

Environmental Quality Board**Adopted Exempt Permanent Rules Relating to Environmental Review****4410.0200 DEFINITIONS AND ABBREVIATIONS.**

[For text of subps 1 to 33, see M.R.]

Subp. 34. **Governmental unit.** "Governmental unit" means any state agency and any general or special purpose unit of government in the state, including watershed districts organized under Minnesota Statutes, chapter 103D, counties, towns, cities, port authorities, housing authorities, and the Metropolitan Council, but not including courts, school districts, the Iron Range Resources and Rehabilitation Board, and regional development commissions.

[For text of subps 35 to 96, see M.R.]

4410.1100 PETITION PROCESS.

Subpart 1. **Petition.** Any person may request the preparation of an EAW on a project by filing a petition that contains the signatures and mailing addresses of at least ~~25~~ 100 individuals who reside or own property in the state.

[For text of subps 2 to 9, see M.R.]

4410.1500 PUBLICATION AND DISTRIBUTION OF AN EAW.

[For text of item A, see M.R.]

B. The RGU shall promptly publish notice of the completion of an EAW by:

(1) publishing the notice in at least one newspaper of general circulation in the geographic area where the project is proposed; or

(2) posting the notice on a Web site that has been designated as the official publication site for publication of proceedings, public notices, and summaries of a political subdivision in which the project is proposed.

2.1 B C. Within five days of the date of submission of the EAW to the EQB staff,
2.2 the RGU shall provide a press release, containing notice of the availability of the EAW for
2.3 public review, to at least one newspaper of general circulation within the area where the
2.4 project is proposed. The press release shall include the name and location of the project,
2.5 a brief description of the project, the location at which copies of the EAW are available
2.6 for review, the date the comment period expires, and the procedures for commenting.
2.7 The RGU shall publish legal notice or advertisement of the availability of the EAW if
2.8 the proposer requests and agrees to pay for the notice or advertisement. The notice or
2.9 advertisement shall contain the information required in the press release.

2.10 E D. The EQB staff shall maintain an official EAW distribution list containing
2.11 the names and addresses of agencies designated to receive EAW's.

2.12 **4410.2550 PRELIMINARY DRAFT EIS OPTION.**

2.13 The proposer of a specific action may include in the information submitted to the
2.14 RGU a preliminary draft EIS on that action for review, modification, and determination of
2.15 completeness and adequacy by the RGU. A preliminary draft EIS prepared by the project
2.16 proposer and submitted to the RGU shall identify or include as an appendix all studies and
2.17 other sources of information used to substantiate the analysis contained in the preliminary
2.18 draft EIS. The RGU shall require additional studies, if needed, and obtain from the project
2.19 proposer all additional studies and information necessary for the RGU to perform its
2.20 responsibility to review, modify, and determine the completeness and adequacy of the EIS.

2.21 **4410.2900 PERMIT DECISIONS IN CASES REQUIRING EIS.**

2.22 Within ~~90~~ 30 days after the determination of adequacy of a final EIS, final decisions
2.23 shall be made by the appropriate governmental units on those permits which were
2.24 identified as required in the scoping process and for which information was developed
2.25 concurrently with the preparation of the EIS. The ~~90-day~~ 30-day period may be extended

with the consent of the permit applicant ~~or~~, where a longer period is required by federal law or state statute, or where a longer period is permitted by Minnesota Statutes, section 15.99.

At the time of its permit decision, for those permits that were identified during the scoping process as requiring a record of decision, each permitting unit of government shall prepare a concise public record of how it considered the EIS in its decision. That record shall be supplied to the EQB for the purpose of monitoring the effectiveness of the process created by parts 4410.0200 to 4410.6500 and to any other person requesting the information. The record may be integrated into any other record prepared by the permitting unit of government.

The RGU or other governmental unit shall, upon request, inform commenting governmental units and interested parties on the progress in carrying out mitigation measures which the commenting governmental units have proposed and which were adopted by the RGU making the decision.

4410.6000 PROJECTS REQUIRING AN ASSESSMENT OF EIS PREPARATION COST.

The RGU shall assess the project proposer for its reasonable costs ~~of~~ that the RGU incurs in preparing, reviewing, and distributing an the EIS in accord with parts 4410.6100 to 4410.6500.

4410.6100 DETERMINING EIS ASSESSED COST.

Subpart 1. **Proposer and RGU agreement.** Within 30 days after the RGU's scoping decision has been issued, the RGU shall submit to the proposer a draft cost agreement. The agreement shall include the EIS estimated cost and a brief description of the tasks and the cost of each task to be performed by each party in preparing, reviewing, and distributing the EIS. Those items identified in part 4410.6200 may be used as a guideline in determining the EIS estimated cost. The proposer may request changes in the cost agreement. If, within 30 days after the proposer receives the draft cost agreement, the RGU and proposer have not signed a cost agreement, either party may refer the matter to

4.2 the EQB according to part 4410.6410. If the RGU and proposer sign the cost agreement,
4.3 the RGU shall submit a copy to the EQB.

4.4 [For text of subps 2 to 5, see M.R.]

4.5 **4410.6200 DETERMINING EIS COST.**

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

4.8 [For text of items A to F, see M.R.]

4.9 [For text of subp 2, see M.R.]

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

4.14 [For text of subps 4 and 5, see M.R.]