

Senator Lawrence J. Pogemiller
Majority Leader
Capitol Building, Room 235
75 Rev. Dr. Martin Luther King Jr. Blvd.
St. Paul, MN 55155-1606

Representative Margaret Anderson Kelliher
Speaker of the House
463 State Office Building
100 Rev. Dr. Martin Luther King Jr. Blvd.
St. Paul, MN 55155

March 16, 2010

Dear Sen. Pogemiller and Rep. Kelliher:

The 23 undersigned conservation, environmental, civic, religious and farm organizations have strong concerns with Senate File 2761 and House File 3079. These bills undermine environmental review and the Minnesota Environmental Policy Act.

The bills set a blanket goal of 150 days for issuing all environmental permits from the time a completed permit is submitted. In many situations this goal is unrealistic and could mean short-changing citizen input and severely reducing full consideration of the potential environmental harm of a proposal. For most permits in Minnesota, the 60-day rule applies (Minnesota Statutes, section 15.99), ensuring that in general permits are issued in a timely manner in our state.

Large development projects with the potential for significant environmental impacts may require environmental review. During the environmental review, the 60-day clock is stopped. These projects, which include developments such as hazardous waste facilities, stream diversions, paper and pulp processing mills, highway projects, marinas and industrial-scale feedlots, among others, have a longer processing time due to environmental review.

Meaningful environmental review, which includes citizen input through a public comment period, and interagency review can legitimately take over 150 days to be done properly. For example, the Environment Assessment Worksheet (EAW) requires roughly 30 days to prepare, and then another 30-day public comment period is required. Time must then be allowed for responding to comments and a hearing to make a determination on the need for an Environmental Impact Statement (EIS). This process takes from 42 to 120 days, according to the Environmental Quality Board. If the project proposer submits incomplete or inaccurate information, it can take longer. If the EAW leads to a more comprehensive Environmental Impact Statement, which examines ways to mitigate harm through alternative project design, then that would leave only 30 to 108 days to meet the 150-day goal. This is not possible. Creating in law unreasonable goals is bad public policy.

The bill ties up diminishing state agency resources with reporting, not with environmental protection. The bill requires two reports a year from the Department of Agriculture, the Pollution Control Agency and the Department of Natural Resources. Each report must detail how long it took to issue environmental permits, if the agencies met the goal of 150 days and if not, why. This is not an effective use of diminishing state resources. It is a concern that agencies in an effort to meet an unreasonable goal may rush the environmental review process.

The bill bars access to District Courts for citizens who chose to challenge an environmental review decision in court. The bill requires that a court appeal of an agency decision on environmental review must be made not in the local District Court, but in the Court of Appeals. This is especially onerous on rural citizens who then must

travel to St. Paul to get their day in court. Appellate Court has costlier filing fees and there is less flexibility in briefing and scheduling appearances. In general, this poses an unnecessary barrier to court access for aggrieved citizens.

We view this bill as weakening Minnesota's environmental review process and the Minnesota Environmental Policy Act. Environmental review has been an important tool in protecting Minnesota's resources and giving citizens a say in large developments that will affect their communities for decades to come. We urge you to exercise your leadership in seeing that it does not pass. Follow-up to this letter can be directed to the Land Stewardship Project's Bobby King at 612-722-6377; bking@landstewardshipproject.org; or 821 East 35th St., Suite 200, Minneapolis, MN 55407.

Sincerely,

Sean Gosiewski
Alliance for Sustainability

Beth Kallestad
Cannon River Watershed Partnership

Deanna White
Clean Water Action Alliance of Minnesota

Patrick Moore
Clean Up the River Environment (CURE)

Jane Cleave
Duluth Audubon Society

Whitney Clark
Friends of the Mississippi River

Jim Harkness
Institute for Agriculture & Trade Policy

David Morris
Institute for Local Self-Reliance

George Boody
Land Stewardship Project

Keesha Gaskins
League of Women Voters of Minnesota
Education Fund

Rev. Mark Peters, Executive Director
Lutheran Coalition for Public Policy in
Minnesota

Jeff Brand
Mankato Area Environmentalists

Curt Leitz
Minnesota Division - Izaak Walton League of
America

Glen Hill
Minnesota Food Association

Thomas Bell
Minnesota Ornithologists' Union

Rebecca Bauman
Minnesota Project

Lois Norrgard
Minnesota River Valley Audubon Chapter

Sharon Angell Magliulo
NE Minnesotans for Wilderness

Tim Nixon
Saint Paul Audubon Society

LeRoger Lind
Save Lake Superior Association

Fran Sauer
Southeastern Minnesotans for Environmental
Protection (SEMEP)

Deb Ryun
Saint Croix River Association

Diadra Decker
WaterLegacy