

**Subject:** Pile comments on September 2014 draft of revision to Chapters 7849 and 7850

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September 23, 2014

Kate Kahlert  
Public Utilities Commission

Re: Comments on September 2014 draft of revision to Chapters 7849 and 7850

Dear Ms. Kahlert,

Thank you for the opportunity to comment on this latest draft of proposed revisions to Minnesota Rules 7849 and 7850.

I was pleased to see that identification of alternatives was restored to the environmental document scoping process. However, I continue to believe that the processes outlined in the drafts do not allow adequate time for environmental document preparation.

The department's concerns with revisions to Minnesota Rules 7850 are unique from those of other work group members, due to its statutory responsibilities. Specifically, the Department of Commerce is the responsible government unit for environmental review of large electric power facilities. No other state environmental review documents shall be required – that is, these reviews take the place of review under Minnesota Statute 116D and Minnesota Rules 4410 (Environmental Policy Act). (216E.03, subd. 5 and 216E.04, subd. 5)

My staffs' experience, which covers several decades and dozens of environmental documents, suggests that a minimum of four months for draft EIS preparation and two months for final EIS should be budgeted, rather than the two and one month that appear to be budgeted into the current draft. The concepts of applications under the alternative process being "treated as a draft environmental assessment" (7850.1955, subp 2) and of applicants providing comparable information on alternatives 30 days after a scoping decision (new 7850.4620, subp 9; 7850.4650 subp 6) are helpful. But, our experience suggests that 30 days is not an adequate time frame for gathering such information, let alone vetting it.

Chapter 4410 contemplates up to 270 days between issuance of a scoping decision and final EIS. These draft rules appear to contemplate 125 days between these events. While the Power Plant Siting Act was intended to achieve efficiencies by combining the permitting and environmental review processes into one proceeding, the one year plus three month process was not intended to diminish the environmental review expectations of the Environmental Policy Act.

I look forward to discussing these and other issues with you.

Regards,  
Deborah Pile, Director  
Energy Environmental Review and Analysis  
Minnesota Department of Commerce