



A Citizen's Guide: The Petition Process



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Introduction

If you are concerned about a new project or expanding project and believe that there are environmental risks that have not been assessed yet, you can file a Petition requesting additional environmental analysis of the project. In many cases you can get answers to your concerns by contacting the local government (typically city or county planning or zoning offices) or talking with local government staff.

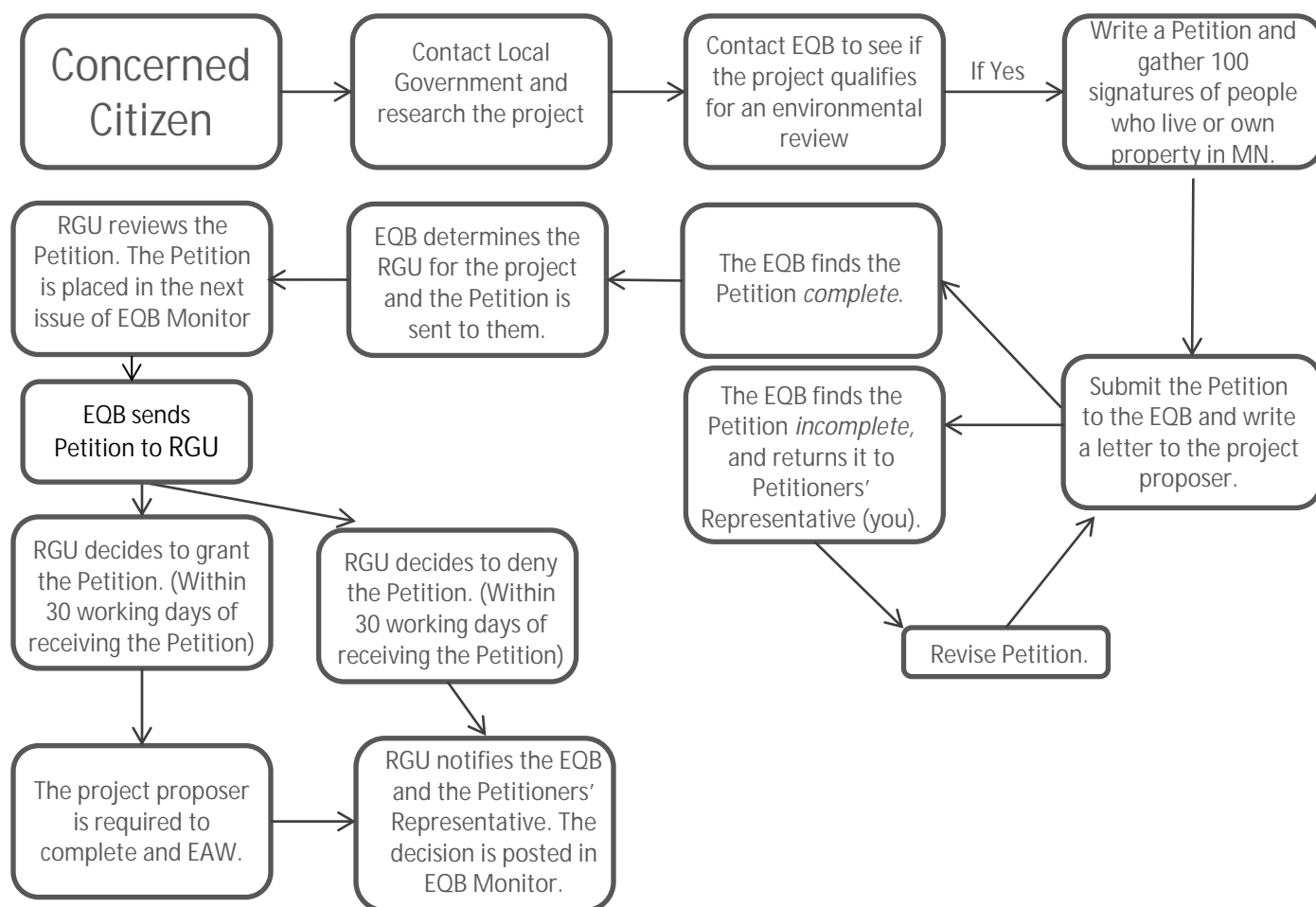
When starting a Petition for environmental review it is important to understand the following key points about the process:

1. The purpose of environmental review is not to cease projects, but to collect information about the likelihood of significant environmental effects and how they can be avoided or mitigated.
2. The Petition process does not create an additional source of approval for projects. The Environmental Quality Board (EQB) is not empowered to supersede or overrule local government or state agency decisions.

Overview

The Petition process provides a standard procedure for citizens to request that a Responsible Governmental Unit (RGU) complete an Environmental Assessment Worksheet (EAW) on the proposed project.

Below is an example of how the Petition process works:





Qualifying for environmental review

Some projects require environmental review because they exceed mandatory thresholds which are defined by law, which outline requirements for an Environmental Assessment Work Sheet (EAW) or an Environmental Impact Statement (EIS). This means that any project that meets the mandatory thresholds requires an environmental review regardless of whether a Petition has been filed or not. Some projects are exempt from the environmental review process because they are considered very small and the likelihood for significant environmental effects is rare. It is not possible to Petition for an Environmental Impact Statement (EIS) or for an Alternative Urban Areawide Review (AUAR). It is only possible to Petition for an EAW. Once an EAW is completed the RGU may determine that further environmental review is necessary and require an EIS, however this does not occur often. All types of exemptions can be found in the "Guide to Minnesota Environmental Review Rules" on the EQB's website at: <https://www.eqb.state.mn.us/content/environmental-review-information-practitioners-and-proposers>

Helpful tip:

EAWs, EISs and AUARs are defined more thoroughly in the Quick Reference Guide factsheets, which can be found at the EQB's website:
<https://www.eqb.state.mn.us/EnvironmentalReview>.

How to write and submit a complete Petition

A complete Petition should include: a project description, the project proposers' name and address, the Petitioners' Representatives' name, address and phone number, a list of possible environmental effects resulting from the project, supporting evidence of these possible environmental effects, and the names, signatures and addresses of at least 100 people who live or own property in Minnesota.

Writing and submitting a complete Petition involves six steps:

- Step 1: Research the project
- Step 2: Write a project description
- Step 3: Write about the projects potential environmental effects
- Step 4: Attach supporting evidence
- Step 5: Gather signatures
- Step 6: Submit the Petition

Step 1: Research the project

Project information is typically available from a number of sources including:

- Signs on the project site
- Public notices
- Local planning and zoning office
- Newspaper articles
- Planning commission meetings
- Permit applications
- Local government website
- Project proposers' website
- The EQB Monitor

It is recommended that you contact the planning and zoning office of the local government in which the project will be located first. If possible, ask the planning and zoning office if they have the project plans available and if it is possible to schedule a time to review them. If the project was discussed at a recent planning commission meeting, ask for a copy of the meeting minutes.

Helpful tip

Government entities cannot charge a fee for the inspection of public documents, but can assess a "reasonable" fee for copies of documents.



Since many government applications are public information, you may also request an inspection of the proposers permit applications.

Step 2: Write a project description

The following types of information should be included in your Petition:

- If the RGU has already decided in favor of requiring an EAW for the project
- If an EAW, EIS or AUAR has been completed previously on this specific project.
- The type of project: residential, industrial, etc.
- The estimated size of the project in acres or other units (single family housing units, gallons per day, etc.).
- If the project is part of a phased development project or if it is part of several smaller projects being developed by the same owner.
- The project location: city, county and nearby streets or other landmarks
- The natural resource features (lakes, rivers, wetlands, etc.)
- The current land-use or cover type (forest, farmland, etc.)
- The name and address of the project proposer (whoever is building the project)

Below is a sample of a project description:

"Heritage Acres is a proposed residential development on 60 acres. The project is located in the City of Jamesville, which is in Scott County. It is located along a stretch of Highway 169, about 5 miles from the center of town. As far as we know, the project will construct up to 100 detached dwelling units and 150 attached dwelling units in the form of condominiums, townhouses and apartments. The project is located on Green Lake. Most of the site is forested."

Step 3: Write about the project's potential environmental effects

You should try to brainstorm a list of potential environmental effects, starting with the most concerning effects. Make sure to explain how the potential environmental effect relates to the project. A good starting point would be to review the examples below:

- | | | |
|--------------------------|--|-----------------------------|
| • Increased boat traffic | • Ground water contamination | • Noise |
| • Wetlands | • Lakes | • Rivers |
| • Erosion | • Stormwater run-off | • Flooding-related concerns |
| • Soil contamination | • Increased traffic | • Decreased air quality |
| • Wildlife impacts | • Rare, threatened or endangered species | • Odors |
| • Native plants | • Wastewater treatment or septic system issues | |
| • Visual impacts | • Impacts to historic and archaeological resources | |

Keep in mind that if the RGU believes that non-environmental issues are your only motivation for Petitioning they may not order an EAW. Most times it is best to exclude non-environmental issues from your Petition such as concerns about decreased property values, increased taxes or infringements.

Step 4: Attach supporting evidence

Your Petition should do more than raise questions or concerns; it should demonstrate that something about the location and nature of the project makes it more deserving of review than other typical projects of the same size. Examples of such types of evidence include:

- | | | | |
|-----------------------|--|--------------|---------------|
| • Maps | • Newspaper articles | • Site plans | • Photographs |
| • Testimonial letters | • Letters from expert agencies and environmental reports | | |



Your Petition should *explain* how the evidence demonstrates that there may be the potential for significant environmental effects. Include a short paragraph about the materials and how they support your case; otherwise the RGU might not understand your reasons for including the materials with the Petition. Include supporting evidence relevant to the circumstances of the project and potential environmental effects listed. Remember the Petition is being used to persuade decision-makers to support your case.

Step 5: Gather signatures

For a Petition to be considered complete it must have 100 signatures of individuals *who live or own property in Minnesota*. Every person who signs the Petition must include their name and complete Minnesota mailing address. A complete mailing address includes a street address, city (completely spelled out) and a zip code. You may want to ask for an e-mail address as well so that you can easily reach petitioners that would like to be updated on the Petition process. Be prepared to share any information you have about the project with the people who are going to sign the Petition.

Petitioners' Representative

The RGU is only required to inform the Petitioners' Representative, who is responsible to inform all other Petitioners. If you are planning on being out of town when the RGU makes its decision, you may want to list someone else as the Petitioners' Representative so they can watch for the decision and inform Petitioners of the results. The Petitioner's Representative should be someone as concerned about the project as you are and who accepts this responsibility.

Step 6: Submit the Petition

Once the Petition is complete, send it via mail or email to the EQB at:

Environmental Quality Board
520 Lafayette Road North
Saint Paul, MN 55155
Phone: (651) 757-2873
E-mail: Env.Review@state.mn.us

Don't forget

It is required that you send a letter to the project proposer notifying them that a Petition for an EAW has been filed.

Once the Petition is received by the EQB they will review it for the required information. If anything is missing, the EQB will notify the Petitioners' Representative that it is incomplete and inform them about the information missing. The Petition will not be considered valid until it is resubmitted with the necessary improvements. When the EQB determines that it is complete, they will identify an RGU for the project. The EQB will forward a copy of the Petition to the RGU, along with a list of requirements the RGU will need to follow when it makes its decision about the need for an EAW.

Here is a checklist to help you with writing your own Petition:

Petition checklist:

- Research the project
- Write a project description
- Write about potential environmental effects
- Attach supporting evidence
- Choose a Petitioners' Representative
 - § Include the name, complete mailing address, signature and phone number
- Gather 100 signatures of individuals who live or own property within Minnesota
 - § Include the name, complete mailing address, signature and optional e-mail
- Submit the Petition
- Notify the project proposer that an environmental review Petition was submitted to the EQB



Finding out the results

Each RGU is unique and the process it uses is governed by its own rules and procedures. In general, there are two ways a decision is made:

1. The Petition is announced at the next council/board meeting for a decision
2. The decision is delegated to another entity, such as the planning commission or a RGU staff member.

Helpful tip:

The EQB uses a newsletter called the EQB Monitor to communicate information about environmental review projects. The EQB Monitor is published every other Monday and is available on the EQB's website at: <https://www.eqb.state.mn.us/eqb-monitor>

You are responsible for contacting the RGU to learn more about when and how it will make its final decision. The RGU must send a copy of its decision to the EQB, the project proposer, and the Petitioners' Representative. Many RGUs publish environmental review notices and decisions on their websites.

The RGU has a deadline of 15 working days from receiving the Petition to make a decision, however they can request an extension. In general, a decision regarding the Petition is usually made within 10-30 working days from the date the RGU receives it.

If the Petition is granted

If the RGU grants the Petition, that means it has decided to require the preparation of an EAW for the project. The time frame for when the EAW will be completed is highly variable. If a proposer starts work immediately, it might take 2-4 months to complete. Sometimes the proposer will wait before preparing the EAW, in which case it will take longer. If the Petition is granted, pay attention to the public notices section of the local newspaper or regularly review the EQB Monitor to find out when the EAW will be available for public comment.

If the Petition is denied

If the RGU denies the Petition, the project will not be required to prepare an EAW for the project. However, this does not mean that environmental analysis will not take place. Make sure you work with the RGU staff to ensure your environmental concerns are addressed. While some local governments may not grant a Petition, they may ask the proposer to answer some of the questions in the EAW. They may also include specific conditions in project permits that require the proposer to follow certain environmentally friendly design guidelines.

If you feel you have a strong case to support the need for an EAW, the RGU's decision can be appealed in the Court of Appeals. The appeal must be filed within 30 days of the date on which the RGU makes its decision, which is usually the date the council or board takes the action. Note that all environmental review appeals go through the court system; the EQB has no jurisdiction to review an RGU's decision. When considering this option an attorney will most likely need to assist you.



About the EQB

The Environmental Quality Board (EQB) draws together the Governor's Office, the heads of nine state agencies and five citizens in order to develop policy and review proposed projects that could significantly influence Minnesota's environment. The Board staff is housed in the Minnesota Pollution Control Agency building.

About this document

This document was prepared as a result of an undergraduate research assistantship provided by the Center for Urban and Regional Affairs (CURA) New Initiatives Program. In 2005 University of Minnesota undergraduate student April Loeding and a team of EQB staff members, including Gregg Downing, Jon Larsen and John Wells, first prepared this document to streamline public understanding of the environmental review process. Heidi Johnson at the Department of Administration provided assistance in graphic design work for the publication. Dr. Terrence Cooper, a Professor at the University of Minnesota, served as the supervising faculty member for this project.

In 2014 the document was revised by University of Minnesota undergraduate student Amy Whooley and a team of EQB staff members, including Kate Frantz and Caroline Magnuson.

This document is not intended as a substitute for Environmental Quality Board rules and should be used in conjunction with the rule provision parts 4410.1000 to 4410.1700. Copies of the rules are available from Minnesota's Bookstore, www.minnesotasbookstore.com, or at the Revisor of Statutes homepage at www.revisor.mn.gov. Further information about the environmental review process is available in the Guide to Minnesota Environmental Review Rules, located on the EQB website. Upon request, this document will be made available in an alternate format, such as braille, large print or audiotape. For TTY, contact Minnesota Relay Service at 800-282-5077 and ask for the Minnesota Environmental Quality Board.

Addition information

Contact the Minnesota Environmental Quality Board at:

Environmental Review Program
520 Lafayette Road North
Saint Paul, MN 55155
(651) 757-2873
Website: www.eqb.state.mn.us
E-mail: Env.Review@state.mn.us

This document is available in PDF format on the Environmental Quality Board's website:
<https://www.eqb.state.mn.us/content/environmental-review-information-citizens>