

Cumulative impacts

What should the MPCA consider for the petition process? (DRAFT)

The MPCA can require a discretionary cumulative impact analysis when:

1. The potential impacts of issuing a permit are all below the benchmarks that will be established in rule but the MPCA determines that a cumulative impacts analysis is necessary anyway; OR
2. **At least 100 people who reside or own property in the environmental justice area sign a petition requesting a cumulative impacts analysis.**

In either case, this decision must be supported by material evidence. We want to hear your ideas about what is important when residents want to use the petition process to request a discretionary cumulative impact analysis.

Examples of a petition process and material evidence

Minnesota's environmental review program has a petition process established in rule. See the other side of this handout for more information on the environmental review petition process.

Material evidence could include testimonials, newspaper articles, scientific research, or other relevant information about health or environmental impacts of a proposed permit action. It could also be information that demonstrates a potential adverse cumulative impact to the environmental justice area if the permit is issued.

Discussion questions

- What ideas do you have for establishing a petition process?
 - Should the MPCA model the cumulative impacts petition process based on the environmental review process? Why or why not?
 - What should the MPCA change from the environmental review process, if anything?
- For material evidence:
 - What ideas do you have for how the MPCA could or should include lived experience?
 - What other types of material evidence should the MPCA consider?
 - What types of material evidence should the MPCA not consider?
 - What would be sufficient material evidence to require a discretionary cumulative impacts analysis?

Examples outside of the cumulative impact analysis process — for reference only

Environmental Review comparisons

Certain proposed projects based on their nature, size, location, or other factors must go through environmental review before any required permits or approvals are issued. Environmental reviews can be mandatory or discretionary, and established rule-based thresholds and decision-based determinations govern when environmental review is required. All parts of a project — or multiple projects that are connected — must be considered in total when compared to the thresholds.

A discretionary environmental review can be required through a petition process:

- Established petition process for environmental review in rule (Minn. R. 4410.1100)
 - A submitted petition signed by 100 individuals in the state
 - Identifies information such as a description of the project, who proposed it, a description of the potential environmental effects of the project, and material evidence that accompanies the petition
 - Includes requirements for timing, how decisions are made, and how notice must be provided
- Rule-established criteria that are used to evaluate the petition and whether a project has potential for significant environmental effects, such as:
 - Type, extent, and reversibility of environmental effects
 - Cumulative potential effects
 - The extent to which the effects are mitigated or controlled by other actions