



Local Review of Energy Facilities – A Guide for Governmental Units, Utilities, and Developers

The Minnesota Public Utilities Commission (Commission) has responsibility and authority for the siting and routing of energy facilities in Minnesota, including power plants, transmission lines, wind farms, and pipelines. For certain eligible projects, local review and permitting is possible (Minnesota Statute [216E.05](#)). For these projects, a utility (or developer) may apply to a local unit of government instead of the Commission for a permit to build the project.

Minnesota Rule [7850.5300](#) provides the procedural requirements that must be followed by local units of governments (LGUs) and by utilities/developers for the local review option. These requirements should be reviewed before initiating a local review process.

Applicant Responsibilities

The utility/developer (applicant) considering local review should first ensure that the project meets the eligibility requirements of Minnesota Statute 216E.05. Second, the applicant should discuss, with the applicable LGU(s), the environmental review process required by Minnesota Rule 7850.5300 and the permits that will be required for the project.

The applicant must, within ten days of applying to an LGU for a permit, notify the Commission of their intent to seek local review for the proposed project. The notice should include:

- (1) A complete description of the project,
- (2) A project map,
- (3) The LGU that will be conducting the environmental review for the project,
- (4) The LGU(s) that will need to issue a permit for the project, and
- (5) Contact information for the applicant and LGU(s).

The notice should be electronically filed (eFiled) through the Commission's eDockets system, <https://www.edockets.state.mn.us/EFiling>. Upon filing, the project will be assigned a docket number that will be used to reference all future documents related to the project.

Additionally, the applicant must also provide notice to persons on the Commission's general contact list. This is a list of persons who have expressed interest in local review projects. This list is provided for by Minnesota Rule [7850.2100, Subpart 1, A](#). The notice to the general contact list, and an accompanying affidavit of service for the list, should be eFiled.

The general contact list is available on eDockets as a special service list. To view the list:

- (1) Login to eDockets,
- (2) Click on "Manage Service Lists,"
- (3) Search for the list using List Type = "Special Service List," List Name = "General," and Status = "Active,"
- (4) Select the list named "General List 7850.2100-1A."

Manage Service List

Instructions
 You can search for a service list with a combination of any of the criteria below. Select a list to view the details or use it to create a new list.
 Errors such as unexpected data loss may occur if you have the service list screens open in multiple windows or browsers.

Hide Search Criteria

Docket Number: List Name:
 Company Name: Company ID:
 First Name: Last Name: Member ID:
 List Type: Status: List Owner:

<input type="checkbox"/>	List Name	Description	Docket#	Owner	Type	Status	Created On
<input type="checkbox"/>	General List 7850.2100-1A	General List 7850.2100-1A.	N/A	PUC	Special Service List	Active	08/26/2014
<input type="checkbox"/>	GENERAL List	basic list	N/A	DOC	Special Service List	Active	03/04/2014

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LGU Responsibilities

A local unit of government (LGU) that accepts a local review project must conduct an environmental review of the project before making a permit decision.¹ This review requires the preparation of an environmental assessment (EA). An EA is an environmental review document provided for by the Power Plant Siting Act; it is not an EAW (see Minnesota Rule [7850.3700](#)). The environmental review process requires: (1) an opportunity for the public to develop the scope of the EA, and (2) notice in the EQB Monitor when the EA is completed and how persons may view the EA. An LGU may not make a permit decision until citizens have had a chance to review the EA (at least ten days after the EQB Monitor notice).

An environmental assessment should include, in an appendix, the following documents:

- (1) Notice of the EA scoping meeting (e.g., copy of letter, newspaper notice). If scoping comments are solicited by means other than a scoping meeting (e.g., survey, interviews), then these means should be described in the appendix and examples provided.

¹ An LGU may request that the Commission assume jurisdiction over a project by making a request to the Commission within 60 days of the permit application by the utility/developer, Minnesota Rule 7850.5300, Subp. 4.

- (2) All comments received on the scope of the EA, including citizen comments and agency comments. If no comments were received (e.g., no citizen comments), then this should be noted.
- (3) A scoping decision by the responsible LGU which outlines those topics which will be evaluated and discussed in the EA.

To ensure that citizens are aware of the proposed project and how they can participate, the LGU should provide notice of public meetings (scoping meeting and any other public meetings for the project) through: (1) newspaper notice and (2) direct notice to affected landowners/citizens. The LGU should develop and use a mailing list that includes potentially affected citizens and applicable state agencies. The LGU should use this mailing list to provide notice of the EA's completion and availability for review (in addition to placing notice in the EQB Monitor – most citizens do not regularly read the EQB Monitor).

The LGU which leads the environmental review process must provide a copy of the EA to the Commission when completed. The EA should be electronically filed. An LGU does not need to submit the permit that it issues for the project to the Commission.

eFiled Documents

Based on Minnesota Rule 7850.5300 and the above discussion of applicant and LGU responsibilities, the documents that should be eFiled for a local review project include:

- (1) Applicant's notice to the Commission.
- (2) Applicant's notice to the general contact list with affidavit of service.
- (3) Notice in the EQB Monitor of the availability of the environmental assessment.
- (4) The environmental assessment for the project.

Review by Commission Staff

After the applicant provides notice to the Commission and to the general contact list, Commission staff will review the project to ensure that it is eligible for local review. If the project is eligible, Commission staff will send a letter to the applicant and applicable LGU(s): (1) affirming that the project is eligible for local review, (2) recognizing one LGU as responsible for the environmental review of the project, and (3) noting those LGUs which must issue a permit or approval for the project.

Frequently Asked Questions

- (1) *What if a proposed project affects several LGUs, e.g., County A, County B, and City C?*

Each LGU will likely have a specific permit which is required for the project. For example, County A and County B may need to issue a conditional use permit; City C may need to issue a facility permit. However, there is only one environmental review process for the project; one EA is developed. The LGUs affected must agree on the LGU that will lead the environmental review process. This LGU will create the EA. All of the LGUs will then use the EA in making their permitting decisions. Thus, by agreement, County A could develop the EA for the project. County A, County B, and City C would all use this EA to make their respective permitting decisions.

- (2) *How does an LGU place a notice in the EQB Monitor?*

The EQB Monitor is a biweekly publication managed by the Environmental Quality Board. Notices for the EQB Monitor should be sent to: EQB.Monitor@state.mn.us. Staff contacts and the EQB publishing schedule are available on the EQB website: www.egb.state.mn.us.

(3) *How does an LGU electronically file documents?*

Instructions for electronically filing documents with the Commission are included on the eDockets website: <https://www.edockets.state.mn.us/EFiling>. Click on “eFiling Help,” <http://www.commerce.state.mn.us/eDocFile/eFilingHelp.html>.

(4) *Where can applicants and LGUs get help with local review questions?*

Commission staff and Department of Commerce, Energy Environmental Review and Analysis (EERA) staff are available to help with local review questions. A list of Commission staff is [available here](#). A list of EERA staff is [available here](#).