

S.F. No. 2797 – Coordination, effectiveness, transparency and accountability of environmental review and process for metallic mining projects permission improvements

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Section 1 [Purpose] states that the purpose of the bill is to improve the coordination, effectiveness, transparency, and accountability of the environmental review and permitting process for metallic mineral mining projects.

Section 2 [Definitions] defines terms used in the bill.

Section 3 [Environmental Review & Permitting Dashboard]

Subd. 1 [Dashboard Required] requires the Department of Natural Resources (DNR) to create an online environmental review and permitting dashboard to facilitate tracking the status of proposed metallic mineral mining projects.

Subd. 2 [Addition of Projects to Dashboard] requires the DNR to add a summary of a proposed metallic minerals mining project to the dashboard within 15 days of completion of the Environmental Assessment Worksheet (EAW).

Subd. 3 [Addition of New Information] requires the DNR to post additional project information within 15 days of receipt from a state agency that has regulatory over a proposed project, including completed permit application and EAW data, relevant deadlines, status of agency compliance with deadlines, information about agency decisions affecting project timelines, and information about pending litigation related to the project.

Subd. 4 [Submission of Information by Agencies] requires agencies with regulatory authority over a proposed metallic minerals mining project to submit the information listed in subdivision 3 to the DNR for posting on the dashboard.

Section 4 [Coordinated Project Plan]

Subd. 1 [Plan Required] requires the DNR, other agencies with regulatory authority over a proposed metallic minerals mining project, and the project proposer to develop a plan to coordinate the environmental review and permitting process for the project.

Subd. 2 [Updating of Plan; Deadlines] requires the DNR to update the coordinated project plan with certain information, including a list of regulatory agencies' responsibilities, plans for public and tribal coordination, and applicable deadlines. The deadlines in the plan must be consistent with the following:

- When an EAW is prepared for a project that does not require a mandatory environmental impact statement (EIS), the decision about whether to proceed with an EIS must be made within 18 months of completion of the EAW.
- When an EIS is prepared for a project, the adequacy of the final EIS must be determined within 3 years of the completion of the EAW.

Subd. 3 [Alternative Deadlines] requires the DNR to notify the chairs of the appropriate legislative committees within five days if it includes in a coordinated project plan deadlines that are inconsistent with those set forth in subdivision 2.

Subd. 4 [Modification of Deadlines] prohibits modification of a deadline in a coordinated project plan unless the relevant agency consults with the project proposer and provides the project proposer with a written justification for the modification.

If a modified deadline extends the initially anticipated project completion date by more than 20 percent, the DNR must report the extension to the appropriate legislative committees and must make annual progress reports to those committees until final permitting and environmental review is complete or until the project proposal is withdrawn.

Subd. 5 [Regulatory Agency Duties] requires agencies with regulatory authority over a project to meet the deadlines set forth in a coordinated project plan and to notify the DNR if it cannot meet those deadlines. Deadlines must be modified accordingly in a manner consistent with subdivision 4, and an affected agency must submit monthly progress reports to the DNR until the modified deadline is met.

Section 5 [Coordination] requires synchronization of environmental review and permitting progress across state, local, tribal, and federal agencies to ensure efficiency in the environmental review and permitting process. Requires establishment of a process to allow effective communication between project proposers and regulatory agencies at all levels of government. Requires regulatory agencies to identify potential issues with a proposed project as soon as possible and to communicate those issues to the project proposer as soon as possible.

Section 6 [Best Practices] requires the DNR to biennially issue best practices for environmental review and permitting of metallic minerals mining projects.

Section 7 [Relation to Other Law] clarifies that the bill should not be construed to conflict with federal law or to abrogate or otherwise affect state agencies' obligation to adhere to applicable environmental quality standards.

Section 8 [Report] requires DNR to annually report to the appropriate legislative committees on progress achieved in implanting the requirements of the bill.

Section 9 [Addition of Previous Projects to Dashboard] requires DNR to add information about metallic minerals mining projects that were proposed before the effective date of the bill to the dashboard.