

CITIZENS LEAGUE BACKGROUND REPORT

SITING OF MAJOR CONTROVERSIAL FACILITIES

**Prepared By
The Committee on Facility Siting
Virginia Greenman, Chairman**

**Issued By
Citizens League Board of Directors
October 22, 1980**

**Citizens League
84 South Sixth Street
Minneapolis, MN 55402
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INTRODUCTION

We have found widespread dissatisfaction among Minnesotans today over the way decisions get made about the siting of major controversial facilities, such as trails, wild and scenic rivers, landfills, power plants and power lines.

Persons or groups proposing these facilities are just as disturbed with the process as those who are opposing them. Many persons may not have confidence in the legitimacy of the decisions, regardless of their outcome.

Many persons complain that it seems to take too long to get a firm answer, whether yes or no. It is better for that decision to come early, they say, instead of having the process drag on for years before the outcome is known.

A major complaint of the opponents is that when they challenge whether a facility is needed or not, they often are told the "need" decision already has been made, and that they should restrict their comments only to the issues surrounding a specific site. The reason for this is that under the present law the need decision for many facilities is made early on, without specific reference to sites. Then the process of picking sites begins, which produces a major part of the controversy. The opponents would much prefer a system where they could challenge need, or suggest alternatives for meeting the need, legitimately.

This background report provides comprehensive information and analysis on the processes for making decisions about seven sets of major controversial facilities.

The report will help the Citizens League Program Committee in submitting recommendations to the Board of Directors concerning further League studies which might be undertaken in this area. While the report probably will be used primarily for internal purposes, we are making copies available for persons who would like the benefit of the information and analysis which it provides.

At the outset, it is important that readers clearly understand some key points about this report. First, the topic of the report is broader than Minnesota's governmental processes for the selection of sites for major facilities. This report addresses the total "package" of governmental decisions made in Minnesota regarding facility development. As such, in the report, "siting" and "siting process" are used in a very particu-

lar way to refer not only to facility *site selection* (the selection of *locations* for facilities), but also to decisions regarding the public *need* for facilities, the *environmental impacts* of facilities, and the capital and operating *costs* of facilities. When reading this report, therefore, it should be remembered that the terms "siting" and "siting process" are being used in a broader and more inclusive sense than are the terms "site selection" and "site selection process."

Second, the siting processes examined in the report are limited to those for seven specific types of facilities *only*. The seven types of facilities are: power plants, powerlines, pipelines, solid waste landfills, hazardous waste landfills, state trails, and state wild and scenic rivers. (A more exact explanation of the facilities examined is found in the "**EXPLANATION OF FACILITY PROPOSALS CHART**" on page 25.) Other types of facilities, and the siting processes for other types of facilities, are *not* examined in this report. The seven types of facilities considered consist of three general types: energy facilities (power plants, powerlines, pipelines), waste landfill facilities (solid waste landfills, hazardous waste landfills), and recreation and open space facilities (state trails, state wild and scenic rivers). The seven types of facilities also can be grouped into point-specific facilities (power plants, solid waste landfills, hazardous waste landfills) and linear facilities (powerlines, pipelines, state trails, state wild and scenic rivers). Additionally, the seven types of facilities can be grouped into facilities generally considered to be environmental "undesirables" (power plants, powerlines, pipelines, solid waste landfills, hazardous waste landfills) and facilities generally considered to be environmental "desirables" (state trails, state wild and scenic rivers).

Third, the siting processes examined in the report are those existing during a certain time period. Generally, the time interval examined for each type of facility is that interval which began with the establishment of the basic siting process subsequently in existence at the end of 1979, and which ended at the end of 1979. (A more exact explanation of the time period examined is found in the "**EXPLANATION OF FACILITY PROPOSAL CHART**," on page 25.) The facility siting processes as they existed prior to this time period, as well as changes made to the siting processes during the 1980 session of the Minnesota Legislature, are *not* examined in this report.*

*This includes the Minnesota Waste Act of 1980.

In this way, The report focuses on a certain "slice of time" during which particular facility siting processes existed and decisions were made regarding particular facility proposals.

Fourth, the report is constructed in such a way that readers are advised to pay careful attention to three portions of the report other than the text itself. These important non-text portions are:

- **THE TWO CHARTS**, which provide a considerable amount of information central to the report: **CHART A: "FACILITY SITING ISSUES"** on page 5, and **CHART B: "EXPLANATION OF FACILITY PROPOSALS,"** on page 23.

- **THE REPORT'S "APPENDIX: THE FACILITY SITING PROCESSES."** which provides summary descriptions of the siting processes for each of the seven types of facilities examined in the report.

- **THE "GLOSSARY,"** which attempts to spell out the numerous acronyms and explain the various other special terms necessarily included in a text about such a complicated and comprehensive subject.

Fifth, the report represents a first step, providing background information and analysis only. Additional steps would be required to develop specific conclusions and proposals for action.

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FINDINGS: PART I FACILITY SITING ISSUES

1. Major opposition to facility proposals resulted in public discussion of many different issues for each type of facility.

As indicated in CHART A: FACILITY SITING ISSUES, on page 5 of the Findings, many different issues were raised by facility opponents for each type of facility. These issues, as raised by facility opponents, were then discussed during the public disputes concerning the facility proposals. While the number and precise nature of the issues discussed varied according to the type and individual characteristics of the facility, there was a clear pattern of many different issues being discussed for each type of facility—and often for each individual facility proposal, as well.

2. The different issues discussed regarding facility proposals, as raised by facility opponents, can be organized into three basic types: (A) NON-SITING POLICY ISSUES, (B) SITE SELECTION POLICY ISSUES, and (C) LOCAL EFFECTS ISSUES.*

(A) NON-SITING POLICY ISSUES relate to major factors involved in decisions to develop facilities *other*

*It should be made explicit that the FACILITY SITING ISSUES outlined in FINDINGS: PART I and listed in CHART A: FACILITY SITING ISSUES are stated in a manner which reflects the point of view of facility opponents. In so doing, however, the League is *not* implying any validity—or lack of validity—regarding the assertions made by opponents. The League consciously chooses to make *no* judgments concerning whether issues raised by facility opponents were “real” or “perceived,” “rational” or “irrational,” or “legitimate” or “phony.” The intent of the League is simply to characterize the specific issues that *were* discussed regarding proposed facilities. The issues are stated “as raised by facility opponents” because that was the form of the data most readily available to the League, and because—for several reasons—the tone of the public discussions regarding facility siting issues *was* set by facility opponents (see FINDING 12).

than where the facilities should, and should not, have been located. This type of issue includes:

(i) *Process Issues*, concerning the general way in which facility siting process decisions were made. Process issues include:

- *Opposition to “Big Government,” government agencies, and “Big Business”*
- *Lack of early local involvement in the process*
- *Use or anticipated use of eminent domain; use of zoning*

(ii) *Need Issues*, concerning whether or not there was a public need for the proposed facilities. Need issues include:

- *Lack of consideration of alternatives to proposed facilities*
- *Projected demand for facility services is excessive*
- *Lack of data on societal costs of no additional facility services*
- *Lack of public planning regarding facility needs*

(iii) *The Facility Cost Issue*, concerning whether or not the capital and operating costs of proposed facilities paid by the public were accurately identified and adequately considered.

(iv) *Major Environmental Issues*, concerning whether or not major environmental harm would occur in the region or state due to proposed facilities. (These issues involve the assertion that major environmental harm due to facilities constituted a broad social cost of the facilities.) Major environmental issues include discussions regarding:

- *Water pollution*

- *Air pollution (including dust and odor)*
- *Water quantity used*

(B) *SITE SELECTION POLICY ISSUES* relate to broad criteria involved in decisions about where facilities should, and should not, have been located. This type of issue includes:

- *Use of agricultural (including forest crop) land*
- *Use of rural land for urban purposes*
- *Why not use public land?*
- *Use of recreational and natural areas*
- *Why not use existing facility sites?*
- *Non-compliance with local zoning or plans*
- *Too much government-owned land already*
- *Why not use other types of existing sites?*
- *Site according to property lines*
- *Site where district heating is possible*

(C) *LOCAL EFFECTS ISSUES* relate to site-specific factors involved in decisions to develop facilities, particularly concerning the effects on local people and on property at or near proposed facilities. This type of issue includes:

- (i) *Local Economic Issues*, concerning the economic and financial effects of proposed facilities on local

governments and local people at or near proposed facilities. Local economic issues include:

- *Loss of local property values*
- *Impact on possible future local development*
- *Increase in local public service costs*
- *Impact on adjacent farm operations*
- *Loss of local tax base*

(ii) *Local Environmental and Social Issues*, concerning the effects of proposed facilities on local property and personal well-being of local people at or near proposed facilities. Local environmental and social issues include discussions regarding:

- *Noise*
- *Impact of feeder traffic*
- *Health and safety effects*
- *Visual impact*
- *Fires*
- *Type of construction*
- *Litter*
- *Weeds*
- *Need for fences*
- *Vandalism; trespassing; lack of privacy*
- *“Experimental” nature of facility*
- *Radio and TV interference*

CHART A
FACILITY SITING ISSUES
 (Issues raised by facility opponents)*

| | POWER PLANTS | POWERLINES | PIPELINES | SOLID WASTE LANDFILLS | HAZARDOUS WASTE LANDFILLS | STATE TRAILS | STATE WILD AND SCENIC RIVERS |
|---|--------------|------------|-----------|-----------------------|---------------------------|--------------|------------------------------|
| NON-SITING POLICY ISSUES | | | | | | | |
| PROCESS ISSUES | | | | | | | |
| Opposition to "Big Government," government agencies, "Big Business" | x | x | x | x | x | x | x |
| Lack of early local involvement in the process | x | x | x | x | x | x | x |
| Use or anticipated use of eminent domain | x | x | x | x | x | x | |
| Use of zoning | | | | | | | x |
| NEED ISSUES | | | | | | | |
| Lack of consideration of alternatives to proposed facilities | x | x | x | x | x | | x |
| Projected demand for facility services in excessive | x | x | x | | x | x | x |
| Lack of data on societal costs of no additional facility services | x | x | x | | x | x | x |
| Lack of public planning regarding facility needs | x | x | | | x | x | |
| THE FACILITY COST ISSUE | | | | | | | |
| Lack of consideration of facility capital and operating costs | x | x | x | | | x | x |
| MAJOR ENVIRONMENTAL ISSUES | | | | | | | |
| Water pollution | x | | x | x | x | | |
| Air pollution (including dust and odor) | x | x | | x | | | |
| Water quantity used | x | | | | | | |
| SITE SELECTION POLICY ISSUES | | | | | | | |
| Use of agricultural (including forest crop) land | x | x | x | x | x | x | x |
| Use of rural land for urban purposes | x | x | x | x | x | x | x |
| Why not use public land? | x | x | | x | x | x | x |
| Use of recreational and natural areas | x | x | | x | | x | x |
| Why not use existing facility sites? | x | x | | x | x | | |
| Non-compliance with local zoning or plans | | | | x | x | x | x |
| Too much government-owned land already | | | | x | x | x | x |
| Why not use other types of existing sites? | | x | x | | | x | |
| Site according to property lines | | x | x | | | x | |
| Site where district heating is possible | x | | | | | | |
| LOCAL EFFECTS ISSUES | | | | | | | |
| LOCAL ECONOMIC ISSUES | | | | | | | |
| Loss of local property values | x | x | x | x | x | x | x |
| Impact on possible future local development | x | x | x | x | x | x | x |
| Increase in local public service costs | x | x | | x | x | x | x |
| Impact on adjacent farm operations | x | x | x | | | x | x |
| Loss of local tax base | | | | x | x | x | x |
| LOCAL ENVIRONMENTAL AND SOCIAL ISSUES | | | | | | | |
| Noise | x | x | | x | x | x | x |
| Impact of feeder traffic | x | | | x | x | x | x |
| Health and safety effects | x | x | x | x | x | | |
| Visual impact | x | x | | x | x | | |
| Fires | | | | x | x | x | x |
| Type of construction | | x | x | x | x | | |
| Litter | | | | x | | x | x |
| Weeds | | x | | | | x | x |
| Need for fences | | | x | x | | x | |
| Vandalism; trespassing; lack of privacy | | | | | | x | x |
| "Experimental" nature of facility | | x | | | x | | |
| Radio and TV interference | | x | | | | | |

*See Footnote on page 3.

FINDINGS: PART II

THE EXTENT TO WHICH THE SITING PROCESSES PROVIDED FOR RESOLUTION OF FACILITY SITING ISSUES*

(A) NON-SITING POLICY ISSUES

(i) Process Issues

3. The siting processes involved major decisions being made by appointed public officials (in accordance with state law).

Power plants: The certificate of need decision was made by the appointed Director of MEA; the site was selected by the appointed MEQB; permits were issued by the appointed Commissioner of DNR, appointed MPCA Board, and other appointed state agency officials; the facility costs were allocated by the appointed PCS.

Powerlines: The certificate of need decision was made by the Director of MEA; the route was selected by the MEQB; permits were issued by the Commissioner of DNR and other appointed state agency officials; the facility costs were allocated by the PSC.

Pipelines: The certificate of need decision was made by the Director of MEA; the route was reviewed by the Commissioner of DNR ("Chapter 117 review");** permits were issued by the Commissioner of DNR and other appointed state agency officials.

Solid waste landfills: Metropolitan-level review of the need for and location of solid waste landfills was done by the appointed MC; state permits were issued by the MPCA Board.

Hazardous waste landfills: The need for the Metro Demonstration Hazardous Waste Landfill was determined by the appointed MWCC (and by the MPCA Board, as the federal grant recipient); selecting the location for the demonstration landfill was the responsibility of MWCC; the need and location decisions would have been reviewed at the metro level by the MC; the state permit would have been issued by the MPCA Board.

State trails: Although the majority of trails were authorized by the Legislature, in other instances trail designation and acquisition decisions were made by the Commissioner of DNR; permits were issued by the Commissioner of DNR and other appointed state agency officials. (Key legislators were aware of DNR trail designation and acquisition activities. Beginning in 1979, DNR trail programming was formally reviewed by the Legislative Commissioner on Minnesota Resources [LCMR].)

State wild and scenic rivers: The designation and management plan decisions were made by the Commissioner of DNR. (Key legislators were aware of DNR river designation and management plan activities. DNR rivers programming was formally reviewed by LCMR.)

4. The siting processes varied dramatically concerning the extent to which major siting issues were addressed at the same time and were balanced against each other—by the same public decision-makers.

For two of the seven types of facilities, major issues were addressed essentially SEQUENTIALLY and by DIFFERENT public decision-makers, as follows:

Power plants: *Need issues* (and, to some extent, *major environmental issues* and *the facility cost issue*) were addressed first, by the Director of MEA, during the certificate of need process; *site selection policy issues* and *local effects issues* (and, to some extent, *the facility cost issue*) were then addressed by the MEQB, during the site selection process; *major environmental issues* and *local effects issues* were then addressed by the MPCA, in the EIS; *major environmental issues* and *local effects issues* were then addressed by the MPCA,

*On pages 35-48 is APPENDIX: THE FACILITY SITING PROCESSES. The APPENDIX provides summary descriptions of the siting processes for each of the seven types of facilities examined in this report, as the processes existed in Minnesota during the time period covered by the report. The FINDINGS: PART II are based on the APPENDIX, and are organized according to FINDINGS: PART I.

**See the APPENDIX (page 39) or the GLOSSARY (page 49) regarding "Chapter 117 review."

DNR, and other state agencies, in making their permit decisions; *the facility cost issue* was then addressed by the PSC, to some extent, during its allocation of power plant costs.*

Powerlines: *Need issues* (and, to some extent, *major environmental issues* and *the facility cost issue*) were addressed first, by the Director of MEA, during the certificate of need process; *site selection policy issues* and *local effects issues* were then addressed by the MEQB, during the route selection and EIS process; *site selection policy issues* and *local effects issues* were then addressed by DNR and other state agencies, to some extent, in making their permit decisions; *the facility cost issue* was then addressed by the PSC, to some extent, during its allocation of powerline costs.**

For another two of the seven types of facilities, major issues were addressed essentially CONCURRENTLY and by the SAME decision-maker, as follows:

State trails: *Need issues*, *site selection policy issues*, *local effects issues*, and *the facility cost issue* were addressed by the Legislature or by the Commissioner of DNR (following consultation with and review by state legislators) in making state trail authorization, designation, and acquisition decisions.

State wild and scenic rivers: *Need issues*, *site selection policy issues*, *local effects issues*, and *the facility cost issue* were addressed by the Commissioner of DNR (following review by state legislators) in making state wild and scenic river designation and management plan decisions.

For the remaining three types of facilities, major issues were addressed—or would have been addressed—in ways which combined aspects of the other two approaches, as follows:

Pipelines: *Need issues* (and, to some extent, *major environmental issues*, *local effects issues*, and *the facility cost issue*) were addressed by the Commissioner of MEA, during the certificate of need process, prior to construction but irrespective of the timing of the other decisions made; *major environmental issues* and *local effects issues* were addressed by DNR, in the environmental assessment worksheet* or EIS; *major environmental issues* and *local effects issues* were then addressed by Commissioner of DNR and other state agencies, in making their permit decisions; *major environmental issues* and *local effects issues* were then addressed by the Commissioner of DNR, during the Chapter 117 review process (when required).

Solid waste landfills: *Need issues*, *site selection policy issues*, *local effects issues*, and *the facility cost issue* were addressed by county boards; these same issues were then addressed by the MC; *major environmental issues* and *local effects issues* were then addressed by the MPCA, in the EIS and in making its permit decision.

Hazardous waste landfills: Had a hazardous waste landfill been fully reviewed, *need issues*, *site selection policy issues*, *local effects issues*, and *the facility cost issue* would have been addressed by the MWCC (and by MPCA, as the federal grant recipient); these same issues would have been addressed by the MC; *major environmental issues* and *local effects issues* would have been addressed by MPCA, in the EIS and in making its permit decision.

*This sequence for power plants was the process as determined by state statutes and rules. In actuality, only one of the four power plant proposals—the NSP Southern Power Plant proposal—was addressed according to this sequence. Due to the timing of the other three power plant proposals in relation to the date the Energy Agency Act went into effect (requiring certificates of need), the other three proposals actually went through the site selection process first and *then* went through the need process.

**As in the case of power plants, the statutorily and administratively defined sequence was not followed for all powerline proposals—due to the timing of the proposals in relation to the date the Energy Agency Act went into effect. For four powerline proposals, a “corridor” was designated, then the certificate of need was issued, and then the route was designated. By law, the corridor decision-involving designation of a powerline pathway wider than the route designated later—was to have occurred prior to the need decision. (The corridor step was eliminated by the Legislature in 1977.)

5. To different extents, for four of the seven types of facilities, public officials making major siting process decisions were also the proposers of the facilities.

For two types of facilities, the public official making all the major siting process decisions was also the proposer of the facilities.

State trails: In some instances, state trail proposals were made by the Commissioner of DNR (or by his trails staff). In those instances, the Commissioner of DNR also made trail designation, acquisition, and some permit decisions.

*See the GLOSSARY regarding “environmental assessment worksheet.”

State wild and scenic rivers: State wild and scenic river proposals were made by the Commissioner of DNR (or by his rivers staff). The Commissioner of DNR also made state wild and scenic river designation and management plan decisions.

For another two types of facilities, public bodies making some of the major siting process decisions were also the proposers of the facilities (or, had authority over staff who were the proposers of the facilities).

Solid waste landfills: In some instances, solid waste landfills were proposed by county boards (or by county staff). County boards also made the decisions regarding whether the landfills were to be developed and where they were to be located. (These decisions were subject to review by the MC, and a permit had to be issued by the MPCA.)

Hazardous waste landfills: The Demonstration Hazardous Waste Landfill was proposed by the MPCA and MWCC (following receipt of the federal grant by the MPCA). The MWCC was responsible for deciding to actually develop the landfill, and for selecting the location. (These decisions would have been reviewed by the MC, and a permit would have been issued by the MPCA.)

(For the remaining three types of facilities—**power plants, powerlines, and pipelines**—the public officials making the major siting process decisions were not the proposers of the facilities.)

6. The siting processes involved public hearings or meetings prior to nearly all major decisions regarding facility proposals.

Power plants: Formal public hearings were held prior to certificate of need decisions. Public meetings and formal public hearings were held on proposed sites. (Beginning in 1977, an MEQB public advisor was available to assist members of the public in participating in the site selection process.) Public hearings were held on Draft EISs. Public hearings were held prior to MPCA, DNR, and other state agency permit decisions, when controversial. Formal public hearings were held prior to PSC cost allocation decisions.

Powerlines: Formal public hearings were held prior to certificate of need decisions. (Beginning in 1977, an MEQB public advisor was available to assist members of the public in participating in the route selection process.) Public information meetings and formal public hearings were held on proposed routes. Public hearings were held on Draft EISs. Public hearings were held prior to DNR and other state agency permit decisions, when controversial. Formal public hearings were held prior to PSC cost allocation decisions.

Pipelines: Formal public hearings were held prior to certificate of need decisions. Beginning in 1979, by law, route acquisition could not occur prior to county public meetings and distribution of informal booklets to all affected landowners. Public meetings were held on Draft EISs, when done. Public hearings were held prior to Chapter 117 DNR review and state agency permit decisions, when controversial.

Solid waste landfills: Counties held public hearings on solid waste landfill proposals, when controversial; the MC also held public hearings on solid waste landfill proposals, when controversial. Public hearings were held prior to the MPCA's permit decisions, when controversial.

Hazardous waste landfills: A special joint committee consisting of members of the MWCC, MC, and MPCA held public meetings on the Metro Demonstration Hazardous Waste Landfill proposal. The MC would have held public hearings on the proposal. Public hearings would have been held prior to the MPCA's permit decision.

State trails: The Legislature's state trail authorization decisions were generally made following public legislative committee meetings, which often involved public testimony on trail proposals. DNR generally held public meetings prior to trail acquisition and designation, although these meetings were not required by law. A 1979 state law funding state trails required formal public hearings to be held prior to additional trail acquisitions. Public hearings were held prior to DNR and other state agency permit decisions, when controversial.

State wild and scenic rivers: DNR generally held public meetings prior to or during the drafting of proposed river management plans, although these meetings were not required by law. Formal public hearings were held prior to designation decisions and adoption of the management plans.

7. For three of the seven types of facilities, advisory committees consisting of local people were established to make recommendations regarding site selection.

Power plants: Local citizen advisory committees were established to recommend sites, as authorized by law.

Powerlines: Local citizen advisory committees were established to recommend routes, as authorized by law.

State wild and scenic rivers: Local citizen advisory councils were established to draft proposed river management plans, although this was not mentioned in state law.

(For two of the remaining four types of facilities—**solid waste landfills and hazardous waste landfills**—facility proposals were

reviewed, or would have been reviewed, by a standing MC Solid and Hazardous Waste Management Advisory Committee consisting of representatives of the public, local public officials, and the waste industry.)

8. Generally speaking, there was a divergence of opinion regarding the effectiveness and social value of the siting processes' public participation mechanisms.

Some of the resource persons who spoke to the League's study committee which worked on this report argued in favor of increasing public participation in the siting processes. Such persons stressed that public participation can have positive effects on the quality of the facility siting decisions made and on the public's acceptance of the decisions. Specifically, they argued that public participation can serve to:

- Provide important information on facility proposals—regarding need, alternatives, sites, costs, major environmental effects, local effects, etc.
- Help ensure that all interests are identified, articulated, and considered.
- Inform decision-makers about the public's agenda.
- Educate and provide information to the public.
- Help quell public fear, anger, and confusion.
- Give the public the sense that their interests have been heard and considered, and that the process is a fair and credible one.

None of the study committee's resource persons advocated eliminating or scaling back the public participation mechanisms included in the siting processes. However, some resource persons expressed concern about the impact of public participation on the quality of the facility siting decisions made and on the public's likelihood of rejecting the decisions. Specifically, they suggested that public participation may:

- Result in too much emphasis being placed on *process* and not enough on the *decisions* ultimately made.
- Serve to mobilize opposition to facilities—as a recruiting mechanism and an organizational and ideological focus.
- Serve to polarize the involved parties, including the government decision-makers.
- Provide the means to delay decisions and the bases for dilatory lawsuits.

- Result in disproportionate consideration of the opinions and feelings of the vocal few—due to overresponsiveness on the part of politicians and excessive coverage on the part of the media.

- Contribute to the social and political phenomenon of people feeling not only that their opinions ought to be heard and considered, but also that their personal interests ought to be served by the decisions ultimately made.

(The study committee explored, but did not fully determine, how often public participation did in fact result in changes in siting process decisions.)

9. To varying extents, the siting processes allowed major decisions to be made regarding facility proposals before local people had a clear understanding that facilities would be located on or near their property.

Power plants, powerlines, and pipelines: In the cases of power plants, powerlines, and pipelines, the processes allowed—and in the cases of power plants and powerlines, required—the Director of MEA to make the certificate of need decisions on facility proposals before the facility sites were selected. This sequence provided for the need decision—a major, binding decision—to be made prior to “local people” even being identifiable. Although MEA rules were changed in 1978 to require identification of proposed sites, if known, at the time of application for a certificate of need from the Director of MEA, the situation continued to exist in which the need decision could—or would—be made prior to the site being selected.*

Solid waste landfills and hazardous waste landfills: In the case of solid waste landfills, the process allowed county boards to decide to develop new solid waste landfills before selecting sites. In the case of the Metro Demonstration Hazardous Waste Landfill, the process allowed the MWCC and MPCA to decide to develop the landfill before selecting the site. In both of these cases, then, the major decision to develop the landfills was made prior to the sites—and therefore the “local people”—being identified.

State trails: In the case of state trails, before 1979 there was no public notification mandated prior to legislative authorization or DNR acquisition. Although local people usually

*The actual sequence of decision-making for all power plants and powerlines did not follow the statutory and administratively determined process, as explained in the FOOTNOTES to FINDING 4 on page 8.

learned of state trail proposals due to legislative committee hearings, DNR public meetings, and Interstate Commerce Commission (ICC) public hearings on proposed railroad abandonments (in those instances in which the proposed trails involved abandoned railroad lines), the fact is that legislative and DNR decisions to authorize and acquire state trails were not always preceded by systematic and official notification of local people. A 1979 state law did require state trail acquisitions using 1979 funds to be preceded by formal notification of local people, and formal public hearings to be held.

State wild and scenic rivers: In the case of state wild and scenic rivers, there was no public notification mandated prior to the Commission of DNR deciding to prepare a proposed management plan for a river (outlining zoning and other land use ordinances). Although DNR staff usually visited with local people and held local public meetings, and although extensive notification of local people was mandated prior to proposed river management plans being adopted, the fact is that DNR decisions to draft management plans for particular rivers were not always preceded by systematic and official notification of local people.

10. For six of the seven types of facilities, utility companies, pipeline companies, or appointed public officials had the legal authority to use eminent domain to acquire local property.

Utility companies and pipeline companies had the legal authority to use eminent domain to acquire local property.

Power plants: By law, utility companies had general authority to use eminent domain to acquire property for power plants. (Use of private property for power plants was contingent on the utility companies receiving MEA certificates of need, approval of the use of sites selected by the MEQB, and state permits.)

Powerlines: By law, utility companies had general authority to use eminent domain to acquire property—including easements—for powerlines. (Use of private property for powerlines was contingent on the utility companies receiving MEA certificates of need, MEQB construction permits, and other state permits.)

Pipelines: By law, pipeline companies had general authority to use eminent domain to acquire property—including easements—for pipelines, following approval by the appointed Commissioner of DNR (“Chapter 117 review approval”). (Use of private property for pipelines was contingent on the pipeline companies receiving MEA certificates of need and state permits.)

Appointed public officials had the legal authority to use eminent domain to acquire local property.

Hazardous waste landfills: By law, the appointed MWCC had general authority to use eminent domain to acquire property for hazardous waste landfills, following approval by the appointed MC.

State trails: By law, the appointed Commissioner of Administration had the authority to use eminent domain to acquire property for four specified DNR state trails—but only after obtaining approval from the governor, following consultation with legislative leaders.

(For **solid waste landfills**, no private landfill operators or appointed public officials had the legal authority to use eminent domain to acquire local property.)

An appointed public official had the legal authority to zone local property.

State wild and scenic rivers: The state Wild and Scenic Rivers Act did not authorize the use of eminent domain by DNR or any other government or private entity. The Act did give the appointed Commissioner of DNR the legal authority to zone local property for state wild and scenic rivers, in instances when local governments did not comply with DNR management plans for the river corridors.

(ii) Need Issues

11. The siting processes varied significantly concerning the way in which need issues were addressed.

For three of the seven types of facilities, need issues were addressed explicitly and exclusively by means of a certificate of need process.

Power plants, powerlines, and pipelines: Certificates of need were required to be received from the Director of MEA prior to siting or routing, in the case of power plants and powerlines, and prior to construction, in the case of pipelines. The decisions of the Director were binding on all state agencies and local governments.

For two of the remaining types of facilities, need issues were addressed implicitly during the facility decision-making and review process.

Solid waste landfills and hazardous waste landfills: *Need issues* were, or would have been, addressed by the counties or the MWCC when making their landfill proposal decisions. (As the federal grant recipient, the MPCA also would have been involved in addressing *need issues* concerning the Metro Demonstration Hazardous Waste Landfill). By law, the MC was required to consider the "area-wide need" for landfills when reviewing both solid waste and hazardous waste proposals.

For the remaining two types of facilities, *need issues* were addressed implicitly during the facility decision-making process.

State trails: Legislative authorization and DNR designation and acquisition decisions for state trails implicitly involved consideration of *need issues*. By law, DNR was required to consider "predicted public demand and future use" when designating state trails.

State wild and scenic rivers: DNR designation and management plan decisions for state wild and scenic rivers implicitly involved consideration of *need issues*. Also, by law, proposed management plans for state wild and scenic rivers were required to be the subject of formal public hearings. The law specifying the hearing procedures ("Chapter 15") required that "the need for" proposed river management plans be established during the hearing process.

12. Generally speaking, the siting processes involved more frequent and vocal public discussions of the negative aspects of proposed facilities than of the public need for the facilities.

For all seven types of facilities, the negative aspects of proposed facilities—facility costs, major environmental effects, local effects, etc.—were discussed more frequently and vocally than were the public needs for the facilities—the social, economic, and (in some cases) environmental benefits of the facilities. This occurred, in part, simply because there were numerically more opponents of proposed facilities who spoke out at public meetings, hearings, and other public settings than there were proponents who spoke out. And, facility opponents tended to be much more strident in their statements than were facility proponents. Also, the siting processes provided more decision-steps specially established to review the possible negative aspects of proposed facilities, than they provided decision-steps to review the public need for the facilities. Finally, media coverage of public discussions and events regarding facility proposals tended to focus on the statements and actions of facility opponents rather than of facility proponents.

13. The siting processes varied concerning the extent to which the public decision-makers responsible for addressing *need issues* had authority to generate alternatives to proposed facilities.

For three of the seven types of facilities, the public official responsible for addressing *need issues* had virtually no legal authority to generate alternatives to proposed facilities.

Power plants, powerlines, and pipelines: The Director of MEA was in a reactive role concerning these three types of facility proposals. By law, he was required to consider alternatives to proposed facilities when making his certificate of need decisions. And, by law, he could issue certificates of need specifying certain modifications to proposed facilities (regarding facility size, in-service date, and facility "type"). However, by law, the Director of MEA had no legal authority to *require* facility proposers to actually develop alternative facilities—including facility proposals as "modified" by MEA certificates of need. And, by law, the Commissioner himself had no legal authority to develop alternative facilities. (These three types of facilities—power plants, powerlines, and pipelines—were all privately financed.)

For two of the remaining types of facilities, the public officials responsible for addressing *need issues* had partial authority to generate alternatives to proposed facilities.

Solid waste landfills: Counties had authority to develop such county-owned alternatives to solid waste landfills as resource recovery facilities (subject to MC and MPCA approval). Counties had no authority to mandate development of resource recovery facilities by private landfill proposers. The MC had no authority to develop such alternatives itself, or to mandate action on the part of landfill proposers—including counties. Neither counties nor the MC had the legal authority to mandate such alternatives as solid waste source reduction.

Hazardous waste landfills: The MWCC had the authority to develop such alternatives to hazardous waste landfills as MWCC-owned resource recovery facilities (subject to MC and MPCA approval). The MWCC had no authority to mandate development of resource recovery facilities by private hazardous waste landfill proposers. The MC had no authority to develop such alternatives itself or to mandate action on the part of the MWCC or any other facility proposer. Neither the MWCC nor the MC had the legal authority to mandate such alternatives as hazardous waste source reduction.

For the remaining two types of facilities, the public officials responsible for addressing *need issues* had considerable authority to generate alternatives to proposed facilities.

State trails: The Legislature and Commissioner of DNR had considerable authority to generate alternatives to state trails—such as cooperative trail efforts on private property, local government trails funded by state and federal funds, and other recreational and natural resource facilities.

State wild and scenic rivers: The Commissioner of DNR had considerable authority to generate alternatives to state rivers—such as voluntary local government programs to preserve and manage unique natural river corridors, and legislative proposals for other recreational and natural resource facilities.

14. For all but one type of facility, there were no systemwide public planning frameworks on which decisions regarding need and related facility siting issues were based.

Power plants: There was no state energy plan on which the MEA Director's certificate of need decisions, as well as the MEQB's site selection decisions, the MPCA's and DNR's permit decisions, and the PSC's cost allocation decisions, were based. Beginning in 1976, as required by law, MEA did issue biennial reports concerning energy demand projections and energy need. These reports were used as exhibits during energy facility certificate of need hearings. However, the reports did not contain detailed MEA analyses of energy demand projections regarding the need for specific power plants or for additional power plants in specific service areas. Nor did the reports contain detailed MEA analyses of the social and economic costs of no additional electrical supply being provided. Regarding site selection, in late 1979 the MEQB issued a draft *Inventory of Power Plant Study Areas*, as required by law. This inventory, when and if adopted by the MEQB, will be used by the MEQB during site selection and by other state agencies when reviewing power plant proposals.

Powerlines: There was no state energy plan on which the MEA Director's certificate of need decisions, as well as the MEQB's route selection decisions, the DNR's permit decisions, and the PSC's cost allocations decisions were based. The statements made above (concerning power plants) regarding MEA's biennial reports also apply to powerlines—including the statements on the lack of detailed MEA analyses of demand projections and of the societal costs of no additional energy supply being provided. (The statements made above concerning MEQB's power plant inventory do *not* apply to powerlines.)

Pipelines: There was no state energy plan on which the MEA Director's certificate of need decisions, as well as the DNR Commissioner's Chapter 117 decisions, and the DNR Commissioner's and other state agency head's permit decisions, were based. MEA's 1978 biennial report did contain detailed analyses of energy demand projections regarding the need for specific pipelines—particularly petroleum pipelines. And, the

1978 report also contained a considerably detailed MEA analysis of the social and economic costs of no additional pipeline-supplied natural gas, petroleum, or propane being provided.

Hazardous waste landfills: There was no state hazardous waste plan on which the MPCA's and MWCC's decisions to develop the Metro Demonstration Hazardous Waste Landfill were based, despite a 1974 law requiring preparation of such a plan (by law, the MWCC's Metro Demonstration Hazardous Waste Landfill could have accepted hazardous wastes both from the metro area and from "outside the metropolitan area within the state"). As such, there was no detailed MPCA or MWCC analysis of the extent and nature of hazardous wastes produced in Minnesota. Nor was there a detailed analysis of the social, economic, and environmental consequences of no Minnesota hazardous waste landfill being developed.

State trails: There was no approved state trail plan on which the Legislature's authorization and the DNR Commissioner's designation, acquisition, and funding request decisions were based, despite a 1973 Executive Order of the Governor mandating preparation of such a plan. DNR did conduct a trail user survey in 1978, aimed at identifying the demand for state trails. The survey was subsequently criticized by trail opponents. Neither the Legislature nor DNR did a detailed analysis of the recreational and land use consequences of no additional state trails being developed.

State wild and scenic rivers: There was no state wild and scenic rivers plan on which the DNR Commissioner's designation and funding request decisions were based. While each wild and scenic river proposal included a DNR staff analysis of the recreational and land use consequences of not designating that particular river, there was no detailed statewide analysis of the consequences of no further wild and scenic rivers being designated.

(For the seventh types of facility, **solid waste landfills**, there was a metropolitan solid and hazardous waste policy plan on which the MC's and metro counties' decisions on solid waste landfills were based. And, the policy plan included a detailed analysis of the extent of solid waste produced in the metro area. The policy plan only partially and indirectly addressed the social, economic, and environmental costs of no additional landfills being developed in the metro area, however.)

(iii) The Facility Cost Issue

15. The siting processes varied concerning the way in which facility capital and operating costs were addressed by public decision-making officials.

For two of the seven types of facilities, facility capital and operating costs were addressed during the certificate of need and site selection processes and allocated by a state regulatory process.

Power plants and powerlines: Capital and operating costs constituted one of the factors to be considered by the Director of MEA when making his power plant and powerline certificate of need decisions, according to MEA rules. Facility cost also constituted one of the factors to be considered by the MEQB when making its power plant site selection and powerline route selection decisions, according to MEQB rules. Power plant and powerline costs were then allocated by the PSC during its electric service rate-setting process. Facility development costs were allowed to be recaptured through electric service rates when the PSC was convinced of the probability of approval of the particular facility.

For one of the remaining types of facilities, facility capital and operating costs were addressed during the certificate of need process and reviewed by a federal regulatory process.

Pipelines: Capital and operating costs constituted one of the factors to be considered by the Director of MEA when making his pipeline certificate of need decisions, according to MEA rules. Pipeline costs were then reviewed by federal regulatory agencies, prior to the costs being recaptured through the marketplace.

For the four remaining types of facilities, facility capital and operating costs were addressed implicitly during the facility decision-making and review process.

Solid waste landfills: Capital and operating costs of solid waste landfills were addressed by the counties involved during the approval process, and by the MC during its review process.

Hazardous waste landfills: For the Metro Demonstration Hazardous Waste Landfill, capital and operating costs would have been addressed by the MWCC, and by the MC during its review process.

State trails: Capital and operating costs of state trails were addressed by DNR and the Legislature, during the budget and appropriation process. Beginning in 1979, state trail costs were also reviewed by the LCMR.

State wild and scenic rivers: Capital and operating costs of state wild and scenic rivers were addressed by DNR and the Legislature, during the budget and appropriation process, and by LCMR.

(iv) Major Environmental Issues

16. The siting processes required consideration of major environmental issues.

Power plants and powerlines: *Major environmental issues* were addressed by means of the MEQB site selection and route selection processes, the environmental reports* and EISs, and the MPCA and DNR permit processes. (*Major environmental issues* were also required to be considered by the Director of MEA when making his certificate of need decisions, according to MEA rules.)

Pipelines: *Major environmental issues* were addressed by means of the EISs, DNR and MPCA permit processes, and the DNR Chapter 117 review process (when necessary). (*Major environmental issues* were also required to be considered by the Director of MEA when making his certificate of need decisions, according to MEA rules.)

Solid waste landfills and hazardous waste landfills: *Major environmental issues* were addressed, or would have been addressed, by means of the EISs, the MC review process, and the MPCA permit process.

(*Major environmental issues* generally were not discussed by means of EISs or state permits concerning state trail or state wild and scenic river proposals.)

(B) SITE SELECTION POLICY ISSUES

17. For two of the seven types of facilities, site selection was constrained due to the public officials responsible for selecting the sites lacking jurisdiction over alternative site locations.

Solid waste landfills: Metropolitan counties were constrained in selecting solid waste landfill sites within their own borders due to a lack of INTERGOVERNMENTAL jurisdiction. This occurred because, by law, cities and towns had the legal authority to block development of county landfill proposals within *their* respective borders by means of local zoning ordinances (as long as the zoning ordinances had been adopted prior to April 15, 1969).

*See APPENDIX sections on power plants and powerlines for description of "environmental reports" required to be completed.

Solid waste landfills and hazardous waste landfills: Site selection was constrained for both solid waste landfills and hazardous waste landfills due to a lack of GEOGRAPHIC jurisdiction. This occurred for solid waste landfills because metropolitan counties lack jurisdiction over alternative sites within *other* counties. This occurred for the Metro Demonstration Hazardous Waste Landfill proposal, because the MWCC—as a metropolitan agency—lack jurisdiction over alternative sites located outside the metropolitan area.

(For four of the five other types of facilities—**power plants, powerlines, state trails, and state wild and scenic rivers**—the public officials responsible for site selection had general jurisdiction over sites throughout the state [except for areas restricted by state or federal statutes or regulations]. No public officials were responsible for selecting sites for **pipelines**.)

18. The siting processes involved public disputes over site selection policy issues which were not resolved by elected officials.

Power plants: In its 1977 amendments to the Power Plant Siting Act (PPSA), the Legislature required the MEQB to be “guided by” several “considerations” when selecting sites for power plants. These “considerations” addressed three power plant *site selection policy issues*: *Use of agricultural (including forest crop) land*; *Use of recreational and natural areas*; and *Site where district heating is possible*. In addressing these three power plant *site selection policy issues*, however, the Legislature did *not* mandate or prohibit any particular MEQB decisions regarding the site selection “considerations, nor did it specify any weighting of the “considerations” during site selection. (Additional *site selection policy issues* for power plants were: *Use of rural land for urban purposes*; *Why not use public land?*; and *Why not use existing facility sites?*)

Powerlines: In 1977, the Legislature also amended the PPSA to prohibit the MEQB from giving state-owned wildlife management areas a higher priority than agricultural land when designating powerline route avoidance areas. As such, the Legislature—as an elected body—did take formal action to resolve controversy involving three *site selection policy issues*: *Use of agricultural (including forest crop) land*; *Why not use public land?*; and *Use of recreational and natural areas*. Other aspects of these three policy issues, as well as other powerline *site selection policy issues*, however, were not resolved by the Legislature. In 1977, the Legislature did also amend the PPSA to require the MEQB to be “guided by” several “considerations” when selecting powerline routes. These “considerations” addressed four powerline *site selection policy issues*: *Use of agricultural (including forest crop) land*; *Use of recreational and natural areas*; *Why not use other*

types of existing sites? and *Site according to property lines*. But, in passing this amended language of the PPSA, the Legislature did *not* mandate or prohibit any particular MEQB decisions regarding the route selection “considerations, nor did it specify any weighting of the “considerations” during route selection. (*Site selection policy issues* for powerlines, in addition to those mentioned above, were: *Use of rural land for urban purposes*; *Why not use public land?*; and *Why not use existing facility sites?*)

Pipelines: There were no formal actions by elected public officials to resolve pipeline *site selection policy issues*. (Pipeline *site selection policy issues* included: *Use of agricultural (including forest crop) land*; *Use of rural land for urban purposes*; *Why not use other types of existing sites?*; and *Site according to property lines*.)

Solid waste landfills: The Legislature did take action to resolve one solid waste landfill *site selection policy issue*: *Non-compliance with local zoning or plans*. In 1969, the Legislature specified that metropolitan counties would have to comply with city and town zoning ordinances in selecting solid waste landfill sites, unless the zoning ordinances had been adopted after April 15, 1969. Other than this legislative decision, there were no formal actions by elected public officials to resolve solid waste landfill *site selection policy issues*—except to the extent that county boards implicitly addressed such issues in dealing with individual landfill proposals on a case-by-case basis. (In addition to the one mentioned above, *site selection policy issues* for solid waste landfills included: *Use of agricultural (including forest crop) land*; *Use of rural land for urban purposes*; *Why not use public land?*; *Use of recreational natural areas*; *Why not use existing facility sites?* and *Too much government-owned land already*.)

Hazardous waste landfills: There were no formal actions by elected public officials to resolve hazardous waste *site selection policy issues*. (*Site selection policy issues* for the Metro Demonstration Hazardous Waste Landfill included: *Use of agricultural (including forest crop) land*; *Use of rural land for urban purposes*; *Why not use public land?*; *Why not use existing facility sites?*; *Non-compliance with local zoning or plans*; and *Too much government-owned land already*.)

State trails: In the Outdoor Recreation Act of 1975, the Legislature specified the characteristics of state trails. These characteristics related to three state trail *site selection policy issues*: *Why not use public land?*; *Use of recreational and natural areas*; and *Too much government-owned land already*. The characteristics required that state trails “utilize, to the greatest extent possible...public land, rights-of-way, and the like.” Also, the Legislature passed special language regarding certain state trails relating to two other state trail *site selection policy issues*: *Non-compliance with local zoning or plans*, and *Site according to property lines*. This special legisla-

tive language required development of the trails "consistent with local ordinances" and routing of the trails so as to "eliminate diagonally-shaped separate fields." As such, the Legislature—as an elected body—did take action to resolve controversy involving five state trail *site selection policy issues*, even if the action applied to only certain trails in two instances. There were additional state trail *site selection policy issues* not resolved by the Legislature, however. (The additional issues included: *Use of agricultural [including forest crop] land*; *Use of rural land for urban purpose*; and *Why not use other types of existing sites?*)

State wild and scenic rivers: In its 1973 Wild and Scenic Rivers Act, the Legislature addressed two state wild and scenic rivers *site selection policy issues*: *Use of recreational and natural areas*, and *"Non-compliance with local zoning or plans*. First, the Legislature required wild and scenic river management plans to "give primary emphasis to the area's scenic, recreational, natural, historical, scientific and similar values." Second, the Legislature required the Commissioner of DNR to adopt zoning ordinances for local jurisdictions, if the local governments fail to make their local ordinances comply with adopted river management plans. Other *site selection policy issues* for wild and scenic rivers were not resolved by the Legislature, however. (The other *site selection policy issues* included: *Use of agricultural [including forest crop] land*; *Use of rural land for urban purposes*; *Why not use public land?*; and *Too much government-owned land already.*)

(C) LOCAL EFFECTS ISSUES

19. For five of the seven types of facilities, the siting processes required consideration of the local effects of facilities during site selection.

Power plants: The PPSA specified that the MEQB consider the following *local effects* factors when selecting power plant sites: effects on public health and welfare, vegetation, animals, materials, aesthetic values; and direct and indirect economic impact, including productive agricultural land impaired. MEQB rules specified site selection criteria relating to: impacts on local communities, health effects, and accident hazards.

Powerlines: The PPSA required the MEQB to consider the following *local effects* factors when selecting powerline routes: effects on public health and welfare, vegetation, animals, materials, aesthetic values; and direct and indirect economic impact, including productive agricultural land impaired. MEQB rules specified route selection criteria relating to: impact on human settlement; impact on economic operations, including agricultural; and detriments to humans.

Solid waste landfills: The MC's solid and hazardous waste policy plan included criteria for the selection of sites for solid waste landfills, requiring consideration of such *local effects* factors as: proximity to population, pollution health and safety dangers, noise, visual impact, and odor. The MPCA's regulations required considerations of pollution, health, and safety dangers, visual impact, noise, dust, and litter.

Hazardous waste landfills: The MC's solid and hazardous waste policy plan included criteria for the selection of sites for hazardous waste landfills, requiring consideration of such *local effects* factors as: proximity to population, pollution health and safety dangers, noise, visual impact, and odor. The MPCA's regulations required consideration of pollution health and safety dangers.

State wild and scenic rivers: The 1973 Wild and Scenic Rivers Act required management plans for wild and scenic river corridors to include "no unreasonable restrictions upon compatible, pre-existing, economic uses of particular tracts of land." Because of the very nature of the areas described, the designation criteria outlined in DNR rules provided for wild and scenic river corridors to be selected so as to minimize *local effects*. The goals of the management plans, as stated in DNR rules, included: reducing the effects of poorly planned development of adjacent lands, preserving natural beauty and "quietude," and maintaining property values.

(For the remaining two types of facilities—**pipelines** and **state trails**—there was not substantial consideration of *local effects* required during site selection. For **pipelines**, there was no public site selection process. Consideration of *local effects* did occur following site selection, however, during the EIS and DNR Chapter 117 review processes [if done]. And, as mentioned previously, *local effects issues* were considered, to some extent, during the MEA certificate of need process. For **state trails**, before 1979, state statutes and DNR rules did not specify *local effects* to be considered when route designation and acquisition decisions were made. A 1979 law did require the Commissioner of DNR to acquire state trail property in a manner which "minimizes adverse effect on adjoining agricultural land and property owners.")

20. The siting processes provided for actions to mitigate the local effects of facilities, when the facilities were developed at the selected sites.

Power plants: The PPSA specified that the MEQB could refuse to site a power plant, as long as it indicated changes in the size and type of the power plant that would allow site designation. As such, presumably, the MEQB could have sited a power plant subject to size and type conditions—which could have

mitigated the *local effects* of the proposed facility. Also, the permits of the MPCA, DNR, and other agencies were issued subject to certain conditions—which mitigated the *local effects* of power plants.

Powerlines: The PPSA specified that the MEQB was to determine the type, design, right-of-way preparation, and facility construction of powerlines at the time of selecting their routes. As such, the MEQB was able to mitigate the *local effects* of powerlines by means of its authority to mandate basic characteristics of their design and construction. Also, DNR and other state permits were issued subject to certain conditions—again providing for mitigation of *local effects*.

Pipelines: The Chapter 117 DNR review language regarding pipeline companies' use of eminent domain specified that the Commissioner of DNR could make "recommendations" for changes in pipeline plans that would be "required" before he would approve the plan. Also, a 1979 law regarding pipelines authorized county boards to adopt "standards and conditions" for pipeline construction to mitigate the adverse impact of pipeline construction on the productive use of agricultural land. The law also required counties to hire pipeline construction inspectors to monitor construction and order actions to rectify violations of county pipeline construction ordinances. Finally, DNR and other state permits issued for pipelines were issued subject to certain conditions. All of these provisions served to mitigate the *local effects* of pipelines.

Solid waste landfills: The MC's solid and hazardous waste policy plan called for mitigation of the *local effects* of solid waste landfills through: environmental monitoring, contingency planning, special construction features, visual screening, fencing, adequate daily cover practices, and building of noise barriers. MPCA's rules, on which its permit decisions were based, required mitigation of the *local effects* of solid waste landfills through: landfill covering practices, collection of windblown litter, control of rodents and insects, dust control, availability of fire control equipment, visual screening, fencing, environmental monitoring, controls on substances allowed to be landfilled, and post-closure procedures.

Hazardous waste landfills: The MC's solid and hazardous waste policy plan called for mitigation of the *local effects* of hazardous waste landfills through: environmental monitoring, contingency planning, special construction features, and pre-treatment of wastes. The MPCA's rules, on which its permit decisions would have been based, included mitigation of the *local effects* of hazardous waste landfills through: spill contingency planning, availability of safety equipment, environmental monitoring, fencing and security systems, availability of communications equipment, special construction features, acceptance of only identified wastes, special storage procedures, recording of storage activities, post-closure procedures, and control over and specified procedures regarding transportation of hazardous waste to landfills.

State trails: The 1975 Outdoor Recreation Act required state trails to be managed to provide "a minimum disturbance of the natural environment" and to recognize "other multiple land use activities." Another law specified two actions to mitigate *local effects* for a certain trail: "Fencing of portions of the trail where necessary to protect adjoining landowners" and "maintenance of the trail in a little free condition to the extent practicable."

State wild and scenic rivers: The Wild and Scenic Rivers Act required that river corridors be managed with "no unreasonable restrictions upon compatible, pre-existing, economic uses of particular tracts of land." This provision was implemented in DNR's rules by providing for variances to particular landowners so as to mitigate the *local effects* of river designations. Also, DNR rules for wild and scenic rivers provided for mitigating actions concerning such *local effects* factors as: littering, vandalism, trespassing, fires, and loss of "quietude."

21. The siting processes differed regarding the extent to which compensation for facilities was provided to local governments.

For three of the seven types of facilities, compensation was provided to local governments in the form of the assessed value of the facilities becoming part of the local governments' property tax bases.

Power plants, powerlines, and pipelines: This was the case with respect to power plants, powerlines, and pipelines.*

For two of the remaining types of facilities, compensation was provided—or would have been provided—to local governments in the form of additional local property tax base when the facilities were privately owned. When they were publicly owned, no compensation to local governments was provided—or would have been provided.

Solid waste landfills and hazardous waste landfills: This was the case with respect to solid waste landfills and the Metro Demonstration Hazardous Waste Landfill (the latter of which would have been publicly owned).

*Technically, the assessed value of powerlines located outside of cities was not added to the property tax bases of the local governments in which the powerlines were located. Nonetheless, in these instances the local governments did receive additional property tax revenue due to the powerlines.

For one of the remaining types of facilities, compensation was provided to local governments only recently.

State trails: No compensation was provided to local governments for state trails until 1979, when the Legislature required that annual payments be made to local governments for state-owned land administered by the Commissioner of DNR—including state trails.

For the remaining type of facility, only minor compensation was provided to local governments.

State wild and scenic rivers: No compensation was provided to local governments for wild and scenic rivers until 1976, when the Legislature made local governments effected by wild and scenic river management plans eligible, on a priority basis, for state land-use planning grants.

22. The compensation for facilities provided to local governments was generally funneled to those local jurisdictions in which the facilities were actually located.

Power plants, powerlines, pipelines, and private solid waste landfills located OUTSIDE THE METROPOLITAN AREA: The additional assessed value occurring due to these new facilities became part of the property tax bases of only those towns, cities, counties and school districts in which the facilities were actually located. As such, local governments including property located adjacent to or near facilities—but not including the property on which the facilities were actually located—received no compensation in the form of added property tax base.*

Power plants, powerlines, pipelines, and private solid waste landfills located WITHIN THE METROPOLITAN AREA: Forty percent of the additional assessed value occurring due to these new facilities became part of the metropolitan area's

commercial-industrial assessed value—because of the Fiscal Disparities Act.* The remaining sixty percent became part of the property tax bases of those towns, cities, counties, and school districts in which the facilities were actually located (except for the same technical qualification explained in the first footnote below, regarding powerlines located outside of cities). As such, while all metropolitan local governments received some of the added property tax base created by new facilities (because of the Fiscal Disparities Act), the fact remained that local governments including property located adjacent to or near facilities—but *not* including the property on which the facilities were actually located—received significantly less compensation than the local governments within which the facilities were located.

State trails and state wild and scenic rivers: The compensation provided for these facilities was only to those local governments within which the facilities were actually located—leaving adjacent and nearby local governments not compensated.

23. The siting processes provided for individual compensation to be paid only to local people whose property was actually acquired for facilities.

Power plants, powerlines, pipelines, and solid waste landfills: Only people whose property was acquired for the facilities—including easements, either on a willing-seller/willing-buyer basis or through use of eminent domain—received individual compensation when these facilities were developed. Other local people received no individual compensation.

Hazardous waste landfills: Only people whose property would have been acquired for the Metro Demonstration Hazardous Waste Landfill—either on a willing-seller/willing-buyer basis or through use of eminent domain—would have received individual compensation when the landfill was developed.

State trails: Only parties whose property was acquired for state trails—including railroad companies whose abandoned lines were acquired for state trails—received individual compensation when state trails were acquired.

State wild and scenic rivers: Only people whose property was acquired for state wild and scenic rivers—including scenic easements—received individual compensation when wild and scenic rivers were designated and management plans implemented. Other local people—including people whose property was effected by wild and scenic rivers zoning regulations—received no individual compensation.

*Technically, this was not the case for powerlines located outside of cities. As mentioned earlier, in these instances, the assessed values of the powerlines were not added to the property tax bases of the local governments, though the local governments did receive additional property tax revenue. Also for powerlines located outside of cities, all school districts having jurisdiction in the counties through which the powerlines passed received portions of the property tax revenues derived from the powerlines, whether or not the powerlines actually passed through the school districts.)

*See the GLOSSARY regarding the "Fiscal Disparities Act."

24. For six of the seven types of facilities, the individual compensation paid was limited to the value of the property acquired—as determined on a willing-seller/ willing-buyer basis or by the eminent domain process.

Power plants: Local people who sold their property for power plants received individual compensation in amounts determined by willing-seller/willing-buyer agreements or by the eminent domain process. Beginning in 1977, the PPSA allowed landowners who sold their property for power plants to elect to receive their compensation in annual payments over ten years. Also beginning in 1977, the PPSA allowed owners of all types of property, except commercial and industrial, who sold their land for power plants to elect to require the utility to purchase their entire parcel of property.

Pipelines: Local people who sold their property—including easements—for pipelines received individual compensation in amounts determined by willing-seller/willing-buyer agreements or by the eminent domain process.

Solid waste landfills and hazardous waste landfills: Local people who sold their property, or would have sold their property, for solid waste landfills and hazardous waste landfills received, or would have received, individual compensation in amounts determined by willing-seller/willing-buyer agreements or by the eminent domain process.

State trails and state wild and scenic rivers: Local people who sold their property—including easements—for state trails and state wild and scenic rivers received individual compensation

in amounts determined by willing-seller/willing-buyer agreements.

25. For powerlines only, individual compensation paid included the value of property acquired as well as additional annual payments.

Local people who sold their property—including easements—for powerlines received individual compensation for their property in amounts determined by willing-seller/willing-buyer agreements or by the eminent domain process. And, beginning in 1977, all owners of property, other than commercial and industrial, over which powerlines were routed received additional annual compensation payments. The amounts of these annual payments were determined according to the length of the powerlines routed over the owners' particular parcels of property. These annual payments were paid by the utility companies owning the powerlines.* As in the case of power plants, beginning 1977, the PPSA allowed landowners who sold their property for powerlines to elect to receive their compensation in annual payments over ten years. And, beginning in 1977, the PPSA allowed the owners of all types of property, except commercial and industrial, who sold their land for powerlines to elect to require the utility company to acquire their entire parcel of property.

*Because of a 1979 law, beginning in 1982 the annual payments will cease to be paid solely by the utilities and will become property tax credits financed by all property taxpayers in each particular county.

APPENDIX

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CHART B
FACILITY PROPOSALS
(See Explanation on Pages 25-27)

| Proposal | Proposed By | Year Proposed | Major Opposition | Local Groups And/Or Governments Oppose | Non-Local Groups Oppose | Lawsuits | Status as of End of 1979 |
|---|-------------------------------------|---------------|------------------|--|-------------------------|------------|---------------------------|
| POWER PLANTS | | | | | | | |
| 1. SHERCO 3&4 | NSP | 1974 | Yes | Yes | Yes | Yes | In Court |
| 2. Clay Boswell | MP&L | 1975 | No | - | - | - | Under Construction |
| 3. Floodwood/ Fine Lakes | MP&L | 1975 | Yes | Yes | No | Yes | In Court |
| 4. NSP Southern | NSP | 1976 | Yes | Yes | Yes | Yes | Not Approved |
| POWERLINES | | | | | | | |
| 1. MP&L Emergency | MP&L | 1974 | No | - | - | - | Operational |
| 2. CU-TR-1 | CPA/UPA | 1975 | Yes | Yes | Yes | Yes | "Operational" |
| 3. MP&L-TR-1 | MP&L and NSP | 1975 | Yes | Yes | No | Yes | Operational |
| 4. MP&L-TR-1A | MP&L | 1975 | No | - | - | - | Operational |
| 5. NSP 500 KV | NSP | 1975 | No | - | - | - | Under Construction |
| 6. CU-TR-2 | CPA/UPA | 1975 | Yes | Yes | No | Yes | In Court |
| PIPELINES | | | | | | | |
| 1. Williams | Williams | 1976 | No | - | - | - | Operational |
| 2. Northern | Northern | 1976 | Yes | Yes | Yes | Yes | In Court |
| 3. MAPCO | MAPCO | 1979 | No | - | - | - | Operational |
| SOLID WASTE LANDFILLS (Metro Area Only) | | | | | | | |
| 1. Eden Prairie | Waste Management, Inc. | 1970 | No | - | - | - | Operational |
| 2. Blaine | Johnson Brothers Construction, Inc. | 1970 | No | - | - | - | Closed (As Planned) |
| 3. Inver Grove Heights | American System, Inc. | 1970 | No | - | - | - | Closed (Source Closed) |
| 4. Ramsey | Gilbert Menkveld | 1971 | Yes | Yes | No | No | Not Approved |
| 5. Inver Grove Heights | Pine Bend Development Company | 1971 | No | - | - | - | Operational |
| 6. Hampton Township | Dakhue Landfill, Inc. | 1971 | No | - | - | - | Operational |
| 7. Credit River | Eugene Sullivan | 1971 | Yes | Yes | No | Yes | Not Approved |
| 8. Afton | Washington County | 1973 | Yes | Yes | Yes | No | Not Approved |
| 9. Hennepin County | Hennepin County | 1977 | Yes | Yes | No | Threatened | Pending |

| Proposal | Proposed By | Year Proposed | Major Opposition | Local Groups And/Or Governments Oppose | Non-Local Groups Oppose | Lawsuits | Status as of End of 1979 |
|----------|-------------|---------------|------------------|--|-------------------------|----------|--------------------------|
|----------|-------------|---------------|------------------|--|-------------------------|----------|--------------------------|

HAZARDOUS WASTE LANDFILLS

| | | | | | | | |
|------------------------|---------------|------|-----|-----|----|------------|------------|
| 1. Metro Demonstration | MPCA and MWCC | 1976 | Yes | Yes | No | Threatened | Terminated |
|------------------------|---------------|------|-----|-----|----|------------|------------|

STATE TRAILS

| | | | | | | | |
|--------------------------|-------------|------|-----|-----|----|-----|------------------------|
| 1. Casey Jones | Legislature | 1967 | Yes | Yes | No | No | 40% Acquired |
| 2. Minnesota Valley | Legislature | 1969 | No | - | - | - | 45% Acquired |
| 3. Douglas | Legislature | 1971 | No | - | - | - | 98% Acquired |
| 4. Sakatah-Singing Hills | Legislature | 1971 | No | - | - | - | 98% Acquired |
| 5. Root River | Legislature | 1971 | Yes | Yes | No | No | Pending |
| 6. Countryview Bicycle | Legislature | 1971 | No | - | - | - | 100% Acquired |
| 7. Glacial Lakes | Legislature | 1971 | Yes | Yes | No | No | 0% Acquired |
| 8. Luce Line | Legislature | 1973 | Yes | Yes | No | No | 99% Acquired |
| 9. MN-WI Boundary | Legislature | 1973 | No | - | - | - | 65% Acquired |
| 10. Fairmont-Truman | DNR | 1973 | Yes | Yes | No | No | Local Parties Acquired |
| 11. Heartland | Legislature | 1974 | Yes | Yes | No | Yes | 98% Acquired |
| 12. Taconite | Legislature | 1974 | No | - | - | - | 65% Acquired |
| 13. Northshore | Legislature | 1975 | No | - | - | - | 75% Acquired |
| 14. South Fork of Root | DNR | 1977 | Yes | Yes | No | No | Local Parties Acquired |
| 15. Alborn-Pengilly | DNR | 1977 | No | - | - | - | Pending |
| 16. St. Croix | DNR | 1978 | Yes | Yes | No | Yes | Local Parties Acquired |
| 17. Stewartville-LeRoy | DNR | 1978 | Yes | Yes | No | Yes | 100% Acquired |

STATE WILD AND SCENIC RIVERS

| | | | | | | | |
|--------------------|-----|------|-----|-----|----|-----|-------------------------------|
| 1. Kettle | DNR | 1974 | Yes | Yes | No | Yes | Designated (Partly) |
| 2. North Fork Crow | DNR | 1974 | Yes | Yes | No | No | Part Designated; Part Pending |
| 3. Mississippi | DNR | 1975 | Yes | Yes | No | No | Designated |
| 4. MN (Western) | DNR | 1975 | No | - | - | - | Designated |
| 5. Crow Wing | DNR | 1976 | Yes | Yes | No | No | Not Designated |
| 6. Rum | DNR | 1976 | No | - | - | - | Designated |
| 7. St. Louis | DNR | 1977 | Yes | Yes | No | No | Pending |
| 8. Cloquet | DNR | 1978 | Yes | Yes | No | No | Not Designated |
| 9. Cannon | DNR | 1978 | Yes | Yes | No | No | Designated |
| 10. MN (Eastern) | DNR | 1978 | Yes | Yes | No | No | Pending |

EXPLANATION OF FACILITY PROPOSALS CHART

“Proposal:”

This identifies each individual facility proposal, listed according to the type of facility.

The facility proposals listed are those which were subject to the governmental siting processes in existence in Minnesota during the following time intervals:

POWER PLANTS: From implementation of the state Energy Agency Act of 1974, through 1979.

POWERLINES: From implementation of the state Energy Agency Act of 1974, through 1979.

PIPELINES: From implementation of the state Energy Agency Act of 1974, through 1979.

SOLID WASTE LANDFILLS: From implementation of the state statutes requiring Minnesota Pollution Control Agency (MPCA) permitting and Metropolitan Council (MC) review, in 1969, through 1979.

HAZARDOUS WASTE LANDFILLS: From implementation of the state statutes requiring MPCA permitting and MC review, in 1974, through 1979.

STATE TRAILS: From authorization of the first state trail, in 1967, through 1979.

STATE WILD AND SCENIC RIVERS: From implementation of the state Wild and Scenic Rivers Act of 1973, through 1979.

Facilities proposed prior to these time intervals, and thereby not subject to the siting processes in existence during these intervals, are not listed. Also not listed are facility proposals which had not substantially completed the siting process by the end of 1979, due to their recentness. Facility proposals which had not substantially completed the siting process by the end of 1979 due to public opposition or lack of government agency approval, however, *are* included.

Not all power plants, powerlines, and pipelines constructed in Minnesota from 1974 through 1979 were subject to state siting processes. By law, the following such facilities *were* subject to the siting processes of the Minnesota Energy (MEA) and the Minnesota Environmental Quality Board (MEQB):

POWER PLANTS: Those producing 50 megawatts (mw) or more of electricity, and (beginning in 1977) those producing 5 mw or more of electricity and requiring oil or natural gas as fuel, were required to receive certificate of need from the Director of MEA prior to site selection or construction. Those producing 50 mw or more of electricity were required to be sited by the MEQB prior to construction.

POWERLINES: Prior to 1977, those capable of transmitting 200 kilovolts (kv) or more of electric power and with more than 100 miles of their length in Minnesota were required to receive certificates of need from the Director of MEA prior to route selection or construction. Beginning in 1977, those capable of transmitting 200 kv or more of power and with more than 50 miles of their length in Minnesota, and those capable of transmitting 300 kv or more and with more than 25 miles of their length in Minnesota, were required to receive MEA certificates of need prior to route selection or construction. Those capable of transmitting 200 kv or more were required to be routed by the MEQB (unless exempted by the MEQB).

PIPELINES: Those greater than six inches in diameter and having more than 50 miles of their length in Minnesota and used for transporting crude oil, petroleum fuels, or oil, or their derivatives or (beginning in 1977) coal, and those capable of transporting natural or synthetic gas at pressures in excess of 200 pounds per square inch and having more than 50 miles of their length in Minnesota, were required to receive certificates of need from the Director of MEA prior to construction (unless preempted from state administrative review by federal law). (There was no governmental route selection process for pipelines constructed in Minnesota.)

Facility proposals listed for **SOLID WASTE LANDFILLS** are for the metro area only, due to a lack of readily-available detailed information on solid waste landfills proposed throughout the state. Facility proposals listed for **SOLID WASTE LANDFILLS** and for **HAZARDOUS WASTE LANDFILLS** are for *new* sites only; proposals for expanded or altered facilities at existing waste landfill sites are *not* included.

“Proposed By:”

This indicates the party proposing the facility. Abbreviations used are as follows: **“NSP:”** Northern States Power Company; **“MP&L:”** Minnesota Power and Light Company; **“CPA/UPA:”** Cooperative Power Association and United Power Association; **“Williams:”** Williams Pipeline Company; **“Northern:”** Northern Pipeline Company of Delaware; **“MAPCO:”** Mid-America Pipeline Company.

For **HAZARDOUS WASTE LANDFILLS**, the Metro Demonstration Hazardous Waste Landfill proposal was actually initiated by the federal Environmental Protection Agency (EPA) when it solicited the MPCA to apply for a federal grant for a demonstration hazardous waste landfill project. After MPCA was selected by EPA as the grant recipient, MPCA contracted with the Metropolitan Waste Control Commission (MWCC) to site, construct, and arrange for operation of the landfill. As such, herein, both MPCA and MWCC are considered to be the “proposers.”

For **STATE TRAILS**, **“Proposed By”** also indicates those instances when state trails were authorized directly by the Legislature.

“Year Proposed”

This indicates the year in which the facility was proposed. For some **STATE TRAILS**, this also indicates the year when the trail was authorized directly by the Legislature.

“Major Opposition:”

This is a general characterization of whether or not there was major opposition to the proposed facility, based on the following types of indicators:

- petitions opposing the facility
- letters opposing the facility
- substantial attendance of opponents and opposition testimony at public meetings and hearings
- formation of opposition organizations
- opposition by pre-existing organizations
- formal opposition by local governments and officials
- opposition by local legislators
- lawsuits filed by opponents

“Local Groups and/or Governments Oppose:”

This indicates whether or not specially-formed local citizen groups, pre-existing local citizen groups, and/or local governmental units opposed the facility.

“Non-Local Groups Oppose:”

This indicates whether or not non-local groups opposed the facility.

“Lawsuits:”

This indicates whether or not there were lawsuits regarding the proposed facility involving facility proponents or opponents.

“Status as of the end of 1979:”

This is a characterization of the status of the facility as of the end of 1979.

THE EXTENT OF OPPOSITION TO PROPOSED FACILITIES

1. For the time period examined, the following numbers of facilities were reviewed under the siting processes:

Power plants: Four between 1974 and 1980.

Powerlines: Six between 1974 and 1980.

Pipelines: Three between 1974 and 1980.

Solid waste landfills: Nine between 1969 and 1980 (metro area only).

Hazardous waste landfills: One between 1974 and 1980.

State trails: Seventeen between 1967 and 1980.

State wild and scenic rivers: Ten between 1973 and 1980.

2. Of these facility proposals, some did NOT experience major opposition.

Power plants: MP&L's Clay Boswell plant was approved without major opposition.

Powerlines: Three powerlines were approved without major opposition.

Pipelines: Two pipelines were approved without major opposition.

Solid waste landfills: Five solid waste landfills were approved without major opposition.

State trails: Eight state trails were authorized or designated without major opposition.

State wild and scenic rivers: Two state wild and scenic rivers were designated without major opposition.

3. Still, a considerable number of facility proposals DID experience major opposition.

Power plants: Three of the four proposed power plants were met by major opposition, including lawsuits. None of the three power plants had been built as of the end of 1979. One of the three, the NSP Southern Power Plant proposal, did not reach

the site selection stage; its certificate of need was revoked by the Director of MEA. (The fourth proposal, MP&L's Clay Boswell Power Plant, was actually sited at the location of an existing power plant complex, a factor which may have limited opposition).

Powerlines: Three of the six powerlines proposed experienced major opposition, including lawsuits. One of the three, the CPA/UPA powerline through west-central Minnesota, was the object of sustained and extreme opposition following the beginning of site selection activities in 1974. At least 11 lawsuits occurred as part of the opposition, as did repeated destruction of powerline insulators and the toppling of 10 powerline towers as of the end of 1979. The second powerline which faced major opposition, the MP&L and NSP line running through east-central Minnesota, involved the important "PEER decision" of the Minnesota Supreme Court, which resulted in a rerouting of about six miles of the line.* The third powerline facing opposition, the southern extension of the CPA/UPA line, had not been constructed as of the end of 1979, due to a continuing lawsuit.

Pipelines: Major opposition was expressed to one of the three pipeline proposals, the Northern Pipeline proposal through southeastern Minnesota. Although the proposed route was altered, the Northern proposal was the subject of a continuing lawsuit as of the end of 1979. (Both of the two pipeline proposals *not* experiencing major opposition were proposals for second pipelines adjacent to first pipelines routed previously. This probably was a factor in limiting opposition.)

Solid waste landfills: Four of the nine proposed solid waste landfills in the metro area met major opposition, including a lawsuit regarding the Credit River proposal and the continuing possibility of a lawsuit regarding the Hennepin County proposal. In none of these four instances was the proposed landfill approved. Chronologically, the three most recent proposals for landfills all met major opposition and were not approved. As such, no new solid waste landfill was sited in the metro area between 1972 and the end of 1979.

Hazardous waste landfills: Major opposition met the only new proposed hazardous waste landfill in Minnesota between 1974 and the end of 1979, the Metro Demonstration Hazardous Waste Landfill. The possibility of lawsuits arose early in the siting process. After two and one-half years of siting efforts, the entire project was terminated and some \$3 million of funding was returned to the federal government.

*See the GLOSSARY regarding the "PEER" decision."

State trails: Nine of the seventeen proposed state trails experienced major opposition, with three proposals involving lawsuits. Three of the nine which faced opposition involved the trail proposals being blocked by opponents purchasing the proposed trail routes (which were abandoned railroad lines): the Fairmont-Truman Trail, the South Fork of the Root River Trail, and the St. Croix Trail. Of the remaining six trail proposals which faced major opposition, one resulted in opponents working to delay the abandonment of the railroad involved, and three involved the possible purchase of all or part of the proposed routes by opponents following the end of 1979. Of the nine trail proposals which faced major opposition, seven were located in southern Minnesota (south of an east-west line running through the Twin Cities).

State wild and scenic rivers: Eight of the ten proposed wild and scenic rivers met major opposition, including a lawsuit in the case of the Kettle River. In two of the other instances where major opposition occurred, regarding the Crow Wing and Cloquet Rivers, the opposition resulted in the rivers *not* being designated wild and scenic rivers. In the instances of the Kettle and North Fork Crow Rivers, only portions of the originally-considered rivers were designated, due to opposition. And in two other instances, regarding the St. Louis and Minnesota-eastern proposals, further action on designation was delayed due to opposition. Finally, in the two instances where there was "no major opposition," there *was* opposition, albeit not as organized or as strong as in other instances.

FACILITY OPPONENTS AND PROPONENTS

4. In every instance in which there was major opposition to a proposed facility, opposition was expressed by LOCAL people—by individuals, groups, or local governments located at or near the site of the proposed facility.

Power plants: In all three instances in which power plants faced major opposition, there were local opposition groups formed to oppose the various proposed sites. And, in all three cases, local opposition groups were parties in lawsuits concerning the proposed power plants.

Powerlines: In all three instances of major opposition to powerlines, there were local groups formed to oppose the powerline proposals. In the case of the CPA/UPA line across west-central Minnesota, at least twelve local groups actively opposed the line—at least five of which were involved in lawsuits opposing the powerline. Specially-formed local groups also opposed the other two powerlines which experienced major opposition, and in both instances the local groups were involved in lawsuits.

Pipelines: In the Northern Pipeline situation, major opposition was expressed by local farmers along the proposed route of the pipeline. These local farmers were in association with an Iowa-based group opposed to the pipeline, Reroute Crude Oil, which sued three state agencies concerning the Northern proposal.

Solid waste landfills: In all four instances in which solid waste landfill proposals in the metro area met major opposition, that opposition was expressed by local parties—local town boards, village and city councils, mayors, specially-organized local groups, and large numbers of citizens expressing themselves through petitions, letters, and attendance and testimony at public meetings and hearings. The lawsuit filed concerning the Credit River solid waste landfill proposal related to a decision made by the local town board to oppose the proposed facility, and the possible lawsuit in the Hennepin County situation would have been filed by a specially-formed local opposition group.

Hazardous waste landfill: The opposition to the Metro Demonstration Hazardous Waste Landfill proposal involved local people in many capacities—individuals, township and city officials, county board members, and local legislators. An estimated 6,000 people attended public meetings on the proposal during a two-month period, with nearly 2,000 attending one meeting in Cottage Grove. Various lawsuits were threatened by local people during the course of the project.

State trails: In all nine instances in which state trail proposals met major opposition, that opposition was expressed by local landowners and groups. All three of the lawsuits filed in opposition to trails were filed by local parties. In six of the nine instances involving major opposition, adjacent farmers acted to keep a trail right-of-way from becoming available (by opposing the abandonment of the railroad line involved). And in another instance, local officials consistently opposed trail acquisition. Trail opposition also consisted of considerable political activity at the state level, involving legislative efforts and positions taken by governors.

State wild and scenic rivers: In all instances in which wild and scenic river proposals met major opposition, that opposition was local in nature. The lawsuit filed concerning the Kettle River designation was filed by the affected county board, and an affected property owner joined in the suit. In all but one of the eight instances involving major opposition, that opposition was expressed by specially-formed or pre-existing local organizations. And in the eighth instance, local opposition was so strong that the local citizen advisory council established to draft the river management plan disbanded without proposing a plan. Opposition to river proposals also involved considerable lobbying of legislators, and efforts by local legislators to affect or alter the rivers program. (Opposition to the two river proposals that did *not* face “major opposition” was also local in nature—particularly along certain segments of the two rivers.)

5. Individuals and organizations NOT located at or near the sites of proposed facilities also played a role in the opposition to some facilities.

Power plants: In the case of the SHERCO 3 and 4 Power Plant proposal, two statewide environmental groups, MPIRG (Minnesota Public Interest Research Group) and MECCA (Minnesota Environmental Control Citizens Association), formally opposed the proposal during the public hearings on the need for the facility. The MPCA also expressed concern about the proposal, particularly regarding the adequacy of the time to complete the Environmental Impact Statement (EIS) process. MPIRG also filed a lawsuit regarding the SHERCO 3 and 4 need determination process. During the certificate of need hearings on the NSP Southern Power Plant proposal, the Executive Director of MPCA expressed his general concern about the environmental impact of the proliferation of large power plants.

Powerlines: MPIRG formally intervened in the need hearings on the CPA/UPA powerline, questioning the assumptions on which the need for the powerline was based. Opposition to the CPA/UPA powerline involved many non-local parties, including individuals active in other social protest movements concerning such matters as the Viet Nam war, nuclear energy, solar energy, the structure of the American economy, and the structure of American political institutions. Some such individuals continued to be active in leading opposition to powerline and power plant proposals. Such individuals' opposition efforts included appearances at public hearings, meetings, and forums, as well as the filing of a lawsuit and a formal request for MEQB action concerning the southern leg of the CPA/UPA powerline. Individuals and others active in local powerline and power plant protest groups bonded together in a loose-knit organization called "CO-REG" (Coalition of Rural Environmental Groups), beginning in 1977.

Pipelines: The opposition to the Northern Pipeline proposal began in Iowa, through the activities of Reroute Crude Oil. This organization's efforts to oppose the Northern proposal in Minnesota were substantial, and were continuing as of the end of 1979.

Solid waste landfills: The solid waste landfill proposal in Afton resulted in a letter from the Minnesota Geological Survey, expressing concern regarding the potential for groundwater pollution at the proposed landfill site.

Hazardous waste landfills: In the case of the Metro Demonstration Hazardous Waste Landfill, the Minnesota Geological Survey and some individual professionals expressed their concerns about the potential for groundwater pollution at the proposed landfill sites.

6. Vocal support for facility proposals generally was expressed by the facility proposers and by officials, individuals, and organizations having a special interest in the development of the facilities.

Power plants: Power plant proponents included the utility companies proposing them and some local business groups and local elected officials. As profit-making enterprises, the utility companies had private investment reasons for proposing the power plants. As state-regulated enterprises, the utility companies also had the reason of being required by law to maintain adequate electric generating capacity to provide electricity on demand to their customers. The local groups and officials expressed particular interest in the tax base growth that would result from power plant development. Following the advent of local opposition, local proponents tended to curtail vocal expressions of support.

Powerlines: Powerline proponents included the utility companies proposing them, citizen members of rural electric cooperative boards, and some local elected officials. As in the case of power plants, state-regulated utility companies had both private investment and legally-mandated service capacity reasons for proposing their powerlines. Federally-chartered Rural Electrification Administration cooperatives, ("REA co-ops"), as non-profit utility companies not regulated by state government, had service capacity reasons for proposing their powerlines.* As with power plants, the support of local officials for proposed powerlines was oriented around tax base growth and tended to diminish when local opposition developed.

Pipelines: Pipeline proponents generally were the pipeline companies proposing them. The companies had private investment reasons for proposing the pipelines.

Solid waste landfills: Solid waste landfill proponents generally were the proposers of the landfills. In the case of private landfills, the proposers had private investment reasons for proposing the facilities.

Hazardous waste landfills: The proponents of the Metro Demonstration Hazardous Waste Landfill included representatives of the MWCC and MPCA—the facility proposers—and a very few members of the public. (While many members of the public acknowledged the "need" for a hazardous waste landfill, they overwhelmingly tended to oppose the proposed facility.)

State trails: The state Department of Natural Resources (DNR) was the main state trail proponent, for both legislatively-authorized and DNR-designed trails. In one instance, the Luce Line Trail, there was an organization of local residents formed favoring the trail. In other instances, there were expressions of support by the Sierra Club and trail user organizations representing snowmobilers, horseback riders, hikers, and cyclists—although support by user organizations was less local in recent years. Also, in some instances, groups like the Sierra Club and the Nature Conservancy made efforts to secure trail rights-of-way.

State wild and scenic rivers: As the facility proposer, DNR was the main state wild and scenic river proponent. Significant support for state wild and scenic river proposals was also expressed by local individuals and officials in several instances. In the case of the Kettle River proposal, such support took the form of a petition and endorsements by 11 local groups and cities. In the case of the Mississippi River proposal, the support

*Technically, REA co-ops were regulated by state government in Minnesota for about three years, from January 1975 to April 1978.

took the form of a specially-formed organization known as Supporters of the Wild and Scenic Rivers Act. In other cases, support was expressed by individual members of the local citizen advisory councils formed to draft river management plans. Also, there was a general pattern of river proposals being supported at public hearings by such organizations as the Sierra Club, Audobon Society, Isaac Walton League, MPIRG, Minnesota Canoe Association, and Minnesota Parks and Recreation Organization.

7. Public officials also expressed support for proposed facilities in some instances.

Power plants: Following final issuance of certificates of need for power plants, the Director of MEA on occasion reaffirmed his conviction regarding the need for the power plants. During MPCA's permit review process on the SHERCO 3 and 4 Power Plant proposal, the Directors of MEA and the State Planning Agency (SPA) as well as a member of the state Public Service Commission (PSC) expressed their convictions that the plant was needed.

Powerlines: As in the case of power plants, on occasion the Director of MEA reaffirmed his certificate of need decisions regarding powerline proposals. During the height of the controversy regarding the CPA/UPA powerline across west-central Minnesota, state agency heads on the MEQB visited the route of the proposed powerline to answer questions and affirm the need for the project.

Pipelines: On occasion, the Director of MEA reaffirmed his

certificate of need decisions regarding pipeline proposals. Regarding the Northern Pipeline proposal, several state agency heads and other state agency officials visited the route of the proposed pipeline to answer questions and affirm the need for the project. The Northern proposal was also publicly endorsed by the Governor and legislative leaders.

Solid waste landfills: In the case of county landfill proposals, members of county boards sometimes expressed support for their counties' landfill proposals. County board members also sometimes supported private landfill proposals when there was not major opposition. Representatives of the MC and MPCA sometimes spoke out in favor of landfill proposals as environmentally-needed facilities.

Hazardous waste landfills: As mentioned in the previous FINDING, representatives of the MWCC and MPCA—the facility proposers—were proponents of the Metro Demonstration Hazardous Waste Landfill.

State trails: As mentioned in the previous FINDING, DNR was the main proponent of state trails. In the case of legislatively-designated trails, state legislators were trail proponents during the committee hearing and bill enactment process. Some legislators—although rarely local legislators—also vocally supported proposed DNR-designated state trails.

State wild and scenic rivers: As mentioned in the previous FINDING, DNR was the main state wild and scenic river proponent. Some legislators—including local legislators in a few instances—also vocally supported proposed state wild and scenic rivers.

THE FACILITY SITING PROCESSES

POWER PLANTS

Who Proposed. A power plant was proposed by the utility company which would own and operate it.

Planning. There was no state energy plan on which power plant siting process decisions were based. Beginning in 1976, as required by law, MEA issued biennial reports concerning energy demand projections and future energy needs. In late 1979, as required by law, MEQB issued a draft *Inventory of Power Plant Study Areas* which identified study areas for future power plants.

Need Process. A power plant could not be sited unless the Director of MEA had first issued a certificate of need, specifying the size, type, and in-service date of the power plant.

- Factors to be considered by the Director in making his certificate of need decision were specified in state law. Assessment of need criteria were specified in MEA rules.

- Beginning in 1978, MEA rules required the utility to identify anticipated sites for the power plant, to the extent known.

- In making his decision, the Director was required to follow the broad mandates regarding environmental harm stated in the Minnesota Environmental Rights Act (MERA) and the Minnesota Environmental Policy Act (MEPA). MEA assessment of need criteria provided for consideration of the effects of the power plant on the "natural and socio-economic environments." The rules of the MEQB required MEA to prepare an environmental report on the power plant proposal, prior to the need decision.

- MEA's assessment of need criteria provided for consideration of the power plant's capital and operating costs.

- Formal public hearings were held prior to the need decision, followed by a recommendation by the hearing examiner.

- The Director's need decision was binding on other state agencies and local governments.

Site Selection Process. A power plant could not be constructed unless MEQB first issued a certificate of site compatibility, specifying the site of the power plant.

- PPSA specified factors to be considered when siting

power plants. Site selection decisions also were required to be guided by the broad policy language of PPSA, MERA, and MEPA.

- MEQB rules specified that a site environmental report be prepared on all sites being considered for the power plant.

- MEQB siting standards specified that no site was to be selected that was not permissible by other state agencies.

- MEQB siting criteria provided for consideration of power plant capital and operating costs.

- PPSA stated that MEQB could specify changes in the size or type of a power plant in order to allow siting.

- A local citizen advisory committee was established to recommend a site. Beginning in 1977, an MEQB public advisor was available to assist citizens in participating in the site selection process. Public information meetings were held on proposed sites. Formal public hearings were held on proposed sites, followed by a recommendation by the hearing examiner.

- The MEQB's site decision was binding on other state agencies and local governments.

Environmental Review Process.

- MEQB rules specified that an environmental report be prepared by MEA prior to the need decision, and that a site environmental report be prepared by MEQB prior to the site selection (as indicated above).

- MEQB rules specified that the MPCA could be required to prepare an EIS on a power plant at the site selected by MEQB. When an EIS was prepared, construction could not occur until the EIS had been completed.

Permitting. A power plant could not be constructed and operated unless the MPCA, DNR, and other state agencies first issued statutorily-required permits (concerning air quality, water quality, water appropriation, work in public waters, waste management, etc.). These permits could be issued subject to certain conditions.

Eminent Domain. A utility could use the eminent domain process to acquire property for a power plant.

Compensation.

- A utility acquiring property for a power plant on a willing-seller/willing-buyer basis paid for the property what was acceptable to both itself and the sellers.

- A utility using eminent domain to acquire property for a power plant paid "just compensation" for the property acquired, as determined by the courts.

- Beginning in 1977, landowners whose property was acquired by a utility for a power plant could elect to be paid over a period not to exceed ten years.

- Beginning in 1977, owners of property, except commercial and industrial, which was acquired by a utility for a power plant could elect to require the utility to acquire their

entire parcels of property.

- The assessed value of a power plant became part of the property tax bases of the town, city, county, and school district in which it was located, except that in the metropolitan area forty percent of the assessed value became part of the metro area's commercial-industrial assessed value pool.

Facility Costs.

- MEA assessment of need criteria and MEQB siting criteria provided for consideration of power plant capital and operating costs (as indicated above).

- Allocation of the capital and operating costs of a power plant by means of electric service fees and rates was regulated by the PSC.

POWERLINES

Who Proposed. A powerline was proposed by the utility company which would own and operate it.

Planning. There was no state energy plan on which powerline siting process decisions were based. Beginning in 1976, as required by law, MEA issued biennial reports concerning energy demand projections and future energy needs.

Need Process. A powerline could not be sited unless the Director of MEA had first issued a certificate of need, specifying the size, type, and in-service date of the powerline.

- Factors to be considered by the Director in making his certificate of need decision were specified in state law. Assessment of need criteria were specified in MEA rules.

- Beginning in 1978, MEA rules required the utility to identify those counties likely to be affected by the powerline.

- In making his decision, the Director was required to follow the broad mandates of MERA and MEPA. MEA assessment of need criteria provided for consideration of the effects of the powerline on the "natural and socio-economic environments." The rules of MEQB required MEA to prepare an environmental report on the powerline proposal, prior to the need decision.

- MEA's assessment of need criteria provided for consideration of the powerline's capital and operating costs.

- Formal public hearings were held prior to the need decision, followed by a recommendation by the hearing examiner.

- The Director's need decision was binding on other state agencies and local governments.

Site Selection Process. A powerline could not be constructed unless MEQB first issued a construction permit, specifying the route of the powerline.

- Initially, PPSA required that a powerline *corridor* first be selected by MEQB, and a narrower *route* subsequently be selected by MEQB. Beginning in 1977, PPSA required that only a powerline route be selected by MEQB.

- MEQB rules specified powerline route selection criteria

and standards. PPSA specified factors to be considered when routing powerlines. Beginning in 1977, PPSA included a prohibition against giving state-owned wildlife management areas priority over agricultural lands when designating route avoidance areas. Route selection decisions also were required to be guided by the broad policy language of PPSA, MERA, and MEPA.

- MEQB rules specified that a corridor environmental report be prepared for all corridors being considered for a powerline, and that MEQB could subsequently decide to prepare an EIS for all routes being considered. Beginning in 1977, a corridor environmental report was no longer prepared.

- MEQB routing criteria provided for consideration of powerline cost.

- PPSA required MEQB to specify the type, design, right-of-way preparation, facility construction, and other appropriate conditions regarding a powerline.

- Local citizen advisory committees were established to recommend a corridor and a route. Beginning in 1977, an MEQB public advisor was available to assist citizens in participating in the routing process. Public information meetings were held on the proposed corridors and routes. Formal public hearings were held on the proposed routes, followed by a recommendation by the hearing examiner.

- The MEQB's route selection decision was binding on other state agencies and local governments.

Environmental Review Process.

- MEQB rules specified that an environmental report be prepared by MEA prior to the need decision, and that a corridor environmental report be prepared by MEQB prior to corridor selection (as indicated above).

- MEQB rules specified that MEQB could prepare an EIS on a powerline along the routes being considered (as indicated above). When an EIS was prepared, construction could not occur until the EIS had been completed.

Permitting. A powerline could not be constructed or operated unless DNR and other state agencies had first issued statutorily-required permits (concerning crossing of public lands and waters, etc.). These permits could be issued subject to certain conditions.

Eminent Domain. A utility could use the eminent domain process to acquire property for a powerline.

Compensation.

- A utility acquiring property for a powerline on a willing-seller/willing-buyer basis paid for the property what was acceptable to both itself and the sellers.
- A utility using eminent domain to acquire property for a powerline paid "just compensation" for the property acquired, as determined by the courts.
- Beginning in 1977, landowners whose property was acquired by a utility for a powerline could elect to be paid over a period not to exceed ten years.
- Beginning in 1977, owners of property, except commercial and industrial, which was acquired by a utility for a powerline could elect to require the utility to acquire their entire parcels of property.
- Beginning in 1977, owners of property, except commercial and industrial, over which a powerline passed received annual payments from the utility. The amounts paid were calculated according to the length of the powerline

passing over the farmers' property.

- The assessed value of a powerline became part of the property tax bases of the town, city, county, and school board through which the powerline passed, *except that* (i) in the metropolitan area forty percent of the assessed value became part of the metro area's commercial-industrial assessed value pool, (ii) technically, outside of cities the assessed value was not added to the tax bases of the local governments, though the local governments did receive additional property tax revenue, and (iii) outside of cities all school districts having jurisdiction in the counties through which the powerline passed received portions of the property tax revenue derived, whether or not the powerline actually passed through the school districts.

Facility Costs.

- MEA assessment of need criteria and MEQB routing criteria provided for consideration of powerline capital and operating costs (as indicated above).
- Allocation of the capital and operating costs of a powerline by means of electric service fees and rates was regulated by the PSC, except that REA co-op powerlines were regulated by the PSC only from January, 1975 to April, 1978.

PIPELINES

Who Proposed. A pipeline was proposed by the pipeline company which would own and operate it.

Planning. There was no state energy plan on which pipeline facility siting decisions were based. Beginning in 1976, as required by law, MEA issued biennial reports concerning energy demand projections and future energy needs.

Need Process. A pipeline could not be constructed unless the Director of MEA had first issued a certificate of need, specifying the size, type, and in-service date of the pipeline.

- Factors to be considered by the Director in making his certificate of need decision were specified in state law. Assessment of need criteria were specified in MEA rules.

- Beginning in 1978, MEA rules required the pipeline company to identify the route that had been selected or the routes being considered for the pipeline.

- In making his decision, the Director was required to follow the broad mandates of MERA and MEPA. The MEA assessment of need criteria provided for consideration of the effects of the pipeline on the "natural and socio-economic environments."

- MEA's assessment of need criteria provided for consideration of the pipeline's capital and operating costs.

- Formal public hearings were held prior to the need decision, followed by a recommendation by the hearing examiner.

- The Director's need decision was binding on other state agencies and local governments.

Site Selection Process. There was no government route selection process for pipelines. Beginning in 1979, state law did provide for certain actions regarding pipeline route acquisition and construction.

- A pipeline company could not acquire property for a pipeline unless the county boards of the counties through which the pipeline was proposed to pass had previously held public meetings concerning the pipeline proposal. The county boards were required to hold the meetings, upon notification by the pipeline company.

- A pipeline company could not acquire property for a pipeline unless the property owners had previously received an MEQB information book describing the pipeline proposal.

- Pipelines were required to be buried at least 4½ feet below public drainage facilities, local streets and highways, and cultivated agricultural lands.

- County boards could establish standards and conditions for pipeline construction, to protect cultivate agricultural land and to mitigate the effects of pipelines on the productive use of agricultural land.

- County boards were required to designate inspectors to oversee pipeline construction in their counties.

Environmental Review Process. A pipeline could not be constructed unless either an environmental assessment worksheet or an EIS had first been prepared on the pipeline, as located along the proposed route, by DNR. When an EIS was prepared, MEQB rules required a public meeting to be held on the Draft EIS in at least one of the counties through which the pipeline was proposed to pass.

Permitting. A pipeline could not be constructed and operated unless DNR and other state agencies had first issued statutorily-required permits (concerning crossing of public lands and waters, etc.). These permits could be issued subject to certain conditions.

Eminent Domain. A pipeline company could use eminent domain authority to acquire property for a pipeline, but not unless the Commissioner of DNR had first approved the pipeline plans (as specified in Chapter 117 of *Minnesota Statutes*).

- State law required the Commissioner to determine the impact the pipeline would have on the environment.

- The Commissioner could specify changes and alterations in the pipeline proposal necessary for him to approve the plans.

- A public meeting was held on the proposed use of eminent domain, when controversial.

Compensation.

- A pipeline company acquiring property for a pipeline on a willing-seller/willing-buyer basis paid for the property what was acceptable to both itself and the sellers.
- A pipeline company using eminent domain to acquire property for a pipeline paid "just compensation" for the property, as determined by the courts.

- The assessed value of a pipeline became part of the property tax bases of the town, city, county, and school district through which the pipeline passed, except that in the metropolitan area forty percent of the assessed value became part of the metro area's commercial-industrial assessed value pool.

Facility Costs. Allocation of the capital and operating costs of a pipeline through petroleum and gas pricing was not regulated by state or local government.

SOLID WASTE LANDFILLS (METROPOLITAN AREA)

Who Proposed. A solid waste landfill was proposed by a private landfill operator or by a town, city, or county.

Planning.

- State law specified that counties in the metro area adopt county solid and hazardous waste master plans, on which decisions regarding solid waste landfill proposals were to be based. State law specified that county master plans describe proposed solid waste landfills, as well as policies to ensure that public landfills were financially self-sufficient. State law specified that county master plans be approved by the MC.

- State law specified that the MC adopt a metropolitan solid and hazardous waste policy plan, on which decisions regarding proposed solid waste landfills were to be based. The plan adopted in 1979 included criteria and standards regarding solid waste landfills—concerning need, siting, environmental impact, and financial self-sufficiency. Specific considerations in the criteria included water pollution, visual impact, dust, litter, noise, and odor. State law specified that the criteria and standards be consistent with MPCA solid waste regulations.

- There was no state solid waste plan on which solid waste landfill facility siting decisions were to be based.

Need and Site Selection Processes. There were not separate, explicit, administrative processes for determining the need for and the site of a solid waste landfill. State law did provide for review and approval of a solid waste landfill proposal in the metro area.

- State law specified that MPCA adopt regulations relating to the siting and operation of solid waste landfills in the metro area. The regulations provided for consideration of such factors as water pollution, litter, odor, dust, fires, and visual impact. State law specified that, to the extent practicable, the regulations were to encourage resource recovery and reduce the metro area's reliance on landfills.

- A solid waste landfill proposed by a private landfill operator, a town, or a city could not be operated unless a permit or license had first been issued for the landfill by the county in which the landfill was proposed to be operated. The county permit could be issued subject to certain conditions. The county permit decision was required to be based on county rules, regulations, and standards regarding solid waste facilities, including their location. These rules, regulations, and standards were required to be in accordance with the county's solid and hazardous waste master plan, the MC's

solid and hazardous waste policy plan, and MPCA's solid waste regulations.

- A solid waste landfill proposed by a metro county could not be acquired or operated unless the landfill was in accordance with the county's solid and hazardous waste master plan, the MC solid and hazardous waste policy plan, and the MPCA solid waste regulations. Concerning county solid waste landfills, state law specified that counties were required to adhere to town and city zoning ordinances unless the ordinances had been adopted after April 15, 1969.

- A solid waste landfill could not be acquired or operated in the metro area unless the MC had first approved the landfill proposal as being in accordance with its metro solid and hazardous waste policy plan. In reviewing a solid waste landfill proposal, the MC was required to consider the "area-wide need" for the landfill. The MC's approval could be given subject to certain conditions.

- All parties affected by a proposed solid waste landfill were to be notified, and a public hearing was to be held when deemed necessary by the MC. A proposed solid waste landfill was to be reviewed by the MC's solid and hazardous waste management advisory committee, consisting of representatives of the public, local officials, and the waste industry.

Environmental Review Process. A large solid waste landfill could not be operated in the metro area unless either an environmental assessment worksheet or an EIS had first been prepared on the landfill, at the proposed site, by MPCA. When an EIS was prepared, MEQB rules required a public meeting to be held on the Draft EIS in the county in which the landfill was proposed to be operated.

Permitting (State-Level). A solid waste landfill could not be operated in the metro area unless the MPCA had first issued a permit for the proposed landfill. The permit could be issued subject to certain conditions.

Eminent Domain. Cities and counties in the metro area had eminent domain authority to acquire property for a solid waste landfill.

Compensation.

- A private landfill operator, town, city, or county acquiring property for a solid waste landfill on a willing-seller/

willing-buyer basis paid for the property what was acceptable to both itself and the sellers.

- A city or county acquiring property for a solid waste landfill through use of eminent domain authority paid "just compensation" for the property, as determined by the courts.

- The assessed value of a privately-owned solid waste landfill became part of the property tax bases of the town, city, county, and school district in which the landfill was located,

except that forty percent of the value became part of the metro area's commercial-industrial assessed value pool.

Facility Costs. The costs of acquiring and operating solid waste landfills were generally paid by the fees collected from the landfill users. In the case of publicly-owned landfills, there was the possibility of landfill costs being subsidized by other public funds. In these cases, the capital and operating budgets for the landfills were subject to approval by the respective town boards, city councils, and county boards.

HAZARDOUS WASTE LANDFILLS (METROPOLITAN AREA)

Who Proposed. A hazardous waste landfill was proposed by a private landfill operator or by the MWCC. A 1976 state law specified that the MWCC was the only governmental unit in the state authorized to acquire or operate a hazardous waste landfill.

Planning.

- State law specified that counties in the metro area adopt county solid and hazardous waste master plans, on which decisions regarding private hazardous waste landfill proposals were to be based. State law specified that county master plans describe proposed hazardous waste landfills, and that county master plans be approved by the MC and the MPCA.

- State law specified that the MC adopt a metropolitan solid and hazardous waste policy plan, on which decisions regarding proposed hazardous waste landfills were to be based. The plan adopted in 1979 included criteria and standards regarding hazardous waste landfills—concerning need, siting, environmental impact, and financial self-sufficiency. Specific considerations in the criteria included waste pollution and visual impact. State law specified that the MPCA approve the hazardous waste portion of the MC solid and hazardous waste policy plan.

- A 1974 state law specified that the MPCA develop a “state-wide hazardous waste management plan.” This plan had not been developed as of the end of 1979.

Need and Site Selection Processes. There were not separate, explicit, administrative processes for determining the need for and the site of a hazardous waste landfill. State law did provide for review and approval of a hazardous waste landfill in the metro area.

- State law specified that MPCA adopt regulations relating to the siting and operating of hazardous waste landfills in the metro area. The regulations provided for consideration of such factors as water pollution, air pollution, fires, and feeder traffic. State law specified that, to the extent practicable, the regulations were to encourage resource recovery and reduce the metro area’s reliance on landfills.

- A hazardous waste landfill proposed by a private landfill operator could not be operated unless a permit or license had first been issued for the landfill by the county in which the landfill was proposed to be operated. The county permit could

be issued subject to certain conditions. The county permit decision was required to be based on county rules, regulations, and standards regarding hazardous waste facilities, concerning sites and health and safety measures. These rules, regulations, and standards were required to be in accordance with the county’s solid and hazardous waste master plan, the MC’s solid and hazardous waste policy plan, and MPCA’s hazardous waste regulations. State law specified that a county permit decision on a private hazardous waste landfill proposal was subject to review by the MPCA.

- State law specified that county rules, regulations, and standards did not apply to the siting of a hazardous waste landfill owned by the MWCC. State law specified that a hazardous waste landfill owned by the MWCC could accept hazardous waste from all of Minnesota.

- A hazardous waste landfill could not be acquired or operated in the metro area unless the MC had first approved the landfill proposal as being in accordance with its metro solid and hazardous waste policy plan. In reviewing a hazardous waste landfill proposal, the MC was required to consider the “area-wide need” for the landfill. The MC’s approval could be given subject to certain conditions.

- All parties affected by a proposed hazardous waste landfill were to be notified, and a public hearing was to be held when deemed necessary by the MC. A proposed hazardous waste landfill was to be reviewed by the MC’s solid and hazardous waste management advisory committee.

Environmental Review Process. MEQB rules did not specify whether or not an environmental assessment worksheet or EIS was to be prepared on a hazardous waste landfill proposal. The MEQB probably would have ordered an EIS, given MEQB rules and MEPA. If an EIS would have been ordered, MEQB rules would have required a public meeting to be held on the Draft EIS in the county in which the landfill was proposed to be sited.

Permitting (State-Level). A hazardous waste landfill could not be operated in the metro area unless the PCA had first issued a permit for the proposed landfill. The permit could be issued subject to certain conditions.

Eminent Domain. The MWCC had eminent domain authority to acquire property for a hazardous waste landfill.

Compensation.

- A private landfill operator or the MWCC acquiring property for a hazardous waste landfill on a willing-seller/willing-buyer basis would have paid what was acceptable to both itself and the sellers.
- The MWCC acquiring property for a hazardous waste facility through use of eminent domain authority would have paid "just compensation" for the property, as determined by the courts.
- The assessed value of a privately-owned hazardous waste landfill would have become part of the property tax bases of

the town, city, county, and school district in which the landfill was located, except that forty percent of the assessed value would have become part of the metro area's commercial-industrial assessed value pool.

Facility Costs. In the case of a private hazardous waste landfill, the costs of acquiring and operating the landfill would have been paid by the fees collected from the landfill users. In the case of a MWCC landfill, there would have been the possibility for landfill costs being subsidized by non-user public funds. The MWCC being a metropolitan agency, MWCC's capital and operating budget for the landfill would have been subject to approval by the MC.

STATE TRAILS

Who Proposed. State trails generally were proposed by the staff of DNR.

Planning. There was no state trails plan on which state trail siting process decisions were based. A "comprehensive state recreation and transportation trail plan" was mandated by a 1973 Executive Order of Governor Wendell Anderson. Such a trail plan had not been approved as of the end of 1979.

Need and Site Selection Processes. There were not separate, explicit, administrative processes for determining the need for and the route of a state trail. State law did provide for the authorization and establishment of state trails.

- A state trail could be authorized directly by the Legislature in an act specifying that the Commissioner of DNR establish the trail along a certain route ("establish" referred to acquiring property for a trail and developing it into a trail).

- Beginning in 1973, state law gave the Commissioner of DNR general authority to acquire property for state trails "when needed" to complete a legislatively-authorized trail and when a railroad right-of-way was abandoned.

- Beginning in 1975, a state trail could be authorized by means of the Commissioner of DNR formally designating the trail, along a certain route, as an official unit of the state outdoor recreation system and acquiring property for the trail along the route.

- The state Outdoor Recreation Act of 1975 (ORA) specified state trail authorization criteria, which provided for consideration of "predicted public demand and future use." A state trail user need survey was conducted by DNR in 1978.

- Prior to acquisition of property for a new, yet to be authorized, state trail, DNR staff consulted with members of the Legislature. This occurred informally through DNR staff discussions with key legislators, and, beginning in 1978, formally through review of DNR trail acquisition programming by LCMR.

- ORA specified trail authorized criteria to be satisfied by a state trail route. ORA specified that a state trail be managed to provide a route with a "minimum disturbance of the natural environment." State trail route decisions were required to be guided by the broad policy language of MERA and MEPA.

- ORA specified that a state trail be managed to provide a route which recognized "other multiple land use activities."

Some legislative acts authorizing or providing funding for specific state trails mandated fencing, maintenance of trails in litter-free conditions, exchanges of property with abutting landowners to provide for ease of cultivation, general consideration of the effects on abutting landowners and property, and cooperation with local governments, groups, and individuals.

- Public meetings generally were held in the vicinity of a proposed state trail prior to acquisition of the trail property. Some legislative acts authorizing or providing funding for acquisition for specific state trails mandated that formal public hearings be held on the proposed trails, followed by a recommendation by the hearing examiner.

- ORA specified that development of a state trail could not occur unless DNR had first prepared a master plan for the trail, a public hearing had been held on the plan in the vicinity of the proposed trail, and the plan had been reviewed by SPA. If a dispute arose over the master plan between SPA and DNR, the dispute was to be submitted to the Governor for resolution.

Environmental Review Process. MEQB rules provided that actions such as the establishment of state trails were not subject to environmental assessment worksheet or EIS review. (In one instance, an EIS was ordered prior to the development of a trail.)

Permitting. State trails generally did not require statutorily-mandated state agency permits.

Eminent Domain. DNR did not have general eminent domain authority to acquire property for state trails. Some legislative acts authorizing or providing funding for specific state trails did provide for the use of eminent domain, following consultation with legislative leaders and approval by the Governor.

Compensation.

- State agencies acquiring property for a state trail on a willing-seller/willing-buyer basis paid what was acceptable to both themselves and the sellers, provided that the amount paid had to be justified by appraisals of the property.

- State agencies acquiring property for a state trail through use of eminent domain authority paid "just compensation" for the property, as determined by the courts.

- Beginning in 1979, state law required that annual payments be made to local government for state trails.

maintaining a state trail were paid by state and federal funds. State funds were appropriated by the Legislature. Beginning in 1978, capital and operating costs for state trails were reviewed by LCMR.

Facility Costs. The costs of acquiring, developing, and

STATE WILD AND SCENIC RIVERS

Who Proposed. State wild and scenic rivers generally were proposed by the staff of DNR.

Planning. There was no state wild and scenic rivers plan on which state wild and scenic rivers siting process decisions were based.

Need and Site Selection Processes. There were not separate, explicit, administrative processes for determining the need for and the corridor of a state wild and scenic river. State law did provide for designation and corridor management of state wild and scenic rivers.

- The state Wild and Scenic Rivers Act (WSRA) specified that the Legislature itself could directly designate a river corridor to be included in the wild and scenic rivers system. This had not occurred as of the end of 1979.

- DNR staff received funding from the Legislature to study river corridors proposed for designation into the state wild and scenic rivers system. This funding followed review of DNR's river designation programming by LCMR.

- WSRA specified that a proposed management plan for a proposed wild and scenic river corridor be prepared, classifying the corridor or segments of the corridor "wild," "scenic," or "recreational." Criteria for making the "wild," "scenic," and "recreational" classifications were stated in WSRA and specified in DNR rules. WSRA specified that the proposed management plan include "no unreasonable restrictions upon compatible, pre-existing, economic uses of particular tracts of land." WSRA specified that the boundaries of the proposed river corridor as outlined in the proposed management plan include not more than 320 acres per mile of corridor. WSRA specified that the proposed management plan include regulations to govern the use of land and water in the proposed river corridor, based on statewide wild and scenic rivers regulations in DNR rules. DNR rules included additional requirements for the proposed management plan.

- A local citizen advisory council generally was appointed to help prepare the proposed management plan. When completed, the proposed plan was required to be distributed to affected local governments, affected local property owners, interested groups, the Director of SPA, the Governor, and the public. Public meetings were held on the plan in the vicinity of the proposed river corridor. Formal public hearings were held on the plan, followed by a recommendation by the hearing examiner. The hearing examiner was to consider the "need"

for adoption of the proposed management plan, as specified in Chapter 15 of *Minnesota Statutes*. The proposed plan and the report of the hearing examiner were then reviewed by SPA. If a dispute arose over the plan between SPA and DNR, the dispute was to be submitted to the Governor for resolution.

- A wild and scenic river corridor, involving classification of the corridor or segments of the corridor "wild," "scenic," or "recreational" was designated by the Commissioner of DNR. At the same time, the Commissioner adopted the management plan for the river corridor. The Commissioner's designation decision was required to be based on the designation criteria outlined in WSRA, the language of ORA, and statewide wild and scenic rivers designation criteria specified in DNR rules.

- Following designation of a wild and scenic river corridor and adoption of a management plan by the Commissioner of DNR, local governments with jurisdiction in the corridor were required by WSRA to adopt local land use ordinances which complied with the management plan. If affected local governments did not comply, the Commissioner of DNR was required by WSRA to adopt necessary local land use ordinances for the local jurisdiction, following a public hearing on the matter.

- WSRA specified that state agencies comply with the management plan adopted for a wild and scenic river.

- DNR rules specified that the Commissioner of DNR and local governments with jurisdiction in a wild and scenic river corridor adopt measures to protect the rights of private landowners, to protect "quietude," to prohibit trespassing, and to prevent littering.

- WSRA specified that the state could acquire property, including scenic easements, in a wild and scenic river corridor.

Environmental Review Process. MEQB rules provided that actions such as the designation of state wild and scenic rivers were not subject to environmental assessment worksheet or EIS review.

Permitting. State wild and scenic rivers did not require statutorily-mandated state agency permits.

Eminent Domain. DNR did not have eminent domain authority to acquire property for state wild and scenic rivers.

Compensation.

- State agencies acquiring property for a state wild and scenic river, including scenic easements, paid what was acceptable to both themselves and the sellers, provided that the amount paid had to be justified by appraisals of the property.

- Beginning in 1976, state law made local governments

affected by a state wild and scenic river management plan eligible, on a priority basis, for state land-use planning grants.

Facility Costs. The costs of acquiring property for and managing a state wild and scenic river were paid by state and federal funds. State funds were appropriated by the Legislature, with capital and operating costs for state wild and scenic rivers being reviewed by LCMR.

GLOSSARY

Certificate of Need. The certificate issued by the Commissioner of the Minnesota Energy Agency and required by the state Energy Agency Act prior to the siting of power plants and powerlines and prior to the construction of pipelines.

Chapter 15. The chapter of *Minnesota Statutes* containing the Administrative Procedure Act, which specifies the procedures for formal public hearings held by state agencies.

Chapter 117 Review. The review of the proposed use of eminent domain authority by pipeline companies to acquire property for pipelines, done by the Commissioner of the state Department of Natural Resources, as required in Chapter 117 of *Minnesota Statutes*.

CPA/UPA. Cooperative Power Association, and United Power Association.

DNR. The state Department of Natural Resources.

EIS. Environmental impact statement, the statement projecting the environmental effects of proposed facilities, as required by the Minnesota Environmental Policy Act.

Environmental Assessment Worksheet. The worksheet done on the projected environmental effects of proposed facilities, to enable the Minnesota Environmental Quality Board to determine whether or not environmental impact statements should be prepared on the proposed facilities; sometimes referred to as an "EAW."

EPA. The federal Environmental Protection Agency.

Fiscal Disparities Act. A 1971 state law requiring forty percent of all net growth in commercial and industrial assessed valuation in the Twin Cities metropolitan area to be placed in a metropolitan commercial-industrial assessed value pool to be then redistributed back to all municipalities largely on the basis of population and made a part of each municipality's assessed valuation. Each municipality can impose taxes on its share of the pool just as if the valuation were physically located in the municipality.

LCMR. The Legislative Commission on Minnesota Resources, a statutorily-established joint House-Senate commission.

MC. The Metropolitan Council, Minnesota's statutorily-established planning and coordinating agency for the seven-county Minneapolis-Saint Paul metropolitan area.

MEPA. Minnesota Environmental Policy Act.

MEQB. Minnesota Environmental Quality Board, a statutorily-established board consisting of the heads of seven state agencies, a representative of the Governor, and four gubernatorially-appointed citizens.

MERA. Minnesota Environmental Rights Act.

Metropolitan area; metro area. The seven-county Minneapolis-Saint Paul metropolitan area of Minnesota.

MPCA. Minnesota Pollution Control Agency.

MP&L. Minnesota Power and Light Company.

MWCC. Metropolitan Waste Control Commission, a statutorily-established operating agency of the Metropolitan Council responsible for management of sewage, solid waste, and hazardous waste in the seven-county Minneapolis-Saint Paul metropolitan area of Minnesota.

NSP. Northern States Power Company.

ORA. Minnesota's Outdoor Recreation Act.

PEER Decision. An April 7, 1978 decision of the Minnesota Supreme Court concerning the routing of a powerline in Minnesota by the Environmental Quality Board, on a suit brought by People for Environmental Enlightenment and Responsibility, Inc. ("PEER," a group of persons affected by the powerline routing); of particular significance because the ruling established (a) preeminence of protection of the natural environmental and (b) a state policy of "nonproliferation," regarding powerline routing in Minnesota.

PPSA. Minnesota's Power Plant Siting Act, concerning both the siting of power plants and the routing of powerlines.

PSC. Minnesota Public Service Commission.

SPA. Minnesota State Planning Agency.

WSRA. Minnesota's Wild and Scenic Rivers Act.

WORK OF THE STUDY COMMITTEE

The Charge to the Study Committee

In late October, 1979, the Board of Directors of the Citizens League approved a charge to a new League study committee: the "Study Committee on the Siting of Environmentally Controversial Facilities" (which came to be called the "Facility Siting Committee"). The charge read as follows:

The study committee should examine the way in which "siting" of "environmentally-controversial facilities" occurs in Minnesota. For purposes of the study, "siting" should be broadly defined to mean the decision-making process by which specific locations in the state come to be selected and allowed to be used for particular facilities. "Environmentally-controversial facilities" should be limited to:

Energy Facilities

- power plants
- major powerlines
- major pipelines

Waste Facilities

- major solid waste facilities
- hazardous waste facilities

Recreation and Open Space Facilities

- state trails
- state wild and scenic rivers
- state critical areas

In examining the existing siting process, the study committee should address the following aspects of the study topic:

1. What can be said, generally, about the functioning of the existing siting process?

a. How long does it take for siting decisions to be made?

b. What are the types and amounts of costs to be associated with the way the process now works? Who pays these costs?

c. To what extent are broad governmental policies concerning facility development being implemented?

d. What is the extent, nature, and effect of political, social, legal, and administrative "conflict and turmoil" regarding siting issues?

2. What is the nature of the governmental role in the existing siting process?

a. Which types of facilities are sited by non-local (regional, state, multi-state, federal) governmental siting processes?

b. What non-local statutes, rules and regulations, and policies govern siting, and in what ways? Are there indications of conflict and inconsistency in these provisions? Are siting decisions required by "date-certain" deadlines?

c. What non-local governmental officials and bodies are involved in siting, and in what ways? (What roles do they assume regarding items 3a-c?). Are there indications of fragmentation of authority and responsibility? What officials and bodies issue facility construction and operating permits, and what role do they play in the siting process?

d. In what way, and to what extent, does the siting process provide opportunities for formal citizen participation?

e. In what way, and to what extent, does the siting process provide opportunities for political, social, legal, and administrative actions to stop, alter, or delay the process?

3. Which individuals, groups, and institutions claim interest in siting decision-making, what is the nature of their claims, and how are their claims expressed?

a. Who are the advocates and the opponents of siting proposals, what are the natures of their claims, and how are their claims expressed?

b. Who attempts to balance, and resolve conflict between, the claims of the advocates and opponents?

c. Who speaks and acts in the interest of society at-large and in the interest of the generations yet to be born? What is the perceived role of political leadership in these matters, with respect to educating and persuading the public and making unpopular decisions?

d. What is the nature and extent of the impact of siting decisions on the property owners and users most affected? How, and how much, are they compensated for the negative impact they experience?

4. What is the nature of the NEED decision-making process (deciding WHETHER society should develop a new power plant, hazardous waste facility, state trail, etc.), and what is the relationship between this need process and the SITING process (deciding WHERE society should develop a new power plant, hazardous waste facility, state trail, etc.)?

a. What individuals, groups, or institutions make need decisions? For each type of facility, do more than one individual, group, or institution make need decisions?

b. What non-local governmental statutes, rules and regulations, and policies govern need decision-making?

c. In what way, and to what extent, are the costs of developing facilities considered during need decision-making? Specifically, when is it determined how the costs of developing needed facilities will be paid and who will pay them, and what individuals, groups, or institutions make these determinations?

d. Are need decisions and siting decisions made simultaneously, or at different points in time?

e. Are need decisions and siting decisions made by the same decision-making individuals, groups, or institutions, or by different decision-makers?

f. Which individuals, groups, and institutions claim interest in need decision-making, what is the nature of their claims, and how are their claims expressed (as in number 3)? Specifically, in what ways and to what extent are the claims of SITING opponents considered during NEED decision-making?

After completing a thorough examination of these aspects of the existing siting process, the study committee should draw conclusions about the consequences of the existing process continuing unaltered. If the committee concludes that the consequences are such that changes in the existing process should be made, then the committee should determine whether or not it is in a position to recommend changes.

If the study committee decides to recommend changes in the existing siting process, it should consider the advantages and

disadvantages of siting by means of a) government planning/administrative procedures/due process decision-making; b) political decision-making; c) the marketplace; and d) mediation. The committee should also consider the experiences and models provided by other states. In considering recommendations, the committee should not arbitrarily avoid suggesting changes in major state environmental statutes or procedures, or in the structure of state government as it relates to environmental decision-making. However, the committee should make an extra effort to ensure that any such recommendations provide for the balancing of environmental concerns with economic and other social concerns, and that such recommendations do not violate basic precepts of governmental structure and process.

Finally, the study committee should not get bogged down in adversarial discussions of an "environmentalist" vs. "developer" nature. In this regard, the committee itself should NOT address specific questions about need: whether more power plants, a hazardous waste facility, more state trails, etc. should or should not be developed, or about siting: where new power plants, a hazardous waste facility, new state trails, etc. should and should not be located. The committee's task is to examine the process by which our Minnesota society makes these decisions; the committee's task is NOT to attempt to make these decisions itself.

Study Committee Membership

A total of sixty-three Citizen League members signed up to be members of the study committee when it was first announced. Thirty-seven people attended the first meeting. Twenty-four people participated actively in the work of the committee. They were:

Virginia Greenman, Chairman

James Alders

Harlan Cavert

Sheldon Clay

Julie Copeland

Richard Flint

Virginia Flygare

David Hall

Woods Halley

Randy Halvorson

Gerard Hegstrom

Curt Hubbard

Barbara Hughes

John Leadholm

Ernest Lehmann

Scott Linsley

Norma Lorschbough

Barbara Lukermann

Gunilla Montgomery

Allan Mulligan

Greg Oxley

Daniel Peterson

Gordon Rabbitt

Keith Wietzecki

Irma Sletten, who is homebound, also participated in the committee's work by means of telephone conversations with staff.

The committee was staffed by League research associate James Zehren and League committee secretary Paula Ballanger.

Study Committee Activities

The study committee had its first meeting on November 27, 1979, and its last meeting on September 8, 1980. At the September 8 meeting, a committee report was approved for submission to the League Board of Directors. A total of 28 study committee meetings were held, with the locations rotated between Minneapolis and Saint Paul. (A limited number of copies of the minutes of committee meetings and handout materials are available on request from the League office.)

The first three months of the study committee's work were devoted almost exclusively to "resource sessions," meetings at which persons knowledgeable about facility siting processes and issues spoke and answered questions. In total, 13 of the committee's meetings were resource sessions.

After considerable and wide-ranging discussion, the study committee decided in early April to focus its activities on facility siting *controversies*—on the extent of the controversies, the individuals and organizations involved, the issues raised, and the extent to which the siting processes provided for resolution of the controversies. At this time the committee also decided to eliminate state critical areas from its list of facilities being examined, due to the dissimilarity of critical areas from the other seven types of facilities.

Study Committee Resource Persons

The study committee benefitted from the participation of 39 individuals who attended committee meetings as resource persons. These persons were as follows (they are listed alphabetically; the titles of some of them have changed since they met with the committee):

Aichinger, Cliff, Coordinator, Critical Areas Program, SPA
Banks, Bob, consulting engineer, Saint Paul (active in hazardous waste issues)
Barker, Joel, consultant in "futures exploration," West Saint Paul (knowledgeable about energy facility issues)
Benkusky, Tony, General Manager, Environmental and Regulatory Activities, Northern States Power Company, Minneapolis
Bradley, Wendell, energy activist, Saint Peter, Minnesota
Brooks, Ronnie, President, Center for Environmental Conflict Resolution, Minneapolis; and former environmental assistant to Minnesota Governor Rudy Perpich
Cain, Janet, Environmental Planning and Review Unit, MPCA
Carlson, Don, Special Assistant Commissioner, Trails and Waterways, DNR
Casper, Barry, energy activist, Northfield, Minnesota
Cole, Karen, Environmental Coordinator, MEA

Darnay, Arsen, Executive Director, Upper Midwest Region, Midwest Research Institute, Minnetonka, and former official of EPA
Dayton, Charles, environmental attorney, Minneapolis
Dorton, Moe, Director, Department of Physical and Development, MC
Freeman, Alan, Professor, Law School, University of Minnesota (knowledgeable about property rights and land use law)
Gerlach, Luther, Professor, Department of Anthropology, University of Minnesota (knowledgeable about energy facility issues)
Hagen, Vonnay, Assistant Commissioner, Planning, DNR
Hartfeldt, Will, environmental attorney, Bloomington, Minnesota
Herman, John, environmental attorney, Minneapolis
Hertland, Jim, Professor, Humphrey Institute of Public Affairs, University of Minnesota; former Professor, Law School, University of Minnesota; and former Chairman, MC.
Ingvalson, Vern, Manager, Legislative Division, Minnesota Farm Bureau Federation, Saint Paul
Jaisle, Allen, Manager, Power Plant Siting, SPA
Kaul, Will, Manager, Environmental Affairs, Cooperative Power Association, Edina, Minnesota
Laidig, Gary, Minnesota legislator; and Chairman, Land and Recreation Subcommittee, LCMR
Lukermann, Barbara, member, MEQB; and former Chairman, MWCC (also a member of the study committee)
MacGibbon, John, Sherburne County Attorney, Elk River, Minnesota (involved in state wild and scenic rivers issues)
McRae, Kermit, environmental aide to Minnesota Governor Albert Quie
Merritt, Grant, former Executive Director, MPCA
Nelson, Ken, Minnesota legislator (active in energy issues)
Reagan, Patrick, consultant, author of draft report "Regulating Electrical Utilities in Minnesota" prepared for Science and Technology Office, Minnesota Legislature
Robbins, Ford, Chairman, Wild and Scenic Rivers Task Force, North Star Chapter (Minnesota), Sierra Club
Sheldon, Dick, Chairman, PLUS (Proper Land Use Supporters, an organization opposing development of certain state trails), Spring Valley, Minnesota
Shields, Ted, Vice President, Environmental Affairs, Minnesota Association of Commerce and Industry (MACI), Saint Paul
Sizer, Joe, Director, Environmental Planning, SPA
Susag, Russ, Director, Environmental Regulatory Activities, 3M Company, Saint Paul (also participated as a member of the study committee during the early work of the committee)
Swenson, Paul, Supervisor, Rivers Planning Section, DNR
Todd, Tom, Analyst, House Research, Minnesota Legislature (knowledgeable about solid and hazardous waste issues and legislation)
Vanderpoel, Peter, former Director, SPA

Wallen, Dick, Assistant Director, MEA
Wikre, Dale, Director, Solid Waste Division, MPCA

It is important to note that several of the above individuals also aided the committee's work through personal, written, and telephone communication with committee staff. Other individuals providing this kind of assistance to the committee were:

Baker, Karen, Analyst, House Research, Minnesota Legislature (knowledgeable about taxation of facilities)
Comstock, Rollie, Vice President, Communications, Northern States Power Company, Minneapolis
Durfee, George, Assistant Manager of Technical Analysis, Power Plant Siting, SPA
Helland, John, Analyst, House Research, Minnesota Legislature (knowledgeable about environmental legislation re-

lating to facility siting)
Hynes, John, Permit Compliance Manager, Power Plant Siting, SPA
Jacobson, Dave, Certificate of Need Manager, MEA
Ledin, Don, Supervisor of Trails Operation Section, Trails and Waterways, DNR
Nelson, Luther, Director, Department of Environment and Energy, Hennepin County, Minnesota
Rankin, Sam, Analyst, House Research, Minnesota Legislature (knowledgeable about energy legislation relating to facility siting)
Sullivan, Mike, Deputy Executive Director, Minnesota Environmental Quality Board, SPA
Throne, Ray, Program Manager of Air Quality and Solid Waste, Environmental Planning Division, MC
Vandervoort, Tom, former Public Information Officer, MWCC
Wald, Ken, Office of Planning, DNR
Young, Randy, Director of Commission Support, PSC

WHAT THE CITIZENS LEAGUE IS

Formed in 1952, the Citizens League is an independent, nonpartisan, nonprofit, educational corporation dedicated to understanding and helping to solve complex public problems of our metropolitan area.

Volunteer research committees of the Citizens League develop recommendations for solutions after months of intensive work.

Over the years, the League's research reports have been among the most helpful and reliable sources of information for governmental and civic leaders, and others concerned with the problems of our area.

The League is supported by membership dues of individual members and membership contributions from businesses, foundations and other organizations throughout the metropolitan area.

You are invited to join the League, or, if already a member, invite a friend to join. An application blank is provided for your convenience on the reverse side.

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*John W. Windhorst

*Deceased

WHAT THE CITIZENS LEAGUE DOES

RESEARCH PROGRAM

- Four major studies are in progress regularly.
- Each committee works 2½ hours per week, normally for 6-10 months.
- Annually over 250 resource persons made presentations to an average of 25 members per session.
- A fulltime professional staff of seven provides direct committee assistance.
- An average in excess of 100 persons follow committee hearings with summary minutes prepared by staff.
- Full reports (normally 40-75 pages) are distributed to 1,000-2,000 persons, in addition to 3,000 summaries provided through the CL NEWS.

CL NEWS

- Four pages; published every other week; mailed to all members.
- Reports activities of the Citizens League, meetings, publications, studies in progress, pending appointments.
- Analysis, data and general background information on public affairs issues in the Twin Cities metropolitan area.

PUBLIC AFFAIRS ACTION PROGRAM

- Members of League study committees have been called on frequently to pursue the work further with governmental or nongovernmental agencies.
- The League routinely follows up on its reports to transfer, out to the larger group of persons involved in public life, an understanding of current community problems and League solutions.

COMMUNITY LEADERSHIP BREAKFASTS

- Held from September through May at 7:30 - 8:30 a.m.
- Minneapolis breakfasts are held each Tuesday at the Grain Exchange Cafeteria.
- Saint Paul Breakfasts are held every other Thursday at the Pilot House Restaurant in the First National Bank Building.
- South Suburban breakfasts are held the last Friday of each month at the Northwestern Financial Center Cafeteria, Bloomington.
- An average of 35 persons attend each of the 64 breakfasts each year.
- The breakfast programs attract news coverage in the daily press, television and radio.

QUESTION-AND-ANSWER LUNCHEONS

- Feature national or local authorities, who respond to questions from a panel on key public policy issues.
- Each year several Q & A luncheons are held throughout the metropolitan area.

PUBLIC AFFAIRS DIRECTORY

- A directory is prepared following even-year general elections and distributed to the membership.

INFORMATION ASSISTANCE

- The League responds to many requests for information and provides speakers to community groups on topics studied.

Citizens League non-partisan public affairs research and education in the St. Paul-Minneapolis metropolitan area. **84 S. 6th St., Minneapolis, Mn. 55402 (612) 338-0791**

Application for Membership (C.L. Membership Contributions are tax deductible)

Please check one: ☐ Individual (\$20) ☐ Family (\$30) ☐ Contributing (\$35-\$99) ☐ Sustaining (\$100 and up)
Send mail to: ☐ home ☐ office ☐ Fulltime Student (\$10)

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