Module II – The Environmental Review Program

The purpose of the Environmental Review Program is to assess the effects on the environment from proposed human activities and ensure the conservation and sustainable management of Minnesota's natural resources, through:

- Early coordination and assistance
- Formal state and federal environmental assessment and environmental impact statement processes
- Local, state, and federal permitting and approvals

Environmental Review informs community planners, regulators, and other decision makers about the potential effects of their actions on the natural resources of the state.

Introduction

Environmental review is an information-gathering and assessment process, and the role of Minnesota Department of Natural Resources (DNR) reviewers is to provide the best-quality information about the affected environment, environmental effects of the proposed project, and steps that, if taken, could avoid or reduce impacts.

In 1994, at the request of the Assistant Commissioner for Operations, the DNR Senior Managers' Council charged a technical working group, the Environmental Review Study Committee, to come up with actions to improve environmental review efforts throughout the department. The committee identified issues affecting environmental review activities, articulated a strategic direction, and made specific recommendations for actions to improve the program. Phased implementation of the committee's recommendations has improved the department's ability to work with stakeholders and protect the natural resources of the state while managing their long-term sustainable use.

The *Environmental Review Study Committee Report* (DNR 1996), in Appendix B of this guide, defines environmental review as "*the process by which the Department of Natural Resources, other agencies, and the public assess the effects on the environment from proposed human activities. Environmental review is a key function of environmental agencies and is required by state and federal laws and regulations."* The report provides a foundation for the department's

Environmental Review Program. Much of the information in this module was taken from that report.

From the natural resource perspective, the purpose of environmental review is to inform community planners, regulators, and other decision makers about the potential effects of their actions on the natural resources of the state. Review and preparation of Minnesota Environmental Policy Act (MEPA) and National Environmental Policy Act (NEPA) documents constitute what we often call "formal" environmental review. A broader definition of environmental review includes early coordination and assistance, and permitting and approvals. Through these three kinds of review, the DNR can better integrate project design, review, and regulation.

According to the *Environmental Review Study Committee Report*, environmental review is important to the DNR because it provides key opportunities to ensure sustainable management of Minnesota's natural resources. The report states:

- Environmental review gives department staff an opportunity to view an entire project, not just specific, individually proposed project components. Environmental review also provides a mechanism to address cumulative impacts associated with multiple development activities that occur over a period of time, an aspect that cannot be addressed by permits or approvals alone.
- Environmental review provides DNR staff with timely opportunities to communicate technical information that can improve the sustainability of natural systems affected by most of the significant public and private development projects in Minnesota.
- Environmental review provides communication channels with developers, local governmental officials, and the public through which DNR staff can discuss ecosystem-based resource management objectives. Since 77% of Minnesota's land is in private ownership, environmental review is an important tool for resource protection and management.

Many DNR staff are natural resource specialists and managers with a wide range of knowledge and can provide expertise about biological, water, land, and physical resources to aid in local design and decision making. Staff provide inventory information about local natural resources, interpret the relative significance of these resources both locally and statewide, analyze the potential impacts of projects on these resources, and provide recommendations for design change and for permit requirements and approvals necessary to avoid or minimize impacts. Integrating the diversity of knowledge and experience of the resource professionals throughout the agency is critical to providing comprehensive and accurate assessment of the impacts posed by potential development projects.

Because an environmentally sound project requires less maintenance and provides a greater positive return in the long run, information the DNR provides that is incorporated into project designs and approvals safeguards the environment and the general public and project proposers. Environmental review should help avoid unintended consequences resulting from human activity. Humans live within and are dependent on ecosystems and thus also suffer from

unintended consequences (such as increased flooding, pollution, or diminished water quality) of uninformed actions. Environmental review provides information that enables better decisions regarding development projects. Environmental review also provides a mechanism to address cumulative impacts associated with multiple development activities that occur over time. This information furthers the goal of sustainability from economic, environmental, and social perspectives because ultimately the three are intertwined, and accomplishes this by a process that is fair and accessible to all.

DNR Environmental Review Role

The DNR performs three functions in its role in environmental review: (1) early coordination and assistance; (2) formal state and federal environmental assessment and environmental impact statement processes; and (3) local, state, and federal permitting and approvals. The three functions are sometimes independent, no single environmental review necessarily includes all three, and project reviews do not necessarily progress in any particular sequence. A comprehensive approach to environmental review should foster integration of these functions.

Early Coordination and Assistance

Developers conceptualize and design projects well before formal environmental review occurs. Early informal coordination and assistance often occur during local staff consultations on project planning and design, permitting, and land-use planning (e.g., comprehensive planning and watershed planning). Because projects are easier to modify during the conceptualization and design stages, early coordination provides the most effective avenue for the DNR to encourage low-impact development proposals. Early involvement of DNR specialists promotes a good working relationship between project proposers and the DNR and provides the greatest opportunity for cooperative, rather than adversarial, discussions of potential project impacts.

DNR specialists also coordinate and contribute information during local planning processes, for example, comprehensive planning and the development of watershed plans. Additionally, the Alternative Urban Areawide Review (AUAR) is an early coordination activity that provides guidance for the future development of relatively large areas. Benefiting from early coordination, projects entering the MEPA process will pose less potential for significant environmental effects, require less intensive analysis, and engender substantially less controversy among project reviewers.

DNR employees, in particular area hydrologists, work closely with project proposers in the early stages to ensure that projects comply with Public Waters rules. By providing assistance prior to permit review, area hydrologists have an opportunity to bring ecologists and area fisheries and wildlife managers into the discussion.

The Natural Heritage Review Coordinator also provides early coordination and assistance by providing information regarding potential impacts to rare resources. Project proposers or their consultants receive this information either by submitting a NHIS Data Request Form or by entering into a license agreement with the DNR to receive the rare features data electronically. (There is a fee for this service; all requests by developers for natural heritage data should be sent to the Natural Heritage Review Coordinator.)

Formal Environmental Review

The function of the Minnesota Environmental Review Program is to avoid and minimize damage to Minnesota's environmental resources caused by public and private actions. The program accomplishes this by requiring certain types of proposed projects to undergo special review procedures prior to obtaining required approvals and permits. DNR staff review and comment on

several types of documents. (See 2010 Guide to the Minnesota Environmental Review Rules, posted on the Minnesota Environmental Quality Board website www.eqb.state.mn.us.)

Formal environmental review includes the review of state (MEPA) and federal (NEPA) environmental review documents: Environmental Assessments (EAs), Environmental Assessment Worksheets (EAWs), Environmental Impact Statements (EISs), and Alternative Urban Areawide Reviews (AUARs). Reviewing MEPA and NEPA documents prepared by other agencies allows DNR staff to assess potential impacts to natural resources, evaluate the effectiveness of mitigation, and provide technical advice to other regulators.

The preparation and review of state environmental review documents for which the DNR is the Responsible Government Unit (RGU) is also a formal review activity. The Minnesota Environmental Quality Board rules list the types of projects for which DNR serves as the RGU for determining the need for environmental review and for preparing environmental review documents (EAWs, EISs, etc.). Projects include metallic mineral and peat mining, trail development, stream channel modification (local government is designated RGU unless it is a DNR project), water appropriations, impoundments, dam construction, certain timber harvesting projects, and projects encroaching on certain DNR management areas. The DNR also serves as the RGU for any projects it proposes.

The Central Office Environmental Review Program, also known as the statewide program, distributes and coordinates the review of AUARs, most federal documents, and documents from state agencies (with the exception of Minnesota Department of Transportation [Mn/DOT] documents). The regions play a role in the review of MEPA) and NEPA documents. The Regional Environmental Assessment Ecologist (REAE) distributes and coordinates the review of documents for which the region has responsibility and also prepares the region's comment letter. The REAE communicates and coordinates with statewide Environmental Review program staff before sending letters to the Minnesota Pollution Control Agency (MPCA) commenting on MPCA-RGU documents, or if the project or comments may be sensitive or contested. Mn/DOT general permit and early coordination review is coordinated by the DNR Transportation Hydrologist. Multiregion projects, energy projects reviewed through the alternative Public Utilities Commission (PUC) process, and all hydropower projects are also coordinated or managed by the statewide program. On a limited basis, regions may request that other reviews be coordinated by the statewide program as well. These coordination guidelines are flexible, and both regions and the Central Office may request the other to take on a project when appropriate.

Permitting and Approvals

Tying permitting to environmental review acknowledges the purpose of the MEPA process, which is to inform decision makers and enhance decisions. Permit decisions should reflect the discussions, modifications, and mitigation suggested during early coordination and document review.

The DNR regulates alterations of public waters, water appropriation, the crossings of public lands and waters, aquatic plant control, metallic mineral and peat mining, listed species taking, and other activities. Unless no feasible and prudent alternative exists, the MEPA and the Minnesota Environmental Rights Act (MERA) prohibit state agencies from permitting projects

that will cause pollution, impairment, or destruction of the environment. As mentioned above, one of the purposes of environmental review is to help inform permitting decisions. By tying environmental review to permitting, that is, treating environmental review as an integral part of the permitting process (and vice versa), DNR specialists ensure that DNR-issued and other permits address impacts and mitigation identified during review.

The department also reviews and comments on non-DNR permits (e.g., Wetland Conservation Act mitigation plans, *Clean Water Act* Section 404 permits, NPDES permits, and pipeline routing permits) and contributes to the environmental decisions of other local, state, and federal agencies by reviewing other documents (e.g., local water plans, comprehensive land-use plans, and watershed district plans). Authority to comment on these permits is often based in federal law or state statute. For example, the federal Fish and Wildlife Coordination Act requires the U.S. Army to seek the DNR's input on Section 404 permits (see also Module 5). Likewise, the rules for implementing the Minnesota Wetland Conservation Act specifically define the DNR's role.

Environmental Review Staffing

Regional Environmental Assessment Team (REAT)

The 1996 Environmental Review Study Committee Report directed the regions to establish environmental assessment teams comprising regional managers from DNR disciplines. The regional director was charged with managing the team, organizing and facilitating regularly scheduled environmental review meetings, managing the regional conflict resolution process, communicating regarding sensitive or controversial projects and reviews, and implementing decisions adopted by the team. The Regional Environmental Assessment Ecologist (REAE) was given the responsibility of providing primary technical support to the team. Other regional or area staff also may provide technical support to the team.

The team meets regularly to discuss and review projects and the comments and recommendations for MEPA and NEPA environmental review documents. Updates about significant environmental review activities in the region are a regular agenda item at all regional team meetings.

The team adopts regional positions on DNR, other agency, or private development proposals. The team manages the work of area environmental assessment teams to coordinate and conduct field reviews and to discuss and evaluate project impacts. Environmental review conflicts that cannot be resolved at the area level are managed by the team. In the event that the REAT cannot resolve an interdisciplinary dispute, the regional director is responsible for working with the appropriate divisional staff (regional and Central Office) to resolve the issue.

The team assesses work load and establishes environmental review priorities for the region to improve the delivery of the department's environmental review services. The primary goal is to identify lower-priority environmental review activities that may be temporarily or permanently eliminated to increase staff time and resources for more significant issues. As they assess priorities, the team members need to ensure that statutory and regulatory responsibilities, regional priorities, technical feasibility, and staffing priorities are all considered.

Each region has developed a REAT Charter that describes in detail the functions of the REAT. As an example, the Central and South REAT Charters are included in Module IX, "Direction, Guidance, and Information." The REAT should revisit the charter periodically and make changes as needed. **The REAE should ensure that all REAT members have a copy of the REAT Charter.**

Regional Environmental Assessment Ecologist (REAE)

The REAE provides a regional service to the entire department by analyzing and preparing comments on the potential natural resource impacts of proposed development projects, plans, or proposals; coordinating issues from all disciplines in the regional office; and providing technical support to the REAT. The REAE also serves and assists local and regional government officials and staff, project proposers, consultants, and other DNR staff as a technical DNR contact for early coordination and outreach activities.

Natural Heritage Review Coordinator

The Natural Heritage Review Coordinator checks the Natural Heritage Information System for known occurrences of rare features and provides comments regarding potential impacts to rare features.

Review Processes

The purpose of this section is to introduce DNR reviewers to commonly encountered environmental review processes and to suggest steps for conducting reviews.

Formal Review - Document Review Coordinated by the Region

This category generally consists of documents produced by local units of government.

1. The Responsible Governmental Unit (RGU) sends copies of the document to the Central Office Environmental Review Program, where it is entered into the Environmental Review Database (ERDB) and given a date by which the DNR must submit its comments to the RGU.
2. Copies are sent to the REAE.
3. The REAE screens the document and project proposal, making an initial assessment of potential resource impacts.
4. If the REAE determines that Regional review is not necessary, (s)he notifies the Responsible Governmental Unit or state or federal agency of that determination and completes the ERDB entry.
5. If the REAE determines that Region review is necessary, (s)he distributes copies or relevant portions of the document to the appropriate reviewers (area fisheries and wildlife managers, non-game wildlife specialist, area hydrologist, regional ecologist, park naturalist, trail specialist, real estate technician, etc.) and notifies the REAT that the document is available for review.
6. Reviewers participate in the review and submit comments to the REAE. The REAE may review and comment as well and is responsible for coordinating with other reviewers to ensure that all concerns are fully addressed.
7. The REAE compiles comments and prepares the DNR comment letter for approval and signing by the Regional Director.
8. The REAE sends the signed letter to the RGU, with copies to the project proposer, EQB staff, U.S. Fish and Wildlife Service, REAT, DNR statewide Environmental Review program, and DNR reviewers.
9. The REAE attaches an electronic copy of the EAW and comment letter to the ERDB.
10. The REAE completes the ERDB entry.

Formal Review - Central Office Statewide Environmental Review Program Implementation

Environmental Review staff in the Central Office are responsible for preparing documents and managing environmental review when the DNR is the RGU. When a state agency proposes a project that requires environmental review, the agency is the RGU. For example, the DNR Fisheries Section may propose to restore a designated trout stream, triggering a mandatory EAW. The DNR would be the RGU. (See the 2010 *Guide to Minnesota Environmental Review Rules* for information about RGUs.) The following example is for an EAW.

1. DNR discipline area or Central Office staff notify the Environmental Review Program supervisor as soon as they contemplate implementation of a project that may require environmental review. The Environmental Review Unit makes a determination of the need for environmental review for the project. The REAT should be aware of projects receiving ER need determinations so that the REAT can recommend a discretionary EAW for a project that is not exempt or mandatory when the REAT thinks it may have potential for significant environmental effects. All final determinations of need for environmental review are made by the Environmental Review Unit.
2. The Environmental Review Program supervisor assigns a project manager to the project. The project manager works with the discipline and may communicate with the appropriate region (REAT and REAE) as document preparation progresses.
3. The project manager distributes copies of the draft document to the REAE and Environmental Review discipline coordinators as part of internal review of the EAW.
4. The REAE distributes copies or relevant portions of the document to the appropriate reviewers (area fisheries and wildlife managers, nongame wildlife specialist, area hydrologist, regional ecologist, park naturalist, trail specialist, etc.) and coordinates the region's review.
5. Reviewers participate in the review and submit written comments through discipline coordinators or as otherwise directed (e.g., fisheries and wildlife area managers submit comments to the REAE for compilation).
6. The Environmental Review project manager may revise the document based on comments from the region.
7. The project manager completes and submits the EAW to the Environmental Quality Board and distributes copies for external public review.
8. The project manager responds to timely and substantive written comments. She or he may work with the REAE and DNR technical staff to help evaluate comments and develop responses.
9. The Commissioner's office makes the final decision on both the EAW and EIS, based on recommendations from the EAW project manager. In the case of an EAW, the project manager determines whether an Environmental Impact Statement (EIS) is necessary. In the case of an EIS, the project manager determines whether the document is adequate.
10. The Assistant Commissioner for Operations signs Records of Decision and Adequacy Determinations for EAWs and EISs.

Permitting and Approvals

The DNR regulates alterations of public waters, water appropriation, aquatic plant control, metallic mineral and peat mining, and other activities. Unless no feasible or prudent alternative exists, the MEPA prohibits state agencies from permitting projects that will cause pollution, impairment, or destruction of the environment. Tying environmental review to permitting, that is, treating environmental review as an integral part of the permitting process (and vice versa) will ensure that DNR permits address impacts and mitigation identified during review.

The DNR reviews and comments on non-DNR permits, for example, Wetland Conservation Act mitigation plans and U.S. Army Corps of Engineers Section 404 permits. The DNR also

contributes to the environmental decisions of other local, state, and federal agencies by reviewing other documents, for example, local water use plans, comprehensive land-use plans, and watershed district plans. This activity contributes to both early coordination and assistance and plan approval.

Permitting - Public Waters Permits

The DNR Public Waters Work Permit Program applies to those lakes, wetlands, and streams identified on DNR Public Water Inventory maps. Proposed projects affecting the course, current, or cross section of these water bodies may require a Public Waters Work Permit from the DNR and permits from other agencies.

1. The Area Hydrologist receives a permit application.
2. If the activity is covered by a general permit, the Area Hydrologist sends a letter of permission to the applicant.
3. If the activity is not covered by a general permit, the Area Hydrologist sends out the individual permit application for review by DNR and external reviewers (REAE, regional nongame specialist, fisheries and wildlife area managers, local unit of government, Soil and Water Conservation District, U.S. Army Corps of Engineers, watershed district, or watershed management organization). Permit applications are not sent to the Natural Heritage Review Coordinator; thus, the REAE manages the natural heritage review. The REAE contacts the Regional Nongame Specialist or the Regional Plant Ecologist for any questions that arise regarding state-listed animals or plants, respectively; and contacts the Natural Heritage Review Coordinator for any questions regarding mussels.
4. The reviewers conduct a technical evaluation.
5. The reviewers send comments to the Area Hydrologist. DNR reviewers should provide their comments on the "Public Waters Permit Review Checklist," a form developed for this purpose. Reviewers need not fill out the entire checklist, only those portions that apply to their areas of concern.
6. Once the review is complete and all issues are resolved, the Area Hydrologist prepares the permit. (*Note:* The REAT will manage environmental review conflicts that cannot be resolved at the area level.)
7. The Area Hydrologist issues the permit or refers it to the Regional Hydrologist.
8. The Regional Hydrologist approves or denies the permit or refers it to the Division Director.
9. The Division Director approves or denies the permit.
10. The Area Hydrologist updates the permits database.

Permitting - General Public Waters Work Permit (GP) 2004-0001

The DNR issued this permit to the Minnesota Department of Transportation (Mn/DOT) for projects to replace or repair bridges, culverts, or stormwater outfalls in Public Waters. An important aspect of reviewing Mn/DOT projects for compliance with this general permit is the combining of DNR early environmental review and permit review into Mn/DOT's internal Early Notification Memo process. Early guidance on meeting provisions of GP 2004-0001 is provided to Mn/DOT at this early planning stage. Projects can then be authorized under GP 2004-0001 at any time the project is deemed to meet its conditions, often prior to final design of a project.

Specific written authorization is provided for each project to show compliance with the general permit. The DNR Transportation Hydrologist is the point of contact for this permit.

The general permit is available on the DNR website: http://www.dnr.state.mn.us/waters/forms.html. The manual *Best Practices for Meeting DNR General Public Waters Work Permit GP 2004-0001* provides guidance on meeting the conditions of the GP. The manual is available at http://files.dnr.state.mn.us/waters/watermgmt_section/pwpermits/DNR_GP_Guidance_Manual.pdf.

1. The DNR Transportation Hydrologist receives an Early Notification Memo, screens it to determine the need for a Public Waters Work Permit, and enters the project into the Environmental Review database.
2. The Transportation Hydrologist coordinates DNR comments via email to DNR field managers and the Natural Heritage Review Coordinator. In the near future, the DNR Transportation Hydrologist will conduct the natural heritage review.
3. If a Public Waters Work Permit is not required, DNR reviewers may still comment on other resource concerns or may comment through the Wetland Conservation Act process.
4. If the project needs an individual Public Waters Work Permit, DNR reviewers provide written comments to the DNR Transportation Hydrologist.
5. The DNR Transportation Hydrologist responds to Mn/DOT on behalf of the DNR and lists the DNR's concerns and recommendations.

For a more detailed picture of this process, see the flowchart *Framework for DNR Early Coordination and Public Waters Permit review of Mn/DOT Projects*.

Permitting - Wetland Conservation Act of 1991 (WCA)

The purpose of the Wetland Conservation Act is to (1) achieve no net loss in the quantity, quality, and biological diversity of Minnesota's existing wetlands; (2) increase the quantity, quality, and biological diversity of Minnesota's wetlands by restoring or enhancing diminished or drained wetlands; (3) avoid direct or indirect impacts from activities that destroy or diminish the quantity, quality, and biological diversity of wetlands; and (4) replace wetland values where avoidance of activity is not feasible and prudent. (See also *Minnesota Rules*, chapter 8420.)

WCA Applications – Replacement Plans, Banking Plans, Exemptions, No-loss determinations, and Boundary/Type Determinations:

1. The local governmental unit (LGU) sends a notice and a copy of the application to the DNR Regional Office. The LGU also sends the notice and application to the Technical Evaluation Panel (TEP), which includes the Soil and Water Conservation District (SWCD), Board of Water and Soil Resources (BWSR), and in some cases the DNR. In some regions, the DNR has identified specific DNR employees as TEP representatives for each LGU. These are often area wildlife or fisheries managers or area hydrologists. For some LGUs, the REAE has been designated as the DNR TEP representative. Where a specific DNR TEP representative has been identified, the LGU will generally send the notice/application

to their local DNR TEP representative in addition to (or in some cases instead of) the Regional Office.
2. The REAE or other DNR-TEP representative receives the notice/application and determines whether to take part in the review. This determination is based on the TEP representative's knowledge of the WCA rules and the DNR's role as well as best professional judgment regarding resources in the affected area. In addition, the REAE is guided by *Ecological Resources Regional Environmental Review Priorities*, a document intended to help manage the REAE's workload.
3. The REAE or other DNR-TEP representative communicates with the TEP by phone and email and attends TEP meetings, involving other DNR staff as necessary. The Natural Heritage Review Coordinator is not involved in this process; the REAE manages this region-level heritage review. The REAE should check the MCBS Native Plant Communities layer, as some wetlands will qualify as Rare Natural Communities under WCA (see WCA Guidance on Rare Natural Communities).
4. The REAE or other DNR-TEP rep prepares a DNR position, approving or disputing the application. Generally, the DNR-TEP rep communicates the DNR position, but a letter should be signed by the Regional Director in controversial or complex decisions.
5. Following the comment period, the LGU sends a Notice of Decision to the DNR. The REAE or other TEP-rep reviews and considers whether DNR should appeal the LGU's decision. If the REAE or TEP-rep believes an appeal should be considered, they should consult with the Ecological Resources Wetlands Program Consultant and their respective Regional Manager. Appeals generally need to be coordinated with the Commissioner's office.
6. For some projects, the LGU may schedule on-site TEP meetings at various stages post-construction to evaluate the condition of the replacement wetland and determine whether corrections are necessary.

Permitting - Section 404 of the Clean Water Act

The U.S. Army Corps of Engineers Regulatory Programs include Section 10 of the Rivers and Harbors Act of 1899 and Section 404 of the Clean Water Act. The St. Paul District's regulatory jurisdiction covers the states of Minnesota and Wisconsin.

For Section 10, a permit from the Corps of Engineers is required to do any work in, over, or under a Navigable Water of the U.S. Waterbodies have been designated as Navigable Waters of the U.S. based on their past, present, or potential use for transportation for interstate commerce. These waters include many of the larger rivers and lakes, such as the Minnesota, St. Croix, and Mississippi rivers, and Lake Superior and the Mississippi headwaters lakes.

For Section 404, a permit from the Corps of Engineers is required for the discharge of dredged or fill material into waters of the U.S. Many waterbodies and wetlands in the nation are waters of the U.S. and are subject to the Corps of Engineers Section 404 regulatory authority.

The Fish and Wildlife Coordination Act of 1958 (16 USC 661-667) requires the Corps of Engineers to seek the input of the applicable state fish and wildlife agency on Section 404 permits and requires the Corps of Engineers to give fish and wildlife effects equal consideration

with other aspects of a proposed project. When commenting on Section 404 permits, it may be helpful at times to cite this authority for DNR comments.

A. GP/LOP Permits – Review and Evaluation

Early in 2000, the St. Paul District replaced all Corps Section 404 nationwide permits in Minnesota and Wisconsin with a combination of statewide regional general permits and letter-of-permission evaluation procedures (initially referred to as GP/LOP-98).

1. The Corps of Engineers posts notices on the St. Paul District website regulatory page under LOP-05-MN and LOP-06-WI PROJECT NOTICES and STANDARD INDIVIDUAL PERMIT PUBLIC NOTICES and invites public comment within the comment period. (*Note:* Regular reviewers can join the district's email list to receive copies of the latest public notices.)
2. The REAE receives the notice or visits the website and reads the notice, taking note of the location of the project and magnitude of the impact.
3. The REAE involves fisheries and wildlife area managers and other reviewers as warranted. The Natural Heritage Review Coordinator typically is not involved in this process. The REAE manages the region-level natural heritage review.
4. Area staff conduct a technical assessment of the project.
5. Area staff send comments to the REAE, who compiles the comments and sends a DNR letter to the Corps of Engineers. (*Note:* Although a letter is the preferred form for communicating comments, email messages can be used when there is little time to prepare a formal letter.)
6. The Corps of Engineers takes a permit action.

B. Individual Permit Public Notices – Review and Evaluation

1. The Corps of Engineers posts notices on the St. Paul District website regulatory page and invites public comment within the comment period. (*Note:* Regular reviewers can join the district's email mailing list to receive copies of the latest public notices.)
2. The REAE receives the notice or visits the website and reads the notice, taking note of the location of the project and magnitude of the impact.
3. The REAE involves fisheries and wildlife area managers and other reviewers as necessary.
4. Area staff conduct a technical assessment of the project.
5. Fisheries and Wildlife and Ecological Resources area staff send comments to the REAE, who compiles them and sends them to the Regional Hydrologist.
6. The Regional Hydrologist compiles comments and sends a DNR letter to the Corps of Engineers.
7. The Corps of Engineers takes a permit action.

Permitting - Licenses to Cross Public Waters and Public Lands

A license must be obtained from the DNR for the passage of any utility lines crossing over or under any state land or public water. Utility lines include telephone, fiber optic, electrical, or other lines; cables or conduits; and pipelines or mains for gases, liquids, or suspended solids. The following describes the process for reviewing licenses for projects that do not require formal environmental review.

1. The Lands and Minerals Division receives an application and attachments (maps and plans) for a utility license to cross public waters or public lands.
2. The Real Estate Technician reviews the application and attachments and checks Landview to determine whether the crossing is on public waters or state land. For a land crossing, the technician checks and prints the AS400 land records. Regional review is required for all land crossings. Regional review is required for water crossings, except for low-impact crossings such as directional boring.
3. If regional review is required, the technician drafts and sends an acknowledgment letter. If review is not required, the technician drafts a license and execution letter and sends them to the applicant.
4. If review is required, the technician sends an email to the appropriate regional reviewers, including the REAE. The email includes copies of the application and supporting documentation along with maps and land records. The technician requests that reviewers respond with comments, concerns, or objections within two weeks. These are not sent to the Natural Heritage Review Coordinator. The REAE manages this natural heritage review.
5. If there are any concerns, comments, or objections, reviewers address these by contacting the applicant to get additional information about the project or to effect changes in the crossing method or location. Many comments and resource concerns can be addressed in the execution letter that is sent to the applicant along with the license.
6. The technician sends the applicant the signed license, an execution letter, and a copy of the original application and attachments.

Many proposed utility license projects in Minnesota require formal environmental review. While staff from the Division of Lands and Minerals coordinate the work for utility licenses crossing DNR lands and public waters, the Division of Ecological and Water Resources coordinates the DNR's response to formal environmental review for utility projects in Minnesota. Communication between the two divisions is critical to ensure that the licensing and environmental review processes are effectively coordinated.

In July 2009, the Division of Lands and Minerals and the Division of Ecological and Water Resources issued a joint memo clarifying responsibility for the work required to handle utility licenses crossing DNR lands and public waters where the utility license project requires environmental review. The following lists those roles and responsibilities:

<u>Division of Lands and Minerals</u>

- Coordinates all meetings, correspondence, and communication by the DNR with the utility companies for utility license applications, inquiries, and notices. Is the point of contact with the applicant concerning DNR comments on license applications.
- Reviews the application and contacts the applicant for pertinent information that has not been submitted. Coordinates needed review within DNR regarding questions with the application, keeping the review consistent with the environmental review decisions and the information DNR provided (or is in the process of providing) during such review.
- Within the scope of DNR's licensing authority, prepares any additional special terms and conditions for the state utility licenses, including any additional special

agreements to be included in the license. Some of the special terms will arise from the state or federal environmental review and permitting.

- Issues licenses, collects fees and crossing payments, and maintains the computer records and files.
- Participates in early coordination, formal environmental review, and other agency permit review processes for utility projects.

Division of Ecological and Water Resources

- Statewide environmental review: Coordinates all meetings, correspondence, and communication by the DNR for utility projects requiring formal environmental review under the HVTL Route and Power Plant Site process, Pipeline Routing Act, and/or federal (NEPA) process. The Natural Heritage Review Coordinator provides early coordination through the Natural Heritage letter and also reviews the formal environmental review documents.
- Regional environmental review: Coordinates meetings, correspondence, and communication by the DNR for early coordination activities for utility projects requiring formal environmental review under the HVTL Route and Power Plant Site process, Pipeline Routing Act, and/or federal (NEPA) process. Invites participation by Lands and Minerals in informal environmental review and other agency permit review.
- Completes a project proposal review under the applicable environmental review or permitting (e.g., NPDES, 404, WCA) processes, compiles comments, and sends the DNR's environmental review responses to appropriate public agencies.
- As appropriate, attends public hearings and presents DNR testimony on environmental review or other agency permit comments.
- Compiles list of DNR comments submitted in formal environmental review or other agency permit review that are applicable to state land or public water crossings subject to the DNR license authority and provides the list to the Division of Lands and Minerals.
- Administers regulation of takings of state-listed species and provides Natural Heritage data.

Approvals - Watershed Management Plans and Comprehensive Watershed Management Plans

In the seven-county metropolitan area, there are approximately 35 watershed districts and water management organizations. By state law and rule, watershed districts and water management organizations are required to prepare, adopt, and implement comprehensive surface water management plans. The plans generally cover a ten-year period and are updated every five to ten years.

The essential purposes of the watershed management plans are to:

- protect, preserve, and use natural surface and groundwater storage and retention systems
- minimize public capital expenditures needed to correct flooding and water quality problems
- identify and plan for means to effectively protect and improve surface and groundwater quality
- establish more uniform local policies and official controls for surface and groundwater management
- prevent erosion of soil into surface water systems
- promote groundwater recharge
- protect and enhance fish and wildlife habitat and water recreational facilities
- secure the other benefits associated with the proper management of surface and groundwater

The DNR and other state agencies and the Metropolitan Council review and comment on Draft Watershed Management Plans during one or more review and comment periods. Prior to the start of review of the Draft Plan, DNR area and regional staff may participate in the development of the plan as participants on Technical Advisory Committees or Technical Advisory Task Forces. This includes working on the scope and existence of the natural resources in the watershed area, identifying goals and policies, and identifying implementation actions to meet the goals and policies.

The DNR's review and the written comments submitted by the DNR to the watershed district and/or watershed management organization focus on accuracy and completeness of the document, description of the existing natural resources, land and water resources inventory, goals and policies, and specific implementation actions to achieve the goals and policies. One of the specific directions for the DNR's review and comment is to provide an evaluation of the consistency of the plan with state laws and rules relating to water and related land resources. The watershed district or watershed management organization needs to respond in writing to the comments submitted by the DNR and other reviewing agencies. The Board of Water and Soil Resources (BWSR) reviews and approves the Watershed Management Plan followed by final adoption and implementation of the Watershed Management Plan by the watershed district or watershed management organization. The DNR, through the Assistant Commissioner, is a member of the Board of Water and Soil Resources.

1. The watershed district, watershed management organization, or the organization's consultant sends three copies of the document to the Central Office Environmental Review Program coordinator and contact person. The date of receipt is also coordinated with BWSR and other agencies, and BWSR staff determine the actual date of the start of the review period. The date of receipt is entered into the Environmental Review Database (ERDB), and a due date is assigned for discipline comments to be received by the Central Office coordinator, and for DNR comments to be sent to the watershed district or watershed management organization.

2. Copies are sent to the REAE, the Area Hydrologist, and to the extent possible to the Regional Clean Water Legacy Specialist (normally the REAE and Area Hydrologist share their copy with other staff).
3. The Central Office coordinator's copy is available for review by other DNR staff including the Natural Heritage Information System staff. The Natural Heritage Review Coordinator provides early coordination through the Natural Heritage letter and also reviews the formal environmental review documents.
4. The REAE, the Area Hydrologist, the Clean Water Legacy Specialist, and the Endangered Species Environmental Review Coordinator review and provide written comments on the Draft Watershed Management Plan. These staff may distributes copies or relevant portions of the document to other appropriate reviewers (e.g., area fisheries and wildlife managers, nongame wildlife specialist, area hydrologist, regional ecologist, park naturalist, trail specialist, real estate technician, etc.).
5. Reviewers participate in the review and submit written comments through the REAE and to the Central Office Environmental Review Program coordinator.
6. The Central Office coordinator reviews and evaluates the comments, coordinates comments, and prepares the DNR comment letter. The Central Office coordinator sends the final letter to the watershed district or watershed management organization or to its consultant; and copies are sent to the reviewers, the Regional Director, the Assistant Commissioner, and BWSR staff.
7. Depending on the circumstances, issues in the letter may be discussed or brought to the attention of the Regional Director or the Assistant Commissioner.
8. Depending on the circumstances and which review procedures are being used, the Central Office Coordinator may discuss or meet with the Assistant Commissioner, particularly if the BWSR may have to resolve conflicting issues.
9. The Central Office coordinator attaches electronic copies of the comment letters to the ERDB and updates the ERDB entries.
10. Final copies for the DNR of the eventually adopted Watershed Management Plan or Comprehensive Watershed Management Plan will be retained in the Central Office and sent to the Area Hydrologist.

Additional information about the Metropolitan Area Surface Water Management programs and process can be found the website of the Minnesota Board of Water and Soil Resources, Resource Management and Planning at http://bwsr.state.=mn.us/planning/index.html.

Permitting - Hydropower Licenses

There are more than 25 proposed or existing hydropower projects, facilities, and operations throughout Minnesota. Many of these are licensed by the U.S. Federal Energy Regulatory Commission (FERC), and some are proposed projects in the process of applying for licenses. Even after a project or facility has received a FERC license (for a 30-year to 50-year period), there are many and regular requests and needs for DNR review and comment and involvement in a wide variety of post-licensing activities.

The DNR is an active participant in the FERC's processes and licenses for hydropower projects in Minnesota because for the FERC's purposes, the DNR is both the State Fish and Wildlife Agency and the state resource agency with administration responsibilities over flood control, navigation, irrigation, recreation, and cultural and other resources.

Review of proposed hydropower projects and licenses is coordinated by the statewide program in the Central Office.

1. The DNR's Central Office FERC/Hydropower Coordinator receives a document for review from a number of contacts. The document may be sent by the FERC by or for an existing licensee, by or for an applicant, or as requested by the DNR FERC/Hydropower Coordinator because of awareness due to a notice of the document or project.
2. The FERC/Hydropower Coordinator determines the extent of DNR review requested, sets time schedules for preparing and submitting comments, and specifies the type of DNR comments that will be prepared and submitted.
3. DNR review is primarily accomplished through the DNR's internal hydropower team, which has representatives addressing flow regimes and needs, fisheries entrainment and mortality, fish and wildlife effects, water supply, and recreational opportunities and effects.
4. A cover email note or a letter is sent along with the document to a member of the DNR's internal hydropower team. A copy is also sent to the REAE and as warranted to other regional or area staff. The cover note or letter includes the date that written comments need to be submitted to the FERC/Hydropower Coordinator. The cover note or letter also reminds and encourages staff to coordinate and to bring the matter to the attention of other area and regional or discipline staff or management.
5. The FERC/Hydropower Coordinator, as necessary or warranted, meets with and discusses the project, document, and DNR comments with the Assistant Commissioner or others in the Commissioner's Office. If formal motions to intervene or to participate in the FERC processes are contemplated, prior Commissioner's Office notification or approval is required.
6. The various DNR reviewers send comments to the FERC/Hydropower Coordinator. The REAE may collect and compile all comments from area and regional staff and send the compilation to the FERC/Hydropower Coordinator. Generally, the various discipline comments will be sent to the FERC/Hydropower Coordinator through the DNR internal hydropower staff person.
7. The FERC/Hydropower Coordinator evaluates the comments, may pose additional questions or issues, and develops and prepares the DNR letter or other formal document to the FERC, to the applicant (or their representative), and to the licensee (or their representative). Copies of the document are sent to the reviewers, Regional Directors, Regional Managers, the Commissioner's Office, the applicant, the licensee, and other state and federal agencies typically involved in hydropower projects and proposals (e.g., other states, Indian tribes, the Minnesota Pollution Control Agency, the National Park Service, the U.S. Army Corps of Engineers, and the U.S. Fish and Wildlife Service).
8. The FERC will eventually determine the need for and issue a federal hydropower license and/or approve or modify a plan or document. There may be a variety of the different types of the above-mentioned documents all associated with one project or one license, and DNR involvement and review and comment occur over multiple years.

9. The DNR make take further action on one or more of the processes, such as appealing the FERC decision, if there is an appeal process for a particular decision. The FERC and other state and federal agencies may consult further with the DNR during the various application, plan, and licensing processes.
10. Depending on the circumstances and which review procedures are being used, the DNR's internal hydropower team may meet and consult and the FERC/Hydropower Coordinator may discuss or meet with the Assistant Commissioner or the Commissioner's office on an issue by issue basis.
11. These documents do not lend themselves to inclusion in the ERDB.

Approvals - Large Wind Energy Conversion Systems (LWECS)

Refer to the document *Minnesota Department of Natural Resources Wind Review Process*. This document describes the preliminary review process for Large Wind Energy Conversion Systems conducted by the DNR regions and for providing comments during the Public Utilities Commission Site Application process. Also see the document *Minnesota Department of Natural Resources Guidance for Wind Energy Projects* (in preparation).

1. Typically the project proposer will send a one-page cover letter and map of the project area boundary for the DNR to review. The region staff person contacted (if not the REAE) notifies the REAE, who coordinates with the Central Office ER Unit.
2. The REAE drafts a letter that includes issues relevant to the project based on the DNR guidance for wind energy projects. The letter should include a map that shows the recommended avoidance areas within the project study boundaries. Attachments should include proposed mortality monitoring methods (when applicable) and report guidelines or other survey methods if available. The letter also requests the company to develop a proposal of methods for any specific surveys that are requested so the DNR can review and comment on them. The letter refers the project proposer to the DNR Data Deli for GIS shapefiles at: http://deli.dnr.state.mn.us/.
3. The REAE circulates the draft preliminary letter to the appropriate staff for comment. Typically these staff are ECO Regional Supervisor, Wildlife Supervisor, Nongame Specialist, Regional Plant Ecologist, Natural Heritage Review Coordinator, Land and Minerals Supervisor, and St. Paul Energy Environmental Planner in addition to anyone else in the region with a vested interest in the project. For example, if a state park is in or adjacent to the project boundaries, then the State Park Supervisor and Regional Park Manager would review the project. The letter is modified based on any comments received and sent to the project proponent, with copies to everyone who reviewed the draft letter plus the Regional Director and OES.
4. The REAE coordinates with the Natural Heritage Review Coordinator to ensure that the region's response letter and the Natural Heritage letter do not conflict in any manner. The Natural Heritage letter discusses avoidance areas associated with Sites of Biodiversity Significance, native plant communities, and rare species. Specific survey recommendations for rare species also are included in the Natural Heritage letter. If the preliminary region letter includes a map of avoidance areas, then it should be coordinated with NHIS and be part of the draft preliminary letter circulated for comments.
5. Interested field staff, including the Region Nongame Specialist and the Regional Ecologist, visit the project site either before or after circulating the draft scoping letter if resources of

concern are in the project area. The visit may provide additional insights for the response letter and may increase understanding of potential concerns about the project.

6. The REAE coordinates with the USFWS to generate additional support for DNR comments and sends the agency a copy of the preliminary letter.
7. If numerous issues are raised in the letter, the REAE requests a meeting to discuss the issues and convince the company to conduct any requested surveys.
8. Phone calls and meetings should be documented to establish a record for the project file and to effectively communicate with everyone involved (region, Central Office, NHIS).
9. The REAE follows up with the consultants or company within eight weeks after sending the letter to develop any agreements on what the company has committed to carry out. The REAE establishes a meeting date to discuss outstanding issues and surveys if needed.
10. When the project enters the Public Utilities Commission Site Application process, the Central Office ER Unit will issue the letters based on the region's comments. Any agreements should be included in the Site Application Permit. Having the agreements in the Site Application Permit gives them regulatory standing to be completed, as they must be accomplished to be in compliance with the permit.
11. The Central Office ER Unit continues to coordinate with the company to ensure project survey reports are completed and reported to the DNR. This information should be circulated to all DNR Regional Environmental Assessment Ecologists and the Natural Heritage Review Coordinator.

Although the Natural Heritage Review Coordinator is not involved in reviewing most permit applications, permits are often part of a larger project that may have gone through the Natural Heritage process. Regional staff should ask the developer if a Natural Heritage Review has been conducted or check with the REAE to ensure that Natural Heritage concerns are addressed in the permit. The Natural Heritage Review Coordinator will make every attempt to copy any Natural Heritage letters for projects that likely will require DNR permits to the REAEs, area hydrologists, and Division of Lands and Minerals staff.

General Steps in the Review of a Project

Applications and Proposals

Project descriptions submitted with permit and license applications are often not as informative as they could be. (This is usually less of a problem with formal environmental review documents.) A clear and thorough project description (see the sample outline below) will help project reviewers determine whether the project has the potential to affect natural resources. It also will reduce the likelihood that the DNR will have to request additional information from the project proposer or local authority.

As much as possible, the DNR should be asking for the same level of information across all regions. The level of detail should be appropriate for the scale and complexity of the project and to the sensitivity of its location. Early coordination with developers, responsible governmental units, and permitting authorities should illuminate the level of detail required by the DNR, making for smoother application and review processes.

Conducting the Review

The goal of the REAE is to evaluate proposed activities and communicate to project proposers, community leaders, and regulators the potential environmental effects of their actions. To do this effectively, the REAE must work closely with management and technical staff across the entire agency. The REAE depends on attaining resource information held by fisheries and wildlife managers, area hydrologists, regional ecologists, park managers, and many others. These experts, in turn, have a responsibility to provide clear statements of the conditions and values of the resources that they manage.

Involving Others

Providing quality customer service to external parties requires that all appropriate DNR staff are included in the process. Upon contact, the REAE's first task is to screen the request, application, or document and determine whether valued natural resources may be affected. The REAE should determine the scope of the entire proposal or project and the general extent of landscape alteration and location, and assess the proposal's or project's need for involving other resource disciplines. The REAE is responsible for informing appropriate resource managers about the proposal or project and, in the case of an information request, providing the project proposer with the names and contact information for those DNR staff with applicable resource management responsibility. Depending on the type of project, these individuals may be area, regional, or central office staff and would include area managers and supervisors, area hydrologists, the Natural Heritage Review Coordinator, nongame wildlife specialists, parks and trails specialists, real estate technicians, and so on. The REAE provides reviewers with sufficient information about location and activity so that they are able to apply their knowledge of the area and effectively evaluate the project from their perspectives.

For formal review and the review of information requests, the REAE should request that reviewers provide comments by a specific date, allowing time for the incorporation of comments into a single coherent response. The REAE should contact the REAT and the environmental

review supervisor if the project or proposal may be sensitive or controversial or may affect highly important natural resources.

Sample Outline of a Detailed Project Description

GENERAL INFORMATION

GENERAL
The name and type of project
The proposed location of the project

CONTACTS
The name and contact information of the project proposer
The names and contact information of others from whom the DNR can obtain more information

AUTHORIZATIONS REQUIRED
Information on other environmental assessment processes to which the project has been or could be submitted, e.g., EAWs, federal EAs, or local, state, or federal permits or licenses

PROJECT INFORMATION

PROJECT COMPONENTS AND STRUCTURES
The main components of the project, including any permanent and temporary structures, associated infrastructure, associated construction and type of equipment to be used
Size (e.g., length of road, acreage used) of the main components of the project

PROJECT ACTIVITIES
The construction, operation, and decommissioning phases, and the timing and scheduling of each phase
Schedule (e.g., time of year, frequency, and duration)
Site plans or sketches with project location, features, project activities described on a map
Engineering design details (e.g., temporary diversion works, dams)
Identification of requirements for off-site land use

RESOURCE/MATERIAL REQUIREMENTS
The production processes to be used in the project
The project's raw materials, energy and water requirements and sources
Associated infrastructure such as access roads and pipelines
Excavation requirement and quantity of fill to be added or removed
Identification of any toxic or hazardous materials to be used or by-products to be generated by the project

WASTE DISPOSAL
The nature of any solid waste or gaseous wastes likely to be generated by the project, and plans to manage these wastes
Disposal procedures for any toxic or hazardous materials to be used or any by-products to be generated by the project

PROJECT SITE INFORMATION

PROJECT LOCATION
The location of the project, including a legal land description or geographical coordinates
A map indicating the location of the project, including the project site, the site layout of the main components of the project, and the environmental features that could be affected by the project

ENVIRONMENTAL FEATURES
A summary of the physical and biological components in the area likely to be affected by the project (e.g., terrain, water, air, vegetation, fish and wildlife including migratory birds and state- and federal-listed threatened and endangered species)
Information on whether the project may affect fish or fish habitat, public waters, WCA-regulated waters, or ditches, or any unique or special resources not already identified

(Sample Outline cont.)

LAND USE
Current and past land uses (e.g., agricultural, recreational, industrial) at the project site and in the adjacent area
Current land cover as indicated by the Minnesota Land Cover Classification System (MLCCS) or other land cover data sets
Potential contamination of the site from past land use
Proximity of the project to Native American lands, lands held in trust or traditionally used by Native Americans
Proximity to important or designated environmental or cultural sites (e.g., national and state parks, wildlife and aquatic management areas, scientific and natural areas, important bird areas, sites of high or outstanding biodiversity significance)
Proximity to residential and other urban areas

REQUIREMENTS RELATED TO FISH, FISH HABITAT, AND PUBLIC WATERS
ENVIRONMENTAL FEATURES
Description of water bodies in the area, including names and Public Waters numbers
Proximity to water bodies
Physical characteristics of water bodies (e.g., length, width, depth, seasonal flows and fluctuations)
Information on aquatic organisms (presence and species) and aquatic habitat
Qualitative and quantitative description of the aquatic habitat
Information on natural site features and characteristics
Photos of the site

USE OF WATERWAYS
Existing commercial and recreational use of waterways (e.g., kind, size, and frequency of vehicles, descriptions of existing obstructions to use

Adapted from CEAA operational policy statement "Preparing Project Descriptions under the Canadian Environmental Assessment Act"

Involving the Regional Environmental Assessment Team (REAT)

Following Recommendation #2 of the 1996 Study Report, each DNR region established a Regional Environmental Assessment Team (REAT). The main purpose of the REAT is to facilitate coordinated, interdisciplinary development of comments on DNR projects and other government or private sector projects that require environmental review. The REATs are also charged with engaging with local stakeholders in land-use planning discussions to ensure that natural resource concerns are thoroughly considered in local planning and development activities.

These teams meet regularly to discuss and review projects and staff comments and recommendations regarding proposed projects within their respective regions. The teams adopt regional positions on development proposals, manage informal environmental assessment teams to coordinate and conduct field reviews and evaluate project impacts, manage environmental review conflicts, and assess environmental review priorities for the regions.

The REAE provides primary technical support to the team and typically is the individual who calls for a team meeting to discuss project proposals. Because it may be difficult to schedule team meetings during prescribed comment periods, the REAE may find it necessary to communicate with team members by other means. In many cases, a brief summary of the project and resource issues sent by email is sufficient to start a discussion. See the following sample format.

Regional Environmental Assessment Team (REAT) Project Report Form

Potential Effects
(Describe both negative and positive effects on natural resources of concern.)

Project Description
(Provide a brief summary of the project: location, type, magnitude, etc.)

Environmental Review Process
(Identify the process under which the DNR is reviewing the project: EAW, AUAR, Permit, License, etc.)

Natural Resources of Concern
(Provide a summary of resources in the project area: threatened or endangered species, other SGCN, habitat, managed lands, parks, etc.)

Recommendations (Avoidance, Minimization, Compensation)
(Identify possible mitigation strategies.)

Comment Due Date
(Identify the date by which the DNR must send comments to the decision-making body, LGU, RGU, etc.)

Past Agency Review
(Summarize types of past reviews and recommendations by the DNR on this proposed project.)

For more information about the REAT, refer to earlier sections of this module and each regions' REAT Charter.

Desk Review

The initial in-office review helps determine who should be included in further review and whether a site visit will be necessary. Reviewers should consult Landview, ArcMap, and other office resources such as maps and reports to identify natural resources within the project area such as:

- Native plant communities

- Sites of biodiversity
- SGCN and key habitats
- Rare resources
- State/county/community lands
- Watercourses/bodies
- Special waters
- Wetlands
- Soil types
- Easements
- Zoning initiatives/designations

Reviewers should bear in mind that the project may also be going through Natural Heritage review. Communication with the Natural Heritage Review Coordinator at this point is critical to ensuring that the two programs are working together to identify important information about the biology and distribution of rare natural features in the affected area.

Site Visits

Field reviews of project sites should be conducted to assess pre-project conditions so that impacts can be accurately identified. The primary purposes of site visits are to become familiar with the site and surrounding area, verify the quality of the natural resources in the project area, confirm whether high-value resources may be affected, and consider ways to avoid, minimize, or compensate for potential impacts. Some additional reasons for conducting field reviews are listed in the table below.

Reasons for Conducting Site Reviews

- Develop sense of existing conditions and improve writing
- Check existing information (ground truthing)
- Check surrounding area in terms of other developments and secondary impacts
- Aid in identifying unknown factors and data
- Verify proposal
- Review or plan work by environmental contractors
- Coordinate with other agencies
- Provide credibility
- Determine applicability of specific requirements (e.g., Public Waters Permit)
- Determine current status of project
- Meet with proponent
- Facilitate joint discussion through team visit
- Have interagency discussions on-site
- Provide independent review of site away from proponent

- Check changes in project and environment due to time lapse
- Obtain field experience, which adds to cumulative knowledge and increases professionalism
- Critique and improve field methods
- Help plan environmental monitoring program
- Talk with locals
- Verify possibly erroneous information provided by various interest groups

(Modified from Canter 1996, p. 114)

Preparing for a field review

1. Obtain the **landowner's permission** to enter the site. At the same time, ask the landowner about the past history of the site, observations of natural or cultural resources, etc.
2. Obtain a **legal description** of the site.
3. Collect **site information**, including an accurate location map; a scaled map (1″- 50′ minimum) of the entire parcel showing location of all soil profile excavations, wells, streams, ponds, drainage ways, proposed structure site, existing buildings, rock outcrops, easements, proposed driveways, and cuts and fills; a soil profile, including roots, clay lenses, rock type and amount, texture, moisture, depth to groundwater, and any other unusual aspects.
4. Review the SWAP **subsection profile** for this area, noting the locations of key habitats and important conservation areas.
5. Review **historical aerial photos** of the site to determine its past use.
6. Review a USGS **topographic map**, scale 200% enlargement or other readable scale.
7. Review site photos.
8. Review the **National Wetland Inventory (NWI) Map**, scale 100% or other readable scale. Mark the outline of the project's area of potential effect on the NWI map.
9. Review a **wetland soils map**, scale 200% enlargement, obtainable from the Natural Resources Conservation Service (NRCS), soil survey maps or other readable scale showing hydric soils, steep slopes, and highly erodible soils.
10. Review a **geographic information system** (GIS) layer showing rare species or habitat.

Compiling Comments

The comments of all reviewers should be collected and organized, and a position or response consistent with division and department missions and policies and based on the analysis of all reviewers should be developed. Conflicts involving information, management needs, and regulatory requirements should be resolved during this process.

Composing Responses

In some cases, oral communication may be all that is needed in response to an information request. These personal communications should be documented. In other cases, a written response is necessary. Styles and types of written responses are dependent on the following:

1. Audience: The audience will vary depending on whether the comments address an information request, permit application, or MEPA or NEPA document.
   a. Information request: party making the request (primary), area managers, resource specialists
   b. Permit application: permitting authority (primary), area managers, resource specialists, applicant
   c. MEPA or NEPA document: RGU, federal agency, regional director or Environmental Review planner (primary), project proposer, REAT, area managers, resource specialists
2. Form and content
   a. Responses should be clearly stated, honest, measured, grammatically correct, and defensible.
   b. Dealing with the larger issues: Where possible, the project or activity should be related to climate change, sustainability, and species in greatest conservation need (SGCN) and the key habitats identified in the Statewide Wildlife Action Plan.

For more information about written responses, see Module VIII, "Effective Comments."

Communication and Follow-up

While working on the delivery of significant comments, the DNR staff person should contact the RGU to let them know that the DNR has concerns or recommendations. The DNR's comments can be summarized, if necessary. This communication avoids blindsiding the RGU and provides the RGU with an opportunity to prepare for meetings with the local decision makers (city councils, etc.).

In addition, the DNR staff person should attend city council or other RGU meetings to respond to questions and clarify agency comments. The presence of the DNR indicates that the department is serious and willing to speak up for its position. Both of these actions convey the professionalism of the department.

Project reviewers should use the ER Database to record project information, meeting and field visit summaries, to track documents undergoing review, and to attach documents and agency correspondence regarding the project.

References

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