

Dayna Burtness

According to Minn. R. 4410.1700, subp. 1, the MPCA must order an EIS for projects that have the potential for significant environmental effects.

In deciding whether a project has the potential for significant environmental effects, the MPCA must compare the impacts that may be reasonably expected to occur from the Project with the criteria set forth in Minn. R. 4410.1700, subp. 7.

These criteria are:

A. Type, extent, and reversibility of environmental effects.

B. Cumulative potential effects. The RGU shall consider the following factors: whether the cumulative potential effect is significant; whether the contribution from the Project is significant when viewed in connection with other contributions to the cumulative potential effect; the degree to which the Project complies with approved mitigation measures specifically designed to address the cumulative potential effect; and the efforts of the proposer to minimize the contributions from the project.

C. The extent to which the environmental effects are subject to mitigation by ongoing public regulatory authority. The RGU may rely only on mitigation measures that are specific and that can be reasonably expected to effectively mitigate the identified environmental impacts of the project.

Due to the unprecedented size of this expansion and the potential for significant environmental effects, an EIS is warranted and required by law.