



STATE OF MINNESOTA

Office of Governor Mark Dayton

130 State Capitol ♦ 75 Rev. Dr. Martin Luther King Jr. Boulevard ♦ Saint Paul, MN 55155

March 3, 2011

Senator Bill Ingebrigtsen
303 State Capitol Building
75 Rev. Dr. Martin Luther King, Jr. Blvd.
St. Paul, MN 55155

Representative Dan Fabian
431 State Office Building
100 Rev. Dr. Martin Luther King, Jr. Blvd.
St. Paul, MN 55155

Dear Representative Fabian and Senator Ingebrigtsen:

Today I am signing HF.1 out of our shared desire to streamline and improve the permitting process to help responsible businesses locate or expand in Minnesota and create new jobs for our citizens. We agree that too many possible business expansions have been delayed unnecessarily in recent years. Minnesota needs, as my Commissioner of the Minnesota Pollution Control Agency says, "Permitting at the speed of commerce."

Many of the important features of your legislation are already underway, due to the Executive Order I signed last January 24th. It orders the DNR and MPCA to expedite their permitting processes and sets timetables for them to complete their processing of routine, non-controversial reviews. It addresses the concerns raised by the Legislative Auditor's recent report, which criticizes the agencies' inconsistent responses.

Your bill provides additional streamlining measures, which only legislation can address. I support its reducing the time taken for judicial reviews of permitting approvals by citizens or organizations, who oppose those projects. I recognize citizens' rights to require those judicial reviews.

This legislation assigns to the Minnesota Court of Appeals the responsibility for that review. These high-level, three-judge panels can be relied upon to protect our citizens and our environment from any failures of the permitting process, while reducing considerably the time this process will take.

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I have consulted with the Chief Judge of the Court of Appeals and have been informed that his Court is able to assume these additional responsibilities. Furthermore, addressing the concerns expressed by some of the need for public access to these proceedings, the Court of Appeals routinely holds its hearings in numerous cities throughout Greater Minnesota.

I share the concern of some about assuring the accuracy and integrity of an Environmental Impact Statement or any other environmental assessment, which is contracted by a project's proposer rather than by the Responsible Government Unit (RGU). However, I also recognize the advantage of this change in reducing the time associated with an EIS.

The Commissioner of the MPCA has assured me that he has the staff and expertise needed to review and determine the adequacy and veracity of the final products assigned to his agency. I note also that the legislation does not change either the authority or the responsibility of the RGU to determine the adequacy of the information it needs to evaluate the project, and to require whatever additional information it deems necessary at the developer's expense.

In fact, this bill establishes the proper relationship, in which the project's developer is responsible for determining its environmental impacts and for assuming responsibility in advance for any measures necessary to make them acceptable to the public. It is then the role of the Responsible Government Unit, and state permitting agencies, like MPCA and DNR, to perform their due diligence and assure that all impacts have been carefully considered, that any necessary mitigations have been incorporated into the permits issued, and to provide the ongoing monitoring to ensure compliance.

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To assure the MPCA's heightened vigilance over the projects following the enactment of this legislation, I am preparing an Executive Order that will instruct the MPCA, the DNR, and any other responsible state authorities to develop and implement whatever measures are necessary to assure that neither the quality nor the integrity of ensuing Environmental Impact Statements is compromised, and that there is no weakening of either their or any RGU's performance of their review and oversight responsibilities.

By doing so, I will affirm my resolve to do everything necessary to protect Minnesota's citizens and environment, while at the same time expediting permitting approvals for responsible business projects that will put more Minnesotans to work.

I thank the bill's authors for their leadership and for their willingness to work cooperatively with my administration's officials and with the Court of Appeals.

Sincerely,

A handwritten signature in black ink, appearing to read 'Mark Dayton', written over a horizontal line.

Mark Dayton
Governor