

ARTICLE 4

ENVIRONMENTAL REVIEW AND PERMITTING

Section 1. **[84.0265] ENVIRONMENTAL REVIEW AND PERMITTING;
COORDINATED PROJECT PLANS.**

Subdivision 1. **Definitions.** In this section, the following terms have the meanings given:

(1) "commissioner" means the commissioner of natural resources;

(2) "coordinated project plan" or "plan" means a plan to ensure that any required environmental review and associated required state agency actions are completed efficiently by coordinating and establishing deadlines for all necessary state agency actions;

(3) "eligible project" means a project that requires the commissioner to prepare an environmental assessment worksheet or an environmental impact statement under chapter 116D and associated permits, unless the project is sponsored by the Department of Natural Resources; and

(4) "state agency" means the department or any other office, board, commission, authority, department, or other agency of the executive branch of state government.

Subd. 2. **State policy.** It is the goal of the state to maximize the coordination, effectiveness, transparency, and accountability of environmental review, associated environmental permitting, and other regulatory actions for facilities in Minnesota.

Subd. 3. **Early communication; identifying issues.** To the extent practicable, the commissioner must establish and provide an expeditious process for a person that requests to confer with the department and other state agencies about an eligible project. The department must provide information about any identified challenging issues regarding the potential environmental impacts related to an eligible project, including any issues that could substantially delay a state agency from completing agency decisions; and issues that must be addressed before an environmental assessment worksheet, environmental impact statement, final scoping decision, permit action, or other required action by a state agency can be started.

Subd. 4. **Plan preparation; participating agencies.** (a) A person who submits an application for an eligible project to the commissioner may request that the commissioner prepare a coordinated project plan to complete any required environmental review and associated agency actions for the eligible project.

(b) Within 60 days of receiving a request under paragraph (a), the commissioner must prepare a coordinated project plan in consultation with the requestor and other state agencies identified under paragraph (c). If an eligible project requires or otherwise includes the preparation of an environmental impact statement, the commissioner is required to prepare a coordinated project plan that first covers the period through a final scoping decision. Within 60 days of completion of the final scoping decision, the commissioner must update

ARTICLE 15

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Subd. 4. **Plan preparation; participating agencies.** (a) A person who submits an application for an eligible project to the commissioner may request that the commissioner prepare a coordinated project plan to complete any required environmental review and associated agency actions for the eligible project.

(b) Within 60 days of receiving a request under paragraph (a), the commissioner must prepare a coordinated project plan in consultation with the requestor and other state agencies identified under paragraph (c). If an eligible project requires or otherwise includes the preparation of an environmental impact statement, the commissioner is required to prepare a coordinated project plan that first covers the period through a final scoping decision. Within 60 days of completion of the final scoping decision, the commissioner must update

36.5 the coordinated project plan to include the remainder of the environmental review process
36.6 as well as applicable state permits and other state regulatory decisions. The coordinated
36.7 project plan is subject to modification in accordance with subdivision 7.

36.8 (c) Any state agency that must make permitting or other regulatory decisions over the
36.9 eligible project must participate in developing a coordinated project plan.

36.10 (d) If an eligible project requires environmental review and the Department of Natural
36.11 Resources is the responsible governmental unit, then the Department of Natural Resources
36.12 is the lead agency responsible for preparation of a coordinated project plan under this section.
36.13 If an eligible project requires environmental review and the Pollution Control Agency is
36.14 the responsible governmental unit, then the Pollution Control Agency is the lead agency
36.15 responsible for preparation of a coordinated project under section 116.035.

36.16 Subd. 5. **Plan contents; synchronization; updates.** (a) A coordinated project plan must
36.17 include:

36.18 (1) a list of all state agencies known to have environmental review, permitting, or other
36.19 regulatory authority over the eligible project and an explanation of each agency's specific
36.20 role and responsibilities for actions under the coordinated project plan;

36.21 (2) a schedule for any formal public meetings; and

36.22 (3) a comprehensive schedule of deadlines by which all environmental reviews, permits,
36.23 and other state agency actions must be completed. The deadlines established under this
36.24 clause must include intermediate and final completion deadlines for actions by each state
36.25 agency and must be consistent with subdivision 6, subject to modification in accordance
36.26 with subdivision 7.

36.27 (b) The commissioner must update a coordinated project plan quarterly.

36.28 Subd. 6. **Required deadlines.** (a) Deadlines established in a coordinated project plan
36.29 must comply with this subdivision, unless an alternative time period is agreed upon by the
36.30 commissioner and proposer.

36.31 (b) When an environmental assessment worksheet is prepared for an eligible project for
36.32 which an environmental impact statement is not mandatory under Minnesota Rules, chapter
36.33 4410, the decision on the need for an environmental impact statement must be made as
37.1 expeditiously as possible but no later than 18 months after the environmental assessment
37.2 worksheet is deemed complete by the commissioner.

37.3 (c) When an environmental impact statement is prepared for an eligible project, the
37.4 decision on the adequacy of the final environmental impact statement must be made as
37.5 expeditiously as possible but no later than four years after the data submitted for the
37.6 environmental assessment worksheet is deemed complete.

37.7 (d) If the commissioner includes plan deadlines that are inconsistent with paragraphs
37.8 (b) and (c), then within 30 days of finalizing the plan, the commissioner must report to the

192.16 the coordinated project plan to include the remainder of the environmental review process
192.17 as well as applicable state permits and other state regulatory decisions. The coordinated
192.18 project plan is subject to modification in accordance with subdivision 7.

192.19 (c) Any state agency that must make permitting or other regulatory decisions over the
192.20 eligible project must participate in developing a coordinated project plan.

192.21 (d) If an eligible project requires environmental review and the Department of Natural
192.22 Resources is the responsible governmental unit, then the Department of Natural Resources
192.23 is the lead agency responsible for preparation of a coordinated project plan under this section.
192.24 If an eligible project requires environmental review and the Pollution Control Agency is
192.25 the responsible governmental unit, then the Pollution Control Agency is the lead agency
192.26 responsible for preparation of a coordinated project under section 116.035.

192.27 Subd. 5. **Plan contents; synchronization; updates.** (a) A coordinated project plan must
192.28 include:

192.29 (1) a list of all state agencies known to have environmental review, permitting, or other
192.30 regulatory authority over the eligible project and an explanation of each agency's specific
192.31 role and responsibilities for actions under the coordinated project plan;

192.32 (2) a schedule for any formal public meetings; and

193.1 (3) a comprehensive schedule of deadlines by which all environmental reviews, permits,
193.2 and other state agency actions must be completed. The deadlines established under this
193.3 clause must include intermediate and final completion deadlines for actions by each state
193.4 agency and must be consistent with subdivision 6, subject to modification in accordance
193.5 with subdivision 7.

193.6 (b) The commissioner must update a coordinated project plan quarterly.

193.7 Subd. 6. **Required deadlines.** (a) Deadlines established in a coordinated project plan
193.8 must comply with this subdivision, unless an alternative time period is agreed upon by the
193.9 commissioner and proposer.

193.10 (b) When an environmental assessment worksheet is prepared for an eligible project for
193.11 which an environmental impact statement is not mandatory under Minnesota Rules, chapter
193.12 4410, the decision on the need for an environmental impact statement must be made as
193.13 expeditiously as possible but no later than 18 months after the environmental assessment
193.14 worksheet is deemed complete by the commissioner.

193.15 (c) When an environmental impact statement is prepared for an eligible project, the
193.16 decision on the adequacy of the final environmental impact statement must be made as
193.17 expeditiously as possible but no later than four years after the data submitted for the
193.18 environmental assessment worksheet is deemed complete.

193.19 (d) If the commissioner includes plan deadlines that are inconsistent with paragraphs
193.20 (b) and (c), then within 30 days of finalizing the plan, the commissioner must report to the

37.9 chairs and ranking minority members of the legislative committees and divisions with
37.10 jurisdiction over natural resources policy to explain how deadlines were established and
37.11 why the deadlines under paragraphs (b) and (c) are not attainable.

37.12 Subd. 7. **Deadline compliance; modification.** (a) A state agency that participates in the
37.13 commissioner's development coordinated project plan must comply with deadlines established
37.14 in the plan. If a participating state agency fails to meet a deadline established in the
37.15 coordinated project plan or anticipates failing to meet a deadline, the state agency must
37.16 immediately notify the commissioner to explain the reason for the failure or anticipated
37.17 failure and to propose a date for a modified deadline.

37.18 (b) The commissioner may modify a deadline established in the coordinated project plan
37.19 if the project proposer fails to meet a deadline established in the coordinated project plan
37.20 or provides inadequate information to meet that deadline; or if:

37.21 (1) the commissioner provides the person that requested the plan with a written
37.22 justification for the modification; and

37.23 (2) the commissioner and the state agency, after consultation with the person that
37.24 requested the plan, mutually agree on a different deadline.

37.25 (c) If the combined modifications to one or more deadlines established in a coordinated
37.26 project plan extend the initially anticipated final decision date for an eligible project
37.27 application by more than 20 percent, the commissioner must report to the chairs and ranking
37.28 minority members of the legislative committees and divisions with jurisdiction over natural
37.29 resources policy within 30 days to explain the reason the modifications are necessary. The
37.30 commissioner must also notify the chairs and ranking minority members within 30 days of
37.31 any subsequent extensions to the final decision date. The notification must include the reason
37.32 for the extension and the history of any prior extensions. For purposes of calculating the
37.33 percentage of time that modifications have extended the anticipated final decision date,
38.1 modifications made necessary by reasons wholly outside the control of state agencies must
38.2 not be considered.

38.3 Subd. 8. **Annual report.** As part of the annual permitting efficiency report required
38.4 under section 84.027, the commissioner must report on progress toward required actions
38.5 described in this section.

38.6 Subd. 9. **Relation to other law.** Nothing in this section is to be construed to require an
38.7 act that conflicts with applicable state or federal law. Nothing in this section affects the
38.8 specific statutory obligations of a state agency to comply with criteria or standards of
38.9 environmental quality.

38.10 Sec. 2. **[116.035] ENVIRONMENTAL REVIEW AND PERMITTING;**
38.11 **COORDINATED PROJECT PLANS.**

38.12 Subdivision 1. **Definitions.** In this section, the following terms have the meanings given:

193.21 chairs and ranking minority members of the legislative committees and divisions with
193.22 jurisdiction over natural resources policy to explain how deadlines were established and
193.23 why the deadlines under paragraphs (b) and (c) are not attainable.

193.24 Subd. 7. **Deadline compliance; modification.** (a) A state agency that participates in the
193.25 commissioner's development of a coordinated project plan must comply with deadlines
193.26 established in the plan. If a participating state agency fails to meet a deadline established
193.27 in the coordinated project plan or anticipates failing to meet a deadline, the state agency
193.28 must immediately notify the commissioner to explain the reason for the failure or anticipated
193.29 failure and to propose a date for a modified deadline.

193.30 (b) The commissioner may modify a deadline established in the coordinated project plan
193.31 if the project proposer fails to meet a deadline established in the coordinated project plan
193.32 or provides inadequate information to meet that deadline; or if:

194.1 (1) the commissioner provides the person that requested the plan with a written
194.2 justification for the modification; and

194.3 (2) the commissioner and the state agency, after consultation with the person that
194.4 requested the plan, mutually agree on a different deadline.

194.5 (c) If the combined modifications to one or more deadlines established in a coordinated
194.6 project plan extend the initially anticipated final decision date for an eligible project
194.7 application by more than 20 percent, the commissioner must report to the chairs and ranking
194.8 minority members of the legislative committees and divisions with jurisdiction over natural
194.9 resources policy within 30 days to explain the reason the modifications are necessary. The
194.10 commissioner must also notify the chairs and ranking minority members within 30 days of
194.11 any subsequent extensions to the final decision date. The notification must include the reason
194.12 for the extension and the history of any prior extensions. For purposes of calculating the
194.13 percentage of time that modifications have extended the anticipated final decision date,
194.14 modifications made necessary by reasons wholly outside the control of state agencies must
194.15 not be considered.

194.16 Subd. 8. **Annual report.** As part of the annual permitting efficiency report required
194.17 under section 84.027, the commissioner must report on progress toward required actions
194.18 described in this section.

194.19 Subd. 9. **Relation to other law.** Nothing in this section is to be construed to require an
194.20 act that conflicts with applicable state or federal law. Nothing in this section affects the
194.21 specific statutory obligations of a state agency to comply with criteria or standards of
194.22 environmental quality.

194.23 Sec. 2. **[116.035] ENVIRONMENTAL REVIEW AND PERMITTING;**
194.24 **COORDINATED PROJECT PLANS.**

194.25 Subdivision 1. **Definitions.** In this section, the following terms have the meanings given:

38.13 (1) "commissioner" means the commissioner of the Pollution Control Agency;

38.14 (2) "coordinated project plan" or "plan" means a plan to ensure that any required

38.15 environmental review and associated required state agency actions are completed efficiently

38.16 by coordinating and establishing deadlines for all necessary state agency actions;

38.17 (3) "eligible project" means a project that requires the commissioner to prepare an

38.18 environmental assessment worksheet or an environmental impact statement under chapter

38.19 116D and associated permits; and

38.20 (4) "state agency" means the agency or any other office, board, commission, authority,

38.21 department, or other agency of the executive branch of state government.

38.22 Subd. 2. **State policy.** It is the goal of the state to maximize the coordination,

38.23 effectiveness, transparency, and accountability of environmental review, associated

38.24 environmental permitting, and other regulatory actions for facilities in Minnesota.

38.25 Subd. 3. **Early communication; identifying issues.** To the extent practicable, the

38.26 commissioner must establish and provide an expeditious process for a person that requests

38.27 to confer with the agency and other state agencies about an eligible project. The agency

38.28 must provide information about any identified challenging issues regarding the potential

38.29 environmental impacts related to an eligible project, including any issues that could

38.30 substantially delay a state agency from completing agency decisions and issues that must

38.31 be addressed before an environmental assessment worksheet, environmental impact statement,

39.1 final scoping decision, permit action, or other required action by a state agency can be

39.2 started.

39.3 Subd. 4. **Plan preparation; participating agencies.** (a) A person who submits an

39.4 application for an eligible project to the commissioner may request that the commissioner

39.5 prepare a coordinated project plan to complete any required environmental review and

39.6 associated agency actions for the eligible project.

39.7 (b) Within 60 days of receiving a request under paragraph (a), the commissioner must

39.8 prepare a coordinated project plan in consultation with the requestor and other state agencies

39.9 identified under paragraph (c). If an eligible project requires or otherwise includes the

39.10 preparation of an environmental impact statement, the commissioner is required to prepare

39.11 a coordinated project plan that first covers the period through a final scoping decision.

39.12 Within 60 days of completion of the final scoping decision, the commissioner must update

39.13 the coordinated project plan to include the remainder of the environmental review process

39.14 as well as applicable state permits and other state regulatory decisions. The coordinated

39.15 project plan is subject to modification in accordance with subdivision 7.

39.16 (c) Any state agency that must make permitting or other regulatory decisions over the

39.17 eligible project must participate in developing a coordinated project plan.

39.18 (d) If an eligible project requires environmental review and the Department of Natural

39.19 Resources is the responsible governmental unit, then the Department of Natural Resources

194.26 (1) "commissioner" means the commissioner of the Pollution Control Agency;

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194.32 116D and associated permits; and

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195.2 department, or other agency of the executive branch of state government.

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195.10 environmental impacts related to an eligible project, including any issues that could

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195.20 prepare a coordinated project plan in consultation with the requestor and other state agencies

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195.22 preparation of an environmental impact statement, the commissioner is required to prepare

195.23 a coordinated project plan that first covers the period through a final scoping decision.

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195.25 the coordinated project plan to include the remainder of the environmental review process

195.26 as well as applicable state permits and other state regulatory decisions. The coordinated

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195.31 Resources is the responsible governmental unit, then the Department of Natural Resources

39.20 is the lead agency responsible for preparation of a coordinated project plan under section
39.21 84.0265. If an eligible project requires environmental review and the Pollution Control
39.22 Agency is the responsible governmental unit, then the Pollution Control Agency is the lead
39.23 agency responsible for preparation of a coordinated project under this section.

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39.25 include:

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39.27 regulatory authority over the eligible project and an explanation of each agency's specific
39.28 role and responsibilities for actions under the coordinated project plan;

39.29 (2) a schedule for any formal public meetings; and

39.30 (3) a comprehensive schedule of deadlines by which all environmental reviews, permits,
39.31 and other state agency actions must be completed. The deadlines established under this
39.32 clause must include intermediate and final completion deadlines for actions by each state
40.1 agency and must be consistent with subdivision 6, subject to modification in accordance
40.2 with subdivision 7.

40.3 (b) The commissioner must update a coordinated project plan quarterly.

40.4 Subd. 6. **Required deadlines.** (a) Deadlines established in a coordinated project plan
40.5 must comply with this subdivision unless an alternative time period is agreed upon by the
40.6 commissioner and proposer.

40.7 (b) When an environmental assessment worksheet is prepared for an eligible project for
40.8 which an environmental impact statement is not mandatory under Minnesota Rules, chapter
40.9 4410, the decision on the need for an environmental impact statement must be made as
40.10 expeditiously as possible but no later than 18 months after the environmental assessment
40.11 worksheet is deemed complete by the commissioner.

40.12 (c) When an environmental impact statement is prepared for an eligible project, the
40.13 decision on the adequacy of the final environmental impact statement must be made as
40.14 expeditiously as possible but no later than four years after the submitted data for the
40.15 environmental assessment worksheet is deemed complete.

40.16 (d) If the commissioner includes plan deadlines that are inconsistent with paragraphs
40.17 (b) and (c), then within 30 days of finalizing the plan, the commissioner must report to the
40.18 chairs and ranking minority members of the legislative committees and divisions with
40.19 jurisdiction over natural resources policy to explain how deadlines were established and
40.20 why the deadlines under paragraphs (b) and (c) are not attainable.

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40.22 commissioner's development coordinated project plan must comply with deadlines established
40.23 in the plan. If a participating state agency fails to meet a deadline established in the
40.24 coordinated project plan or anticipates failing to meet a deadline, the state agency must

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195.33 84.0265. If an eligible project requires environmental review and the Pollution Control
196.1 Agency is the responsible governmental unit, then the Pollution Control Agency is the lead
196.2 agency responsible for preparation of a coordinated project under this section.

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196.4 include:

196.5 (1) a list of all state agencies known to have environmental review, permitting, or other
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196.22 worksheet is deemed complete by the commissioner.

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196.24 decision on the adequacy of the final environmental impact statement must be made as
196.25 expeditiously as possible but no later than four years after the submitted data for the
196.26 environmental assessment worksheet is deemed complete.

196.27 (d) If the commissioner includes plan deadlines that are inconsistent with paragraphs
196.28 (b) and (c), then within 30 days of finalizing the plan, the commissioner must report to the
196.29 chairs and ranking minority members of the legislative committees and divisions with
196.30 jurisdiction over natural resources policy to explain how deadlines were established and
196.31 why the deadlines under paragraphs (b) and (c) are not attainable.

196.32 Subd. 7. **Deadline compliance; modification.** (a) A state agency that participates in the
196.33 commissioner's development of a coordinated project plan must comply with deadlines
197.1 established in the plan. If a participating state agency fails to meet a deadline established
197.2 in the coordinated project plan or anticipates failing to meet a deadline, the state agency

40.25 immediately notify the commissioner to explain the reason for the failure or anticipated
40.26 failure and to propose a date for a modified deadline.

40.27 (b) The commissioner may modify a deadline established in the coordinated project plan
40.28 if the project proposer fails to meet a deadline established in the coordinated project plan
40.29 or provides inadequate information to meet that deadline; or if:

40.30 (1) the commissioner provides the person that requested the plan with a written
40.31 justification for the modification; and

40.32 (2) the commissioner and the state agency, after consultation with the person that
40.33 requested the plan, mutually agree on a different deadline.

41.1 (c) If the combined modifications to one or more deadlines established in a coordinated
41.2 project plan extend the initially anticipated final decision date for an eligible project
41.3 application by more than 20 percent, the commissioner must report to the chairs and ranking
41.4 minority members of the legislative committees and divisions with jurisdiction over natural
41.5 resources policy within 30 days to explain the reason the modifications are necessary. The
41.6 commissioner must also notify the chairs and ranking minority members within 30 days of
41.7 any subsequent extensions to the final decision date. The notification must include the reason
41.8 for the extension and the history of any prior extensions. For purposes of calculating the
41.9 percentage of time that modifications have extended the anticipated final decision date,
41.10 modifications made necessary by reasons wholly outside the control of state agencies must
41.11 not be considered.

41.12 Subd. 8. **Annual report.** As part of the annual permitting efficiency report required
41.13 under section 116.03, the commissioner must report on progress toward required actions
41.14 described in this section.

41.15 Subd. 9. **Relation to other law.** Nothing in this section is to be construed to require an
41.16 act that conflicts with applicable state or federal law. Nothing in this section affects the
41.17 specific statutory obligations of a state agency to comply with criteria or standards of
41.18 environmental quality.

197.3 must immediately notify the commissioner to explain the reason for the failure or anticipated
197.4 failure and to propose a date for a modified deadline.

197.5 (b) The commissioner may modify a deadline established in the coordinated project plan
197.6 if the project proposer fails to meet a deadline established in the coordinated project plan
197.7 or provides inadequate information to meet that deadline; or if:

197.8 (1) the commissioner provides the person that requested the plan with a written
197.9 justification for the modification; and

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197.11 requested the plan, mutually agree on a different deadline.

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197.15 minority members of the legislative committees and divisions with jurisdiction over natural
197.16 resources policy within 30 days to explain the reason the modifications are necessary. The
197.17 commissioner must also notify the chairs and ranking minority members within 30 days of
197.18 any subsequent extensions to the final decision date. The notification must include the reason
197.19 for the extension and the history of any prior extensions. For purposes of calculating the
197.20 percentage of time that modifications have extended the anticipated final decision date,
197.21 modifications made necessary by reasons wholly outside the control of state agencies must
197.22 not be considered.

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197.24 under section 116.03, the commissioner must report on progress toward required actions
197.25 described in this section.

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197.27 act that conflicts with applicable state or federal law. Nothing in this section affects the
197.28 specific statutory obligations of a state agency to comply with criteria or standards of
197.29 environmental quality.