



March 12, 2024

Senate Energy, Utilities, Environment and Climate Committee
Room 1150 | Minnesota Senate Building
95 University Ave W
St Paul, MN 55103

RE: S.F. 4784 – Minnesota Energy Infrastructure Permitting Act

Dear Chair Frentz and Members of the Committee:

MN Interfaith Power & Light is a non-profit policy and advocacy organization working with faith and spiritual communities around the state to enact equitable climate justice.

We appreciate the work of this committee to consider policies that will enable renewable energy to dramatically lower greenhouse gas emissions while repairing the harm to communities brought by decades of fossil fuel extraction and burning. Transmission is critical.

We are concerned that the “Minnesota Energy Infrastructure Permitting Act” as constructed in SF 4784 makes significant changes that have potential to be counterproductive to those goals.

Expansion beyond electricity transmission opens door to fossil fuels

Large Energy Infrastructure Facility: The proposed language largely replaces the term “large electric power facilities” with “large energy infrastructure facility” – which is defined to include “any associated facility.” This appears to open the door for fossil fuel infrastructure (coal, natural gas, peaker plants, carbon capture, pipelines) to be subject to the reduced review and timelines proposed throughout the remaining language.

Energy Storage System: Similarly, this is broadly defined to enable storage that came from any kind of power production.

Removal of environmental protection policy favors construction over consideration of harms

The proposed language removes 216E.02 (subd.1), which reads:

“The legislature hereby declares it to be the policy of the state to locate large electric power facilities in an orderly manner compatible with environmental preservation and the efficient use of resources. In accordance with this policy the commission shall choose locations that minimize adverse human and environmental impact while insuring continuing electric power system reliability and integrity and insuring that electric energy needs are met and fulfilled in an orderly and timely fashion.”

We are concerned this change ensures infrastructure at the expense of environmental protection, does not require alternatives that result in less harm, and is inconsistent with MN Environmental Rights Act and the Minnesota Environmental Protection Act.

Creation of the “Applicability of Review” section significantly weakens existing review processes, exempting many projects from review

(Lines 4.17 to 5.7)

Replacement of “engineering and operational designs” in current language with “design concepts” requires project proponents to provide too little detail

(Line 6.7)

Deletion of need to identify critical parts of projects like “size and type of the facility,” plans for pipelines or extra energy needs leaves out important information

- 1) The proposed language deletes critical existing language from 7850.1990 (Application Contents) Subpart 1. (D) which requires:

A description of the proposed large electric power generating plant and all associated facilities, including the size and type of the facility.

Replacing it with language (Line 5.31) that is only “a description of the proposed large energy infrastructure facility and all associated facilities.

- 2) The proposed language also deletes 7850.1990 (Application Contents) Subpart 1. (J) which details that the application must include

“identification of transportation, pipeline, and electrical transmission systems that will be required to construct, maintain, and operate the facility.”

This is important information for considering all of the aspects of the proposed project.

Expedited timelines for state agencies, tribal entities and the public to review proposals compromises ability for critical participation

For instance, the timeline seems to give the public only five days between the application notice and the public meeting to review what may amount to hundreds or thousands of pages of material (Lines 8.3 to 8.32)

Comment periods appear reduced to 10 days following a public meeting. Draft permits must be released within 30 days of the close of the comment period. All of this gives leverage to the project proposers at the expense of impacted communities’ and state agencies’ ability to respond.

Division of permitting into “Major Review” and “Standard Review” pushes most projects – including fossil fuel projects – out of the category of receiving environmental impact statements

The proposed language starting at Line 13.20 creates a “Standard Review” for which only an Environmental Assessment (the lowest form of environmental review) is necessary. Included in this category are natural gas projects for electricity, transmission lines carrying 100-300 kilovolts of capacity, transmission lines over 300 kilovolts but less than 30 miles, energy storage systems, and large wind energy conversion systems.

“The environmental assessment is the only state environmental review document that must be prepared for the proposed project.” (Line 14.13 - 14.14)

Creation of category of fossil fuel projects that do not require permits

Proposed language exempts certain projects from needing a permit, including

- the conversion of an electric power generating plant to natural gas (Lines 19.9 - 19.10)
- Adding equipment at an existing substation that does not require more than one acre (Lines 18.30 - 19.4)

Subjugation of role of State Historic Preservation Office

Currently, Minn. Stat. 138.665 requires the PUC to bring in the State Historic Preservation Office’s expertise when historic properties are affected, including a process about what to do if these agencies do not agree on a course of action.

Proposed language at 29.4 reduces the role of The Minnesota State Historic Preservation Office merely to provide comments to the PUC for consideration.

“The Minnesota State Historic Preservation Office must comply with the requirements of this section. The commission’s consideration of Minnesota State Historic Preservation Office’s comments satisfies the requirements of section 138.665, when applicable.” (Line 29.4 - 29.6).

The result of this proposed language seems to be that no matter how historic a property, no State Historic Preservation Office consultation-- let alone agreement or dispute resolution-- is needed.

Thank you very much for your consideration of these concerns.

Sincerely,

A handwritten signature in black ink, appearing to read "Sara Wolff". The signature is fluid and cursive, with the first name "Sara" being more prominent than the last name "Wolff".

Sara Wolff, J.D.
Strategic Policy Director | MN Interfaith Power & Light