



Reports of the Minnesota Environmental Quality Board

1972-2003

December 2004

The **Environmental Quality Board** draws together the Governor's Office, five citizens and the heads of 10 state agencies in order to develop policy, create long-range plans and review proposed projects that would significantly influence Minnesota's environment. Minnesota Statutes (see Minnesota Statutes, Chapters 103A, 103B, 116C, 116D, 116G and 116I) directs the EQB to:

- Ensure compliance with state environmental policy
- Oversee the environmental review process
- Regulate the siting of large energy facilities
- Develop the state water plan and coordinate state water activities
- Coordinate environmental agencies and programs
- Study environmental issues
- Convene environmental congresses
- Advise the Governor and the Legislature

Today, the Board staff is housed in the Division of State and Community Services of the Department of Administration.

Reports of the Minnesota Environmental Quality Board 1972-2003 was prepared by John Wells, EQB water & sustainable development director, with the assistance of Sara Bertelsen, Andrew Koebrick, Heidi Johnson and members of the EQB team.

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INTRODUCTION

The Environmental Quality Board was established by an executive order of Governor Wendell Anderson in 1972 and then by an act of the Legislature in 1973. The interest in creating EQB grew out of a conviction that Minnesota urgently needed a mechanism to coordinate its environmental efforts. The perception then was that environmental problem solving in Minnesota was highly fragmented and the issues surrounding preservation and protection of Minnesota's resources complex.

The Legislature established the Environmental Quality Council in 1973 with the adoption of Minnesota Statutes, Chapter 116C and the companion Chapter 116D, the environmental policy act. In its findings, the Legislature argued that "problems related to the environment often encompass the responsibilities of several state agencies and that solutions to these problems require the interaction of these agencies." [*Minnesota Statutes*, Section 116C.01]

The Legislature gave the EQC the authority to investigate problems of interdepartmental concern, including:

- Future population and settlement patterns
- Air and water resources and quality
- Solid waste management
- Transportation and utility corridors
- Economically productive open space
- Energy policy and need
- Growth and development
- Land use planning

It also authorized the board to review state programs that significantly affect the environment and coordinate those it finds to be interdepartmental in nature. It directed agencies to submit to the board all proposed legislative initiatives of major significance to the environment and the board to report to the Governor and Legislature with its comments on them. And, it gave the board the responsibility for calling environmental congresses to understand progress in, and exchange information on, activities affecting environmental improvement. In addition, the Legislature charged the board with administering three specific, inherently interdepartmental programs: environmental review, critical areas management and electric power facilities siting.

In sum, the 1973 Legislature established the Environmental Quality Council as the forum for addressing interdepartmental programs, coordinating state agencies and engaging citizens in order to ensure compliance with state environmental policy.

ENERGY

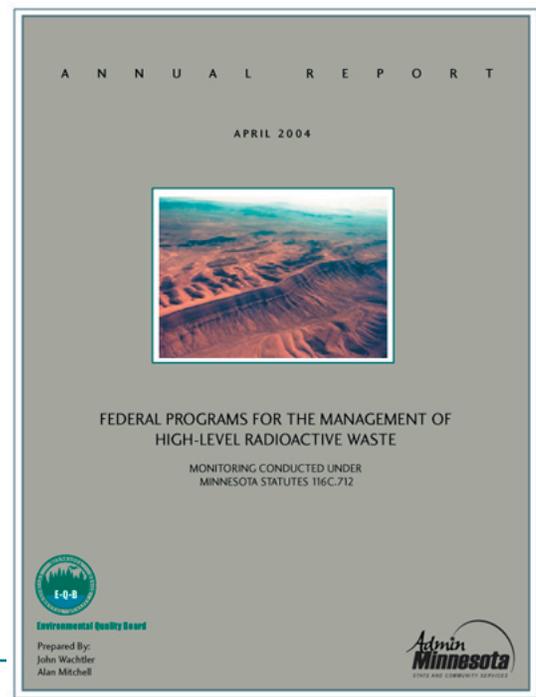
From the start, the Governor and Legislature assigned the board major energy-related duties. The Power Plant Siting Act of 1973 gave the board the job of siting large electric power facilities, including plants capable of generating 50 or more megawatts of electricity and high voltage transmission lines of 200 or more kilovolts. It also provided for the board to cover its costs in siting through assessments on electric utilities.

The Legislature included "energy policy and need" among the list of interdepartmental issues for which the board had responsibility in 1973 and the board responded with evaluations of energy use and policy, waste to energy potential, cogeneration, wind power, water power, visual impacts and a variety of health-related issues.

The Legislature added duties concerning high-level radioactive waste in 1984, the siting of spent nuclear fuel tied to the Prairie Island Nuclear Power Station, and the siting of pipelines and wind power facilities. Each of these new authorities led to studies, reports, rules of operation and regulatory decisions, which are reflected in the bibliography. The board also took responsibility for leading environmental review associated with the siting of energy facilities.

Finally, the board aided the Legislature in the development of new streamlining provisions put in law under the Energy Act of 2002. These led to a number of expedited siting decisions and associated reports in 2003.

Today, as much as at any time in its history, the board provides an in-demand, efficient and open process for the siting of energy-related facilities.



ENVIRONMENTAL QUALITY AND LAND USE

The 1973 Legislature made overall understanding, management and protection of the state's environmental quality the backbone of the EQB's duties. In particular, the board's founders made the interagency aspects of this task its *raison d'être*, its primary reason for existence.

Governor Anderson described land use as one of his primary environmental quality concerns, and an issue for the prospective board:

"Perhaps the ultimate constraint on our resources is the earth itself... There is a serious question as to whether this planet can continue to accumulate unrestricted numbers of people and their possessions. The abuse of our land is termed by many as the ultimate problem of pollution."
[Special Message: Securing a Quality Environment in Minnesota, February 14, 1973]

The board's enabling law mentions future population and settlement patterns, transportation and utility corridors, growth and development, and land use planning among the interdepartmental land use issues for its investigation. The Critical Areas Act and a little known provision of law calling for EQB to adopt environmental quality standards for the subdivision of land by local governments also became initial statutory products of this interest.

The board's early work on environmental quality and land use was wide ranging, including studies and reports on the critical areas planning process, an inventory of potential critical areas, a broad assessment of the state's environmental policies and decision-making, and examination of the state's role in land use planning.

The board reported on its environmental congresses of 1986, 1988 and 1994, studies of growth and growth management in the 1990s, evaluations of environmental trends and the potential of environmental indicators, including bioindicators, during the '80s and '90s, the status of environmental education in the late '80s, and the need for regulation of genetically-engineered organisms in the early '90s. Its study of genetically-engineered organisms led to the assignment of a new authority to the board by the 1989 Legislature.

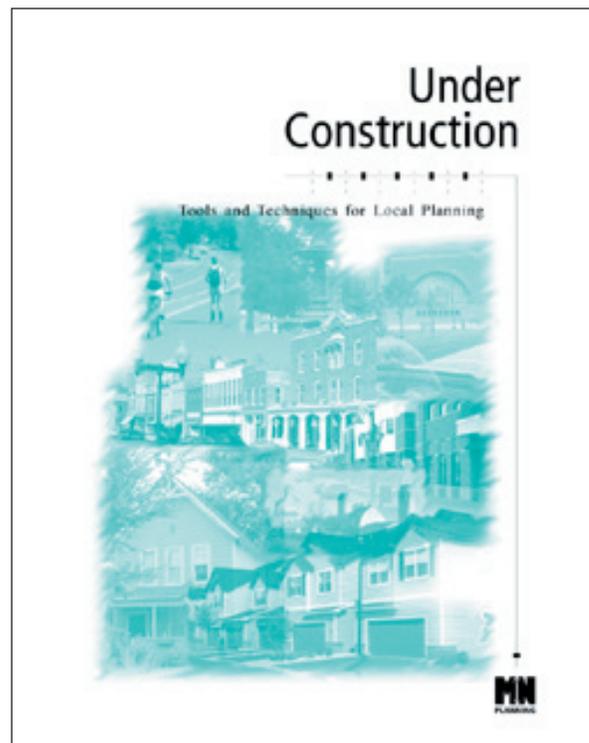
A little over a decade ago the board embarked upon a comprehensive, citizen-based evaluation of how the functions of environmental protection and economic development clashed, and might be better linked. The discussion of sustainable development (see below) describes that major effort.

ENVIRONMENTAL REVIEW

One of the chief goals of the Environmental Policy Act of 1973 was to ensure that consideration of environmental impacts would become a routine part of governmental decisions in Minnesota. The Legislature gave the EQB the task of overseeing the process of environmental review.

During its early years, the board had responsibility for every environmental assessment and impact statement developed under the state law. In 1982, it completed a major restructuring of the program to decentralize the duties of review. The concept of a "responsible governmental unit" was devised and made a key factor in the process. The EQB role became one of process overseer and advisor. The local government or state agency chiefly responsible for permitting a project was made responsible for the environmental analysis.

The board conducted two controversial energy-related reviews as an RGU in the 1990s – the first for storing spent nuclear fuel associated with the Prairie Island Nuclear Power Station and the second for development of the University of Minnesota Steam Plant in Minneapolis. Under a parallel process outlined by the Power Plant Siting Act, the board conducts its own environmental reviews in energy facilities siting. This authority has led the board to conduct over 20 environmental impact assessments in recent years.



The board published a series of guidelines for and evaluations of the environmental review program over the years. It also undertook a number of comprehensive, issue-oriented environmental assessments. The Copper-Nickel Regional Study, driven by legislative concern over the expected development of a new mining industry in northeast Minnesota, was one of the first of these. That study, coordinated through the board, resulted in over 50 reports on issues as diverse as the effects on sulfur dioxide emissions and the Black Bear.

The board developed the concept of a generic environmental impact statement under its 1980 statutory mandate to identify alternative forms of environmental review. With additional legislative direction in the 1990s, the GEIS developed into a comprehensive examination of how a class of activity might influence long-term social, economic and environmental well being, a form of “environmental review” responsive to the broad directives of the 1973 environmental policy act.

The board examined the long term social, economic and environmental issues of timber harvesting and animal agriculture and generated a wide range of related reports in developing GEIS’s on these classes of activity. The Legislature also ordered the board to conduct an urban development GEIS, which the board scoped out but never completed for lack of funds.

Today the Board is conducting a systematic evaluation of the mandatory category thresholds for environmental assessment in order to make the program more efficient and effective.

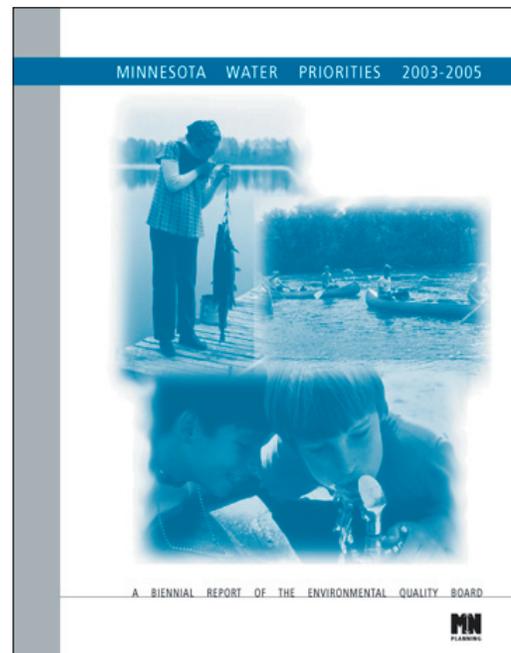
SUSTAINABLE DEVELOPMENT

The 1973 Legislature recognized the profound impact of human activity on the natural environment, including the effects of population growth, urbanization, industrial expansion, resource exploitation and technology. The Environmental Policy Act calls for state government, given these potential threats, to work with local and federal partners to “create and maintain conditions under which human beings and nature can exist in productive harmony and fulfill the social, economic and other requirements of present and future generations.” The most commonly used definition of sustainable development, which calls for “meeting the needs of the present without compromising the ability of future generations to meet their own needs,” says essentially the same thing.

Recognizing its responsibility in all of this, the board decided in 1992 to engage the state’s citizens in thinking about what these words and the concept of sustainable development might mean for Minnesotans. The formal

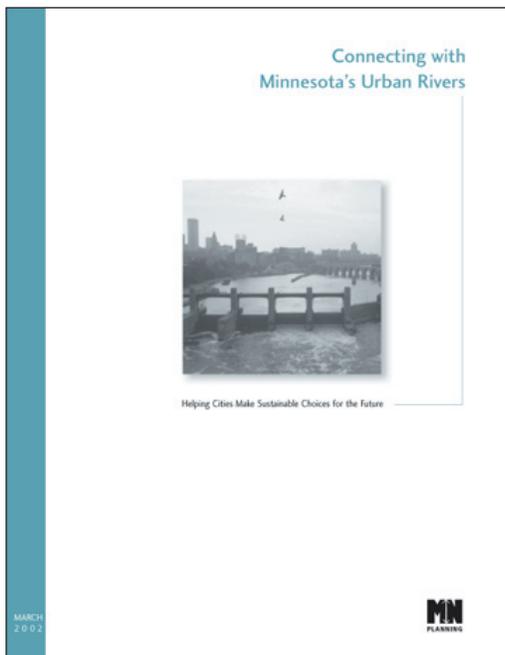
process began with seven teams and 105 people asked by the board and Governor in January 1993 to consider how agriculture, energy, forestry, manufacturing, minerals, recreation and settlement might be practiced or managed for more productive, long-term harmony.

These “conversations about the future” got people thinking about different ways of doing business and protecting the environment. The board’s studies in concert with these teams and, later, a Governor’s Round Table on Sustainable Development, considered how best to “invest in Minnesota’s future.” The ideas included, among others, steps to avoid the unintended economic signals that state policy sometimes sends, a way to measure economic progress that integrates environmental and social concerns, the use of regulatory fees to encourage environmental protection, property tax reform to encourage efficient



growth and development, a new framework for local planning and an integrated new state approach to aiding local government.

A number of board and round table ideas took hold in the form of new law, rule or practice. These included legislative adoption of the Community-Based Planning Act; completion of a guidebook for local planning, *Under Construction: Tools and Techniques for Local Planning*; development of a handbook of model ordinances for sustainable development, *From Policy to Reality*; and assessment of how Minnesota’s river communities might take better advantage of their water connections in *Connecting with Minnesota’s Urban Rivers*. Each of these efforts has helped Minnesota communities address



local issues in a thoughtful, sustainable way. In addition, the board and round table initiated successful efforts to introduce the concepts of high performance building design and efficient growth into state bonding policy and law.

WATER

Water has always been a key part of the conceptual framework of the Environmental Quality Board. In fact, a 1970 House Research interim report prepared for the House Land and Water Resources Committee first called for establishment of a “water and related land resources board.” The committee’s recommendations eventually led to the passage of legislation creating the Environmental Quality Board.

The first EQB water report was issued in 1972 when the board was still only the creation of an executive order. Its topic was the development of a statewide ground water quality information system. Soon after it was established by the Legislature, the board also issued a water-related report on pesticides and, later, one on barge fleeing.

The bulk of the board’s work in water took place after functions of the Water Planning Board were transferred to it in 1983 and in 1989 with passage of the Ground Water Protection Act, which it helped develop. With these additions, the board became responsible for and developed the state water plan, state water monitoring plan, biennial water policy and priorities reports, and reports on trends

in water quality and availability and research needs. The board also reconsidered the issue of pesticides with a report on their wise use and worked with the Corps of Engineers under the Section 22 Planning Assistance to the States Program to develop a state wetland evaluation methodology and a Mississippi River spill response and water supply protection model.

The board’s water program has resulted in real and significant changes to the state’s water framework with passage of the county water planning law, establishment of the Board of Water and Soil Resources, and adoption of the Ground Water Protection Act. Today, the board works closely with the Governor’s Clean Water Cabinet to identify priority actions for protecting Minnesota’s waters.

CONCLUSION

From energy, environmental review and land use to water and sustainable development, the board has undertaken a broad range of studies and actions to raise issues lost in the shuffle of state organization and to enforce state environmental policy in cooperation and coordination with local and state agency efforts to protect the quality of Minnesota’s environment.

The significance, diversity and number of reports referenced in the bibliography that follows document the Board’s longstanding tradition of leadership in safeguarding the quality of Minnesota’s environment.



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