

4410.6200 DETERMINING EIS COST.

Subpart 1. **EIS cost inclusions.** In determining the reasonable cost of preparing, reviewing, and distributing the EIS, the following items shall be included:

- A. the cost of the RGU's staff time including direct salary and fringe benefit costs, unless the RGU elects to waive these costs;
- B. the cost of consultants hired by the RGU;
- C. other direct costs of the RGU for the collection and analysis of information or data necessary for the preparation of the EIS;
- D. indirect costs of the RGU not to exceed the RGU's normal operating overhead rate, unless the RGU elects to waive these costs;
- E. the cost of printing and distributing the scoping EAW and draft scoping decision document, draft EIS and the final EIS and of public notices of the availability of the documents; and
- F. the cost of any public hearings or public meetings held in conjunction with the preparation of the EIS.

Subp. 2. **EIS cost exclusions.** The following items shall not be included in the cost assessed to the project proposer for the preparation and distribution of an EIS:

- A. the cost of collecting and analyzing information and data incurred before the final determination has been made that an EIS will be prepared, unless the information and data were obtained for the purpose of being included in the EIS;
- B. costs incurred by a private person other than the proposer or a governmental unit other than the RGU, unless the costs are incurred at the direction of the RGU for the preparation of material to be included in the EIS; and
- C. the capital costs of equipment purchased by the RGU or its consultants for the purpose of establishing a data collection program, unless the proposer agrees to include such costs.

Subp. 3. [Repealed, 13 SR 1437]

Subp. 3. **EIS scoping costs.** The cost of any items specified in subpart 1 incurred by the RGU during the scoping of the EIS are part of the reasonable costs of preparing, reviewing, and distributing the EIS and are to be assessed to the project proposer by the RGU.

Subp. 4. **Change in EIS scope.** If the RGU alters the scope of an EIS pursuant to part 4410.2100, subpart 8, the EIS cost shall be revised to reflect the change in scope.

Subp. 5. **Termination of project.** If the proposer decides not to proceed with the proposed project while the EIS is under preparation, the proposer shall immediately notify the RGU in writing. The RGU shall immediately cease expending and obligating the proposer's funds for the preparation of the EIS. If the cash payments previously made by the proposer exceed the RGU's expenditures or irrevocable obligations at the time of the notification, the RGU shall refund the remaining funds within 30 days. If the previous cash payments are less than the RGU's expenditures or irrevocable obligations at the time of notification, the RGU shall notify the proposer of the balance due within ten days of the notice. The proposer shall pay the balance due within 30 days.

Statutory Authority: *MS s 14.388; 116D.04; 116D.045*

History: *21 SR 1458; 31 SR 539; 37 SR 820*

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