



Minnesota
Environmental
Partnership

February 12, 2025

Minnesota House Environment and Natural Resources Finance and Policy Committee
Chair Josh Heintzeman

Dear Chair Heintzeman and members,

On behalf of the Minnesota Environmental Partnership and the organizations signed below, I would like to express our coalition's views on several provisions of HF 8, a bill that would alter Minnesota's permitting practices. We have significant concerns with this bill and ask that it not be approved by this committee.

For context, Minnesota currently enjoys a robust yet largely efficient permitting process for most projects. The vast majority - 98% - of MPCA permitting decisions on priority projects meet statutory timelines. Additional staffing at the MPCA to handle permits, which is included in the Governor's proposed budget, would help to accelerate project review. We applaud this approach to create a more timely and efficient permitting process.

Last year, the Legislature passed a law updating the permitting process for energy projects in an effort to balance faster infrastructure development with the need for reasonable safeguards. While some high-profile projects have stalled in the permitting process, this is largely due to incomplete applications, changes in the project or the projects not meeting the requirements of state or federal law.

Given this regulatory environment, HF 8 is a solution in search of a problem, and one that would create confusion and could result in greatly increased pollution.

First, HF 8 requires separate construction and operations permits for a facility to be issued in a manner that minimizes the time for the facility to be constructed and begin operations. This could create a situation in which a facility might hold a permit for construction but not for operation, generating regulatory confusion, elevated political pressure to issue permits while creating a potential stranded asset. The bill also acknowledges this change would require renegotiating Minnesota's State Implementation Plan for administering permits under federal laws.

Second, HF 8 would create an unrealistic and arbitrarily short timeline for permitting decisions. It requires the Commissioner to immediately inform a permit applicant that their application is incomplete but does not provide for additional time for review after additional information is provided. It defines an agency's failure to make its 90/150-day goal for a permit decision a "final agency decision," which generates regulatory uncertainty about whether or not a project is approved. It would allow any individual to seek a court order for an immediate decision on a permit application if that timeline is not met.

Third, HF 8 would sharply reduce the ability of Minnesotans to make their voice heard in the permitting process on projects that may affect them. Currently, 100 Minnesotans from anywhere in the state may petition for an environmental review; the bill would allow only Minnesotans from the county where a project is proposed, or adjacent counties, to petition. Air pollution, and pollution to water bodies like Lake Superior or the Minnesota River, is seldom contained to one

or two counties. Restricting Minnesotans' voices in the decisions of their government agencies, decisions that may profoundly affect their lives, is counter to the public interest.

This legislation would create more regulatory uncertainty than it aims to resolve. Importantly, it was not produced with organized input from businesses, environmental organizations, labor, and other interests, nor has it included consultation with Minnesota tribes. Such profound changes to Minnesota's permitting process should not be contemplated without including these key stakeholders on the front end. The lack of engagement with tribal governments is especially noteworthy. As the water, air and resources at stake are often treaty resources, this government-to-government consultation is needed before these bills advance.

Minnesota has been widely regarded as a good state to do business in, a state that simultaneously places a high value on safeguarding our land, water, air, and people. The short-sighted changes to our environmental permitting process in HF 8 would weaken the role of science and citizen participation in agency decisions and further undermine Minnesota's historic balanced approach to building a thriving economy with a high quality of life.

We strongly encourage you to oppose this legislation. Please do not hesitate to contact me with any questions regarding our coalition's position on HF 8.

Sincerely,



Steve Morse
Executive Director

Submitted on behalf of the organizations listed below.

Alliance for Sustainability
Bicycle Alliance of Minnesota
Clean Water Action Minnesota
CURE MN
Environmental Working Group
Eureka Recycling
Friends of the Boundary Waters
Friends of the Minnesota Valley*
Friends of the Mississippi River
Izaak Walton League Minnesota Division
League of Women Voters Minnesota
Minnesota Center for Environmental Advocacy
Minnesota Herpetological Society
Minnesota Well Owners Organization
Minnesota Zero Waste Coalition*
MN350
Northeastern Minnesotans for Wilderness
Parks & Trails Council of Minnesota
Pollinator Friendly Alliance
Roots Return Heritage Farm LLC*
Save Lake Superior Association
Save Our Sky Blue Waters
Sierra Club North Star Chapter
Vote Climate
WaterLegacy

**denotes non-MEP member*