



MEMORANDUM

INTRODUCING FEDERAL NATIONAL ENVIRONMENTAL POLICY ACT PRACTITIONERS TO THE MINNESOTA ENVIRONMENTAL POLICY ACT PROCESS

This fact sheet is designed to familiarize Federal [National Environmental Policy Act](#) (NEPA) practitioners with the [Minnesota Environmental Policy Act](#) (MEPA). When a proposed NEPA action also requires compliance with MEPA, it is critical that these practitioners familiarize themselves with MEPA and understand how MEPA compares to and contrasts with NEPA.

Both statutes are designed to facilitate informed decision-making and environmental review. This fact sheet compares MEPA and the resulting [Minnesota Statutes, Section 116D](#) with CEQ’s Regulations for Implementing the Procedural Provisions of NEPA, [40 CFR Parts 1500-1508](#).

This fact sheet only provides basic information and is intended to serve as a springboard for discussion with [Minnesota Environmental Quality Board](#) (EQB) staff when proposed projects trigger both Federal and state environmental review requirements. Project proponents are strongly encouraged to contact EQB in the early stages of project planning so that Federal and state environmental review processes, if applicable, can be appropriately aligned.

Introduction

MEPA requires state agencies to consider the impact of governmental actions on the environment, by using “all practicable means and measures, including financial and technical assistance, in a manner calculated to foster and promote the general welfare, to create and maintain conditions under which human beings and nature can exist in productive harmony, and fulfill the social, economic, and other requirements of present and future generations of the state’s people.” [Minnesota Statute, Section 116D.02](#). MEPA and the subsequently promulgated rules found in Minnesota Rules Chapter 4410 have mandated the completion of environmental documents such as environmental assessment worksheets (EAW) and/or environmental impact statements (EIS) for most state actions.

Key Points of Comparison

The table below compares NEPA terms and procedural requirements to MEPA terms and procedural requirements set forth in Minnesota Statute and Rule

NEPA	MEPA
	Exemption Categories: (1) Environmental Assessment Worksheet (EAW) Exemptions (2) Environmental Impact Statement (EIS) Exemptions
Categorical Exclusion, 40 CFR 1508.4 , 40 CFR 1507.3	
Environmental Assessment (EA), 40 CFR 1508.9 , 40 CFR 1501.3	Environmental Assessment Worksheet (EAW), Minnesota Statute, Section 116D.04(2a) .



MEMORANDUM

Finding of No Significant Impact (FONSI), 40 CFR 1508.13	Negative Declaration, Minnesota Statute, Section 226D.04(2b) .
Notice of Intent, 40 CFR 1508.22	N/A
Draft Environmental Impact Statement (DEIS), 40 CFR 1502 , 40 CFR 1508.11	Draft Environmental Impact Statement Minnesota Statute, Section 116D.04(2a) .
Final Environmental Impact Statement (FEIS), 40 CFR 1502 , 40 CFR 1508.11	Final Environmental Impact Statement, Minnesota Statute, Section 116D.04(3a) .
Record of Decision, 40 CFR 1505.2	Final Decision, Minnesota Statute, Section 116D.04(3a) .

The bullets below provide a general comparison of processes:

- MEPA has processes similar to categorical exclusions ([40 CFR 1508.4](#), [40 CFR 1507.3](#)) found in Minnesota Rules 4410.4600 for EAW exemptions and 4410.5100 for EIS exemptions and to a lesser degree, similar processes for a Record of Decision ([40 CFR 1505.2](#)) found in Minnesota Rules 4410.1700 and 4410.2800 for EAWs and EISs respectively. The Record of Decision equivalent is the Final Decision ([Minnesota Statute, Section 116D.04\(3a\)](#)).
- NEPA and MEPA both require scoping in order to determine what issues a proponent should include in a Draft EIS. Under MEPA, a public scoping meeting must be held within the county of the proposed project. [Minnesota Statute, Section 116D.04\(2a\)](#). NEPA also requires a public comment period for scoping, but the occurrence and location of any scoping hearing is based on agency discretion. [40 CFR 1501.7](#).
- Both NEPA and MEPA require a DEIS to include the action's description; environmental, social, and historic impacts; considered alternatives; potential mitigation measures; and irreversible commitments of resources. [Minnesota Statute, Section 116D.04 \(2a\)](#); [40 CFR 1502.16](#).
- MEPA applies to all projects that involve at least one governmental approval or one form of governmental financial assistance, or be conducted by a government unit. [Minnesota Statute, Section 116D.04](#). Some actions are excluded by the statute, including the expansions or application for an animal feedlot facility with a capacity of less than 1,000 animal units outside of shore land. [Minnesota Statute, Section 116D.04\(d\)](#). Any agency's actions which are not excluded by the statute must undergo the MEPA Environmental Assessment Worksheet (EAW) process.



MEMORANDUM

Contact Information and Resources

- Will Seuffert, Executive Director
(651) 757-2766
will.seuffert@state.mn.us
- EQB Home Office:
520 Lafayette Rd
St Paul, MN 55155
- EQB Contact Information:
Phone: (651) 757-2873
- EQB website: <https://www.eqb.state.mn.us/>

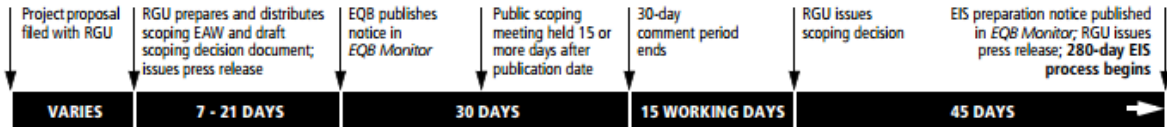


MEMORANDUM

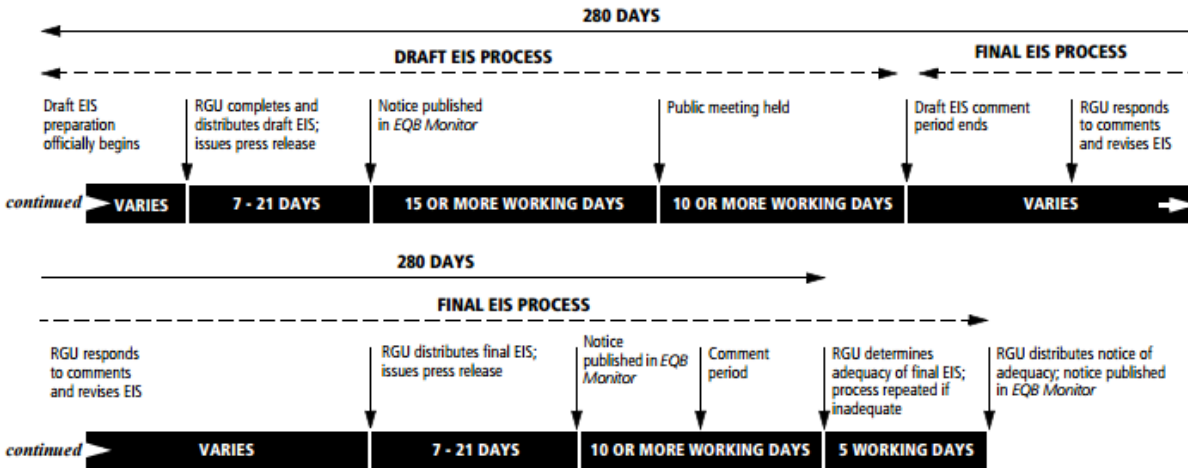
Figure 1: MEPA Process¹

ENVIRONMENTAL IMPACT STATEMENT PROCESS

Scoping process for a mandatory or voluntary Environmental Impact Statement*



EIS preparation and review



¹ <http://www.mnplan.state.mn.us/pdf/rulguid3.pdf>