

NMW OPPOSES WEAKENING  
MINNESOTA ENVIRONMENTAL REVIEW PROCESS

NMW submitted comments to the Minnesota Environmental Quality Board opposing "streamlining" the Minnesota environmental review process. EQB has been mandated by the legislature to "streamline" the process. "Streamlining" is a code word used by legislators to have a state agency to weaken a regulation. BAD IDEA! NMW had less than a day to submit comments so "bare bones" was best we could do.

From: Brad Sagen, Chairperson's Representative  
Northeastern Minnesotans for Wilderness

Date: October 14, 2009

Re: COMMENTS ON ENVIRONMENTAL REVIEW STREAMLINING

I am writing on behalf of Northeastern Minnesotans for Wilderness (NMW) to comment on proposals to streamline environmental review, an EQB report on options for which is required by HF 2123. NMW is a regional grassroots, wilderness advocacy group. NMW's core mission is to preserve and protect wilderness and wild places in the Minnesota Arrowhead Region, especially the BWCAW. Since its founding in 1996 NMW has grown to represent over 400 members and supporters in Northeastern Minnesota.

**We conclude that the proposed options presented at your 'public' meeting of September 29 should all be rejected.** The legislation called for, "... options that will reduce the time required to complete environmental review and the cost of the process to responsible governmental units and project proposers *while maintaining or improving air, land, and water quality standards.*" (Emphasis added.) **None of the options presented will maintain or improve air, land, and water quality standards.**

The options, as we understand them, and our comments follow. 1. "Undo decision link between EAW and EIS" "Under this option an EAW could no longer lead to an EIS. Only the mandatory EIS thresholds would lead to preparation of an EIS." The ER process, as presented in NEPA and related documents is currently well understood. The proposal to rule out the possibility of an EAW presenting issues sufficient to require an EIS undoes the careful reasoning that created the linkages between EAW and EIS. Adoption of this option would lead to costly administrative appeals and litigation since opponents of a proposed action would have no recourse except to demand an EIS from the outset (rather than receive information from the EAW before deciding on a request for an EIS).

2. "Customize EAW forms to specific sectors." This proposal would force EAW into categories rather than allowing new (and indeed all) issues to be addressed within an umbrella framework. This would effectively prevent new issues from being raised as such. Again, this option undoes the careful reasoning behind the EAW (ER) framework. 3. "Early Public Engagement" As we understand it, one option for doing this is "Require the proposer to develop a public communications plan as part of the project submittal." Again, this option undermines the concept of public comments which are to be received after a proposal has been submitted and the public allowed to carefully examine the proposal and its anticipated consequences. Public comments on site specific characteristics of proposal are among the most important components of the ER process. 4. "Eliminate duplication between environmental review and permitting" "Essentially this would use a checklist or some method to analyze which issues are covered by the permit process. If the

checklist determines that these issues are covered in permitting then they would not be included in the EAW." Environmental review and permitting are distinct operations, each governed by different regulations and standards. For this reason alone, duplication is to be expected. Postponing issues to the permitting process will likely weaken the standards applied to issues such as, air risk/modelling, wastewater discharge, and stormwater management. This would also provide fewer opportunities for public input on permit-related issues. Environmental review is part of the permitting process and not covered elsewhere. This necessary role must be maintained.

5. "Green-streamlining" for existing facilities"

Existing facilities (as opposed to new constructions) have been the worst polluters in Minnesota. To streamline existing facilities as a category is absurd. No proposal from an existing green facility should need exemption from rigorous environmental review. **NMW also requests the public comment period be extended by at least three weeks.** The public was ill informed of the proposed options as 'presented' rather than being offered in written form. The 'public' meeting was not sufficiently publicized to environmental organizations and the two week comment period is not sufficient for a well informed public review.