

4410.2800 DETERMINATION OF ADEQUACY.

Subpart 1. **Who is to determine.** The RGU shall determine the adequacy of the final EIS unless notified by the EQB, on its own initiative or at the request of the RGU, the proposer of the project, or other interested persons, that the EQB will determine the adequacy. The EQB shall notify the RGU no later than 60 days following publication of the preparation notice in the EQB Monitor. The EQB shall intervene only if the EQB determines that:

- A. the RGU is or will be unable to provide an objective appraisal of the potential impacts of the project;
- B. the project involves complex issues which the RGU lacks the technical ability to assess; or
- C. the project has multijurisdictional effects.

Subp. 1a. **Decision by EQB; information needs.** If the EQB will be determining the adequacy of the EIS, the RGU shall submit to the EQB the following information within five days of the filing of the final EIS:

- A. evidence of compliance with distribution requirements for the scoping EAW, draft EIS, and final EIS;
- B. copies of press releases giving notice of EIS scoping, the EIS preparation notice, the draft EIS, and the final EIS, and evidence of submission of each in accordance with the applicable requirements of the rules;
- C. copies of all written comments received during the scoping period;
- D. a transcript, minutes, or summary of the public scoping meeting;
- E. a copy of the scoping decision document;
- F. a transcript, minutes, or summary of the public meeting on the draft EIS; and
- G. copies of any comments the RGU has received on the final EIS that have not also been supplied to the EQB.

Subp. 2. **Written comments.** Interested persons may submit written comments on the adequacy of the final EIS to the RGU or the EQB, if applicable, for a period of not less than ten days following publication in the EQB Monitor of the notice of availability of the final EIS. The notice of availability of the final EIS shall indicate when the comment period expires.

Subp. 3. **Time limits.** The determination of adequacy of the final EIS shall be made at least ten days after publication in the EQB Monitor of the notice of availability of the final EIS. The determination of adequacy of the final EIS shall be made within 280 days

after the preparation notice was published in the EQB Monitor unless the time is extended by consent of the proposer and the RGU or by the governor for good cause.

Subp. 4. **Conditions.** The final EIS shall be determined adequate if it:

A. addresses the potentially significant issues and alternatives raised in scoping so that all significant issues for which information can be reasonably obtained have been analyzed in conformance with part 4410.2300, items G and H;

B. provides responses to the substantive comments received during the draft EIS review concerning issues raised in scoping; and

C. was prepared in compliance with the procedures of the act and parts 4410.0200 to 4410.6500.

Subp. 5. **Inadequacy.** If the RGU or the EQB determine that the EIS is inadequate, the RGU shall have 60 days in which to prepare an adequate EIS. The revised EIS shall be circulated in accord with part 4410.2700, subpart 3.

Subp. 6. **Notice of determination.** The RGU shall notify all persons receiving copies of the final EIS pursuant to part 4410.2700, subpart 3, of its adequacy decision within five days of the adequacy decision. Public notice of the decision shall be published in the EQB Monitor.

Statutory Authority: *MS s 116D.04; 116D.045*

History: *13 SR 1437; 21 SR 1458*

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