and include as part of the EIS record any written responses to a Draft EIS.

(cc) Meetings, Hearings.

(i) Public meetings shall be held by the Responsible Agency or Responsible Person as part of the Draft EIS review process. This requirement may be met by the incorporation of the discussion of the Draft EIS into another public meeting or hearing (e.g., a permit hearing) that is already scheduled as part of that action, provided that notice is properly given of the incorporation.

(ii) Requests for public hearings may be made by members of the public to the Responsible Agency or Responsible Person. Public hearings shall be held when deemed necessary by the Responsible Agency or Responsible Person.

(iii) Notice of public meetings or hearings shall be given in accordance with applicable existing statutory requirements and shall be filed with the Council and distributed to all appropriate Council-designated distribution points, reviewing agencies, the proposer, and, to the extent practicable, requesting persons.

(dd) Time Period. The record shall remain open for comment by the reviewing agencies or the general public for at least 45 days from the date the Draft EIS is filed with the Council or such additional time as the Responsible Agency or Responsible Person determines. In no event shall the Responsible Agency or Responsible Person keep the record open for more than 90 days. The time period that the record shall remain open shall be included in the Notice of Completion of the Draft EIS.

(i) Preparation of Final EIS. The Responsible Agency or Responsible Person shall have 30 days from the date that the Draft EIS record closes to prepare the Final EIS. The Council may grant an extension of time upon written request and the showing of good cause by the Responsible Agency or Responsible Person. However, such extension shall be the minimum considered essential to meet the requirements of these Regulations and shall be considered an exception to normal operating procedure.

(j) Review of Final EIS.

(1) Filing of Final EIS. When the Final EIS has been completed, the Responsible Agency or Responsible Person shall file with the Council the Final EIS and the EIS Completion Notice for the Final EIS, and shall distribute copies of the Final EIS and Notice of Completion to all appropriate Council-designated distribution points, reviewing agencies, the proposer, public agencies, and persons that commented on the Draft EIS, the Council's Citizens Advisory Committee, and, to the extent practicable, to requesting persons.

(2) Council Review.

(aa) The Council shall have the authority to review all Final EIS's.

(bb) The Council shall have 45 days from the receipt of the Final EIS to decide to review the Final EIS. If the Council decides to review the Final EIS, it shall notify the Responsible Agency or Responsible Person and any requesting persons. Failure to declare an intention to review the Final EIS within the 45-day period shall constitute acceptance of the Final EIS by the Council.

(cc) If the Council decides to review the Final EIS, it shall have 45 days from the date of the notice to complete the review. To aid in its review of the Final EIS, it may hold public meetings or hearings.

(3) Inadequate EIS.

The Council may require the revision of an inadequate EIS. When the Council determines that a Final EIS is inadequate, it shall notify the Responsible Agency or Responsible Person of the inadequacy and shall specifically identify the improvements or additions necessary for Council acceptance of the Final EIS. The Responsible Agency or Responsible Person shall have 30 days to correct the Final EIS. The Council may grant a time extension. However, the extension shall be the minimum considered essential to revise the EIS to meet the requirements of these Regulations and shall be considered an exception to normal operating procedure.

(4) Final Decisions.

The Final EIS shall precede final decisions on the proposed action and shall accompany the proposed action through any administrative review process.

CHAPTER THIRTEEN
SUBSTANTIVE ASPECTS OF THE PREPARATION
OF AN ENVIRONMENTAL IMPACT STATEMENT

MEQC 27 CONTENT OF ENVIRONMENTAL ASSESSMENT

An Environmental Assessment shall be a written document that contains the following information in as concise a form as possible:

(a) Identification of the action;

(b) Description of the action and environmental setting;

(c) Probable effects of the action on the environment;

(d) Mitigation of adverse effects;

(e) Conclusion as to whether:

(1) The action is a major governmental action or a major private action of more than local significance;

(2) The action has the potential for significant environmental effects;

(f) Recommendation as to whether or not an EIS should be prepared.

MEQC 28 DETERMINATION OF NEED TO PREPARE AN EIS

(a) New Actions.

(1) Major Action. In determining whether an action is a major action, the following factors shall be considered:

(aa) Type of action;

(bb) Scope of action, including size and cost;

(cc) Location and nature of surrounding area;

(dd) The totality of cumulative actions;

(ee) Relation to growth and development;

(2) Local Significance. In determining whether a major private action is of more than local significance, the following factors shall be considered:

(aa) Size of action;

(bb) Type of action;

(cc) Location;

(dd) Relation of action to growth and development;

(ee) Area affected by the action;

(ff) The jurisdiction of the public agencies involved in the action, including governmental permits required.

(3) Significant Environmental Effects. In determining whether an action has the potential for significant environmental effects, the following factors shall be considered:

(aa) Location of action and nature of surrounding area affected by the action;

(bb) Type and extent of environmental effects anticipated;

(cc) Cumulative environmental effects.

(b) Existing Actions. In addition to applying the tests in Paragraph B.1 above, the following factors shall also be considered in determining whether an EIS shall be prepared on an existing action that is not exempt under these Regulations:

(1) The percentage of public funds allocated to the action that has been spent;

(2) The percentage of the action that has been completed;

(3) The stage of completion of the action;

(4) The feasibility and practicality of modification of the action;

(5) The burden that would be placed on the agency or person proposing the action if an EIS were required on the action;

(6) Any other factors that would indicate whether an EIS would be helpful in eliminating or reducing significant adverse environmental effects.

(c) Cumulative Actions. In determining whether an EIS shall be required, the Council may consider that minor actions may collectively constitute a major action.

MEQC 29 SELECTION OF RESPONSIBLE AGENCY OR RESPONSIBLE PERSON

The Council shall select the Responsible Agency or Responsible Person in the following manner:

(a) When the proposer is a public agency, the Council shall appoint that public agency as the Responsible Agency;

(b) When the proposer is more than one public agency or is a private person who requires governmental permits on his action, the Council shall select a Responsible Agency according to the following guidelines:

(1) The public agency with the greatest responsibility for supervising or approving the action as a whole;

(2) The public agency that can most adequately fulfill the requirements of the Act and these Regulations;

(3) The public agency that is to act first on the action;

(4) The public agency that has special expertise or access to information;

(5) The extent of participation of each public agency in the action.

(c) When the proposer is a private person, and there are no governmental permits involved, the Council shall appoint the proposer as the Responsible Person.

MEQC 30 EIS PREPARATION NOTICE

The EIS Preparation Notice shall contain the following:

(a) A brief description of the action that shall be the subject of an EIS;

(b) The Responsible Agency or Responsible Person that shall be responsible for the preparation of the EIS;

(c) The extent to which progress on the action shall be halted during the EIS preparation process;

(d) The time requirements for the preparation and review of the EIS.

MEQC 31 CONTENT OF DRAFT EIS

A Draft EIS shall contain the following information:

(a) Description. A description of the action, including type, size and location, and the environmental setting of the action from both a local and regional perspective.

(b) Environmental Impact of the Proposed Action. All phases of an action shall be considered when evaluating an action: planning, acquisition, construction, implementation, development, operation, and conclusion of operation. Special consideration shall be given to pollution, impairment, or destruction of the air, water, land or other natural resources located within the State resulting from the proposed action.

This discussion shall also include: a description of the resources in the area that shall be affected by the action, with emphasis placed on resources that are rare or unique to the region or that possess important historic, cultural, natural, ecological, or aesthetic values; and changes and consequences of the action that are contrary to the goals and policies of the Act.

(c) Any direct or indirect environmental, economic, and employment effects that cannot be avoided if the proposed action is implemented. This discussion shall describe the adverse and beneficial environmental, economic and employment effects that shall result directly from the action, as well as the effects that may be reasonably expected or speculated to result from the action. Mitigation measures that have been or may be incorporated into the action to reduce or minimize significant adverse environmental, economic, and employment effects.

(d) Any irreversible and irretrievable commitments of resources that would be involved in the proposed action if it is implemented. This discussion shall include the proposed use of non-renewable resources, long term or irreversible commitments of resources to a particular use and any irreversible and irretrievable damage that may result from the action.

(e) The relationship between local short term uses of the environment and the maintenance and enhancement of long term productivity, including the environmental impact of predictable increased future development of an area if the action is implemented. This discussion shall include the extent that the proposed action involves trade-offs between short term environmental gains or losses versus long term gains or losses,

and the extent that the proposed action forecloses future options. Attention shall be given to impacts that narrow the range of beneficial uses of the environment or pose long term risks to health or safety. The impact of predictable increased future development in the area that may be stimulated, directly or indirectly, by the proposed action shall be discussed.

(f) Alternatives to the Proposed Action. An objective evaluation of all reasonable alternatives to the action, the environmental impact of each, and the reasons for their rejection in favor of the ultimate choice shall be made. Sufficient analysis of these alternatives and their environmental benefits, costs, and risks shall accompany the proposed action through the review process in order not to prematurely foreclose options that may enhance environmental quality or have less detrimental effects. Reasonable modifications of the proposed action that may avoid or reduce adverse environmental effects shall be discussed, including the expected benefits, costs, and effects on the objective of the proposed action. When an action has been reviewed or will be reviewed by the Council under the authority of the Power Plant Siting Act, Minn. Stat., Sections 116C.51 et. seq., alternative sites or routes shall not be considered in the EIS.

(g) The impact on state government of any federal controls associated with the proposed action.

(h) The multi-state responsibilities associated with the proposed action. Impacts of the proposed action upon multi-state responsibilities shall be discussed, including the environmental effects of the action upon adjacent states.

(i) Organizations and persons consulted. Federal, state, or local agencies, other organizations, and private individuals consulted in the preparation of the EIS shall be identified.

MEQC 32 FEDERAL EIS

When these Regulations require the preparation of a state EIS or Environmental Assessment on an action, and a federal EIS is required for the same action, pursuant to the requirements of the National Environmental Policy Act of 1969 (NEPA) and the implementing regulations thereto, all or any part of the federal EIS may be submitted in lieu of all or any part of a state EIS. However, when the federal EIS is used, the elements of the EIS that are required by the Act and these Regulations, but are not required by NEPA, shall be added to the federal EIS. When these Regulations require the preparation of a state EIS on a proposed federal action and a federal EIS is not required, a federal agency may be requested to prepare a state EIS.

MEQC 33 CONTENT OF FINAL EIS

The Final EIS shall consist of the Draft EIS, the comments or summaries thereof received through consultation and public comment, including public meetings or hearings held on the EIS, and the response of the Responsible Agency or Responsible Person to the significant environmental issues raised in the consultation, comment, and review process. The response of the Responsible Agency or Responsible Person to constructive comments received may take the form of a revision of the Draft EIS or may be an attachment to the Draft EIS. The response shall consider all significant environmental issues raised. Additional information shall be included to respond to valid and relevant points raised in the comments. All substantive comments received on the Draft EIS or summaries thereof shall be attached to the Final EIS whether or not the comment merits individual discussion in the text of the statement by the agency or person.

CHAPTER FOURTEEN
PUBLIC PARTICIPATION IN THE EIS PROCESS

MEQC 34 POLICY

The EIS preparation and review process is designed to provide an opportunity for the public to participate in public and private decision-making that significantly affects the environment.

MEQC 35 PETITION FOR AN EIS

(a) Petition. Any person or group of persons may file with the Council a petition that contains the signatures and addresses of 500 or more individuals and requests the Council to require an EIS on a proposed action.

(b) Content. In addition to the signatures, the petition shall include the following written information:

(1) Description of the action;

(2) Proposer of the action;

(3) Description of the potential environmental effects of the action;

(4) Any alleged violations of the Act by the action;

(5) Any additional information that may assist the Council in its determination of the need for an EIS.

(c) Council Decision. Within 45 days of the receipt of the petition, the Council shall determine whether the petition presents material evidence that the action is a major governmental action or a major private action of more than local significance and that the action has the potential for significant environmental effects. If the Council determines that there is material evidence, the Council shall direct the preparation of an Environmental Assessment to determine the need for an EIS.

MEQC 36 PUBLIC REVIEW OF DRAFT EIS

(a) Public Meetings and Hearings. Any person may participate in any public meeting or hearing that is held on a Draft EIS by reviewing and commenting upon the Draft EIS.

(b) Availability of Draft EIS.

(1) Any person may review a Draft EIS or Final EIS at Council-designated distribution points.

(2) The Responsible Agency or Responsible Person shall provide a copy of a Draft EIS or Final EIS and other relevant public information, to any person who requests such copies, at a cost not to exceed the actual reproduction costs.

MEQC 37 - 50 RESERVED FOR FUTURE USE

APPROVED AS TO FORM AND LEGALITY
April 4 19 74
WARREN SPANNAUS, ATTORNEY GENERAL
BY Michael B Miller
SPECIAL ASSISTANT ATTORNEY GENERAL

STATE OF MINNESOTA
DEPARTMENT OF STATE
FILED
APR 4 - 1974 - 2:00 pm
Arlen I. Erdahl
Secretary of State

FILED
RICHARD L. BRUBACHER
Commissioner of Administration
APR 4 1974 2:10 pm
BY Eda Standenmaier
AUTH. SIGNATURE